

PLAN FOR DISTRICT ENVIRONMENT IMPACT ASSESSMENT PANELS UNDER FIRE

Relevant for: Environment | Topic: Environmental Conservation, Sustainable Development, and EIA

State-level officers tasked with environmental assessment have objected to several clauses in a draft law that proposes the creation of district-level environment impact assessment authorities. A perusal of documents by *The Hindu* shows that these objections point to the fact that these authorities may have a conflict of interest and may not be technically competent.

The proposed Environment Impact Assessment Notification, 2019, makes the District Magistrate (DM) the chairperson of an expert authority, or the District Environment Impact Assessment Authority (DEIAA), that will accord environment clearance for “minor” mining projects. Minor mining broadly refers to sand and stone mining in plots smaller than 25 hectares.

The EIA 2019 aims to be an update of the EIA 2006. This document prescribes the environment clearance process whereby developers of infrastructure projects that have the potential to significantly alter or impact forests, river basins or other ecologically sensitive regions seek permission from the Union Ministry of Environment and Forests (MoEF) and experts appointed by it.

While expert committees constituted by the MoEF appraise projects, those below a certain size are appraised by State-level authorities called the State Environment Impact Assessment Authority (SEIAA).

On March 2016, the Ministry further delegated the authority to grant clearances for up to five hectares of individual mining lease of minor minerals and 25 hectares in clusters, to the DEIAA.

Several provisions in the EIA 2006 over the years have been challenged in the National Green Tribunal (NGT) and led to the MoEF modifying rules. The EIA 2019 aims to be an update that accommodates all these revisions.

So far the EIA 2019 that has been circulated to States is a ‘zero draft’ meaning that it is at a stage where comments are being sought from State authorities after which the draft will be modified and then further opened to public comments.

Responding to the draft, the chairman of the Bihar SEIAA said the District Magistrate (DM) in the State is also the ‘District Mining officer’ who is tasked with executing mining licence deeds. These officers usually had a “target” to collect revenues from mining activities, he said.

“Making the DM the chairman (of the DEIAA) would be self-serving for grant of environmental clearance,” B.N. Jha, Chairman, Bihar SEIAA noted. He also said the DM doesn’t have technical expertise in matters of environment and ecology.

S. Narayanan, Member Secretary, Harayan State Pollution Control Board, raised similar objections and said that having the DM as a chief would “dilute environmental regulations.”

The head of the Mizoram SEIAA has said the State couldn’t afford to allocate “human resources” for a DEIAA.

The 2016 rule that allows the appointment of DM as chairman has already been stayed by the

NGT in December 2018 but has still inveigled itself into the draft. The MoEF has also challenged the NGT stay in the Supreme Court.

“Having the DM as head of DEIAA was a mistake,” an official in the Ministry told *The Hindu* on condition of anonymity. “But we have to empower district-level authorities to assess and monitor projects. The solution is not to do away with district-level appraisal but to have another appropriate competent expert.”

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