
ASSESSING THE ASSESSMENT: EIA IN ACTION

Adv. Vaishnavi Parate, LLM, Shri Nathmal Goenka Law College, Akola Maharashtra

ABSTRACT

Every phase of a project, including planning, investigation, building, demilitarisation, and beyond site closures, has been covered by Environmental Impact Assessment. It focuses on looking at environmental effects early in the planning and design process of the project. It serves as an environmental assessment of a plan, strategy, program, or real project before the choice to move forward with the suggested actions is made. It methodically examines the project's positive and negative effects and confirms that these additional effects need to be taken into consideration. “Additionally, it helps analyse the most practical approach to mitigate the project's environmental effects, suggests ways to lessen those effects, and then projects whether there will still be significant negative environmental effects even after the mitigation is put into place.”¹ Because of its uniqueness, EIA rarely needs to adhere to predetermined environmental outcomes. When EIAs are handled properly, they also lessen conflict by valuing decision-makers, promoting community involvement, etc.

¹ Environmental Impact Assessment, <https://www.drishtiias.com/to-the-points/paper3/environmental-impact-assessment-1> (last visited July 14, 2025).

INTRODUCTION

In India, the Environment Protection Act, which essentially comprises the different allocations of the EIA methodology and procedure, provides statutorily supported environmental impact assessments. Correcting future events or issues with current or projected action is a gentle procedure. Economic development and environmental conservation need to be approached jointly. The most important factor in attaining sustainable development is the integration of the environment and developmental planning. Every development site must take into account protecting specific items according to the EIA process. Notwithstanding all of these, one important aspect of the Planning project has been identified by the Environmental Impact Assessment. The basic premise of a report of the World Commission on Environmental Development is the connection between the environment and economics. The arguments made in favour of using an expanded cost-benefit analysis in environmental impact assessments are mostly presented. However, socioeconomic integration is necessary for it. An essential first step in conducting an environmental evaluation is selecting an assessment framework. The typical approach to creating an integrated assessment of inconsistent recourse is to register for cost-benefit, which is generally beneficial but also one of the weakest. While conducting the project analysis, it is necessary to consider a few primary goals. It gradually discovered strategies to lessen the negative effects.

MEANING OF EIA

“According to UNEP (United Nations Environment Programme), Before making a decision, a project's environmental, social, and economic effects are evaluated using an environmental impact assessment, or EIA. It seeks to anticipate environmental effects early in the planning and design process, identify strategies to mitigate negative effects, mould projects to fit the local environment and provide options and projections to decision-makers.”² According to the Food and Agriculture Organization (FAO), it is a rigorous procedure to forecast how human development activities will affect the environment and to design appropriate countermeasures to maximise positive effects while minimising negative ones. Environmental management therefore includes Environmental Impact Assessment (EIA) as a crucial component. It looks into the possible effects that development projects may have on the local environment, both

² *Id.*

good and bad.

BACKGROUND

India has thus far been affected by environmental assessment. “About 20 years ago, the Environmental Impact Assessment was first investigated in India. It all began in 1976 when the Planning Commission requested that the department look into projects related to the environment. Eventually, this was expanded to include every part that nearly requires Public Investment Board (PIB) clearance.”³ Up until that point, obtaining environmental clearance was the primary goal, which lacked governmental backing. Under the Environmental Protection Act of 1986,⁴ the Indian government launched an initiative in 1994 that made public the announcement that an environmental clearance was required before any enterprise or activity specified in the Schedule could be expanded. It was updated with numerous additions and modifications. New EIA laws have been announced by the Environment, Forestry, and Climate Change Minister. The notification requires that several projects, including infrastructure in the river valley and mining, obtain environmental clearance. Furthermore, even though EIA is a new law, it has come forth to specify that the government will grant approval based on the scale of the project. “The 1992 Rio Declaration, which highlighted the necessity for direct public engagement in the decision-making process about environmental issues, is credited for inspiring the EIA process as a whole. The "Precautionary Principle" of environmental law, which is widely accepted both in India and globally, is where the concept of Environmental Impact Assessment (EIA) originated.” It is usually preferable to minimise environmental damage rather than try to fix it because most environmental harm is permanent. All environmental laws acknowledge the significance of these kinds of large-scale initiatives and seek to strike a balance between environmental preservation and sustainable development.

OBJECTIVES

It seeks to anticipate environmental effects early in the planning and design process, identify strategies to mitigate negative effects, mould projects to fit the local environment and provide options and projections to decision-makers. The Environment Protection Act, of 1986, which

³ Vidhi Centre for Legal Policy, *Towards an Effective EIA (Environment Impact Assessment) Regime*, VIDHI CENTRE FOR LEGAL POLICY (2020), <https://vidhilegalpolicy.in/blog/towards-an-effective-eia-environment-impact-assessment-regime/> (last visited July 14, 2025).

⁴ Environment and Climate Change, *Environmental Protection Act*, <https://www.gov.nt.ca/ecc/en/environmental-protection-act> (last visited July 14, 2025).

includes numerous rules on the EIA procedure and methodology, provides legal support for environmental impact assessments in India.⁵

The Environmental Impact Assessment has the following several goals:

- It results in the identification, prediction, and evaluation of the produced activities' effects on the economy, environment, and society.
- Regarding the decision-making process, it offers pertinent data regarding the environmental effects. It encourages development that is sustainable and friendly to the environment by correctly identifying a mitigating strategy.
- It also aims to raise awareness of the importance of natural resources and the ecological system to the global community.
- Additionally, it offers a clearer picture of the desegregated viewpoint of a place experiencing changes. It presents both the drawbacks and advantages of any endeavour.

ASSESSMENT SYSTEM

In the meantime, an evaluation of the institutional and legal foundation of the EIA was conducted following the examination of each actor's title role in the study. The set of evaluation criteria is used to analyse this system. The facts from all of these actions further demonstrated that there is still more work to be done in terms of EIV's legal provisions. Furthermore, one of the main components of the EIA's necessary tasks is the screening process, notwithstanding flaws in its provisions and operations. As far as the Sethusamudram Ship Channel Project, 1997⁶ is concerned, any activity that has been covered throughout or carried out by the present requirements was cleared without following them.

POSITION IN INDIA

The Environmental Impact Assessment (EIA) was initially used in 1978 for several river valley

⁵ What is Environmental Impact Assessment (EIA)?-ForumIAS Blog, <https://forumias.com/blog/eia/> (last visited July 14, 2025).

⁶ MarkNewton, *Quick Swap Electric-Vehicle Batteries Look to Solve India's Unique Pollution Challenges*, DIGITAL FOR GOOD | RESET.ORG (July 14, 2025), <https://en.reset.org/quick-swap-e-vehicles-batteries-looks-solve-indias-unique-pollution-challenges-04162019/> (last visited July 14, 2025).

projects across the nation. Its scope was subsequently extended to encompass numerous additional developmental operations. “The Environmental Protection Rules of 1986 permit the imposition of specific limitations on the construction, expansion, or modernization of particular projects without the need for prior approval from the Environmental Impact Assessment Authority (EIAA) established at the Central, State, or Union Territory level by the Environment Protection Act of 1986.”⁷

PROJECT CLASSIFICATIONS

“The regulations divide the projects into two groups, A and B, according to how big of an impact they will have on both natural and artificial resources. On the recommendation of an Expert Appraisal Committee (EAC) established by the Central Government for this particular purpose, projects falling under Category A require approval from the Ministry of Environment and Forests acting on behalf of the Central Government.” Examples of such projects include the construction or expansion of ports, harbours, airports, nuclear power, related projects, primary metallurgical industries (iron, steel, copper, etc.), individual projects, etc. A State Expert Appraisal Committee (SEAC), established under the aforementioned announcement, must provide advice to a State EIAA before projects and activities falling under Category B can be approved.⁸

APPRAISAL COMMITTEES

Screening and project scope determination are the responsibilities of the Central and State Appraisal Committees, which operate under the tenet of "Collective Responsibility." Similar to the EAC, the SEAC is constituted by the Central Government in consultation with the State Government and consists of professionals from a variety of disciplines as well as experts in risk assessment, forestry, wildlife, and environment quality. “To cut administrative costs, the Central Government can create a common SEAC for multiple states and Union Territories with the prior consent of the concerned state or territories.”⁹ The EAC and SEACs were established with three-year terms in mind and are expected to convene once a year.

⁷ What is Environmental Impact Assessment (EIA)?, *supra* note 5.

⁸ Diva Rai, *Environmental Impact Assessment: Everything Important You Should Know*, IPLEADERS (July 14, 2025), <https://blog.ipleaders.in/environmental-impact-assessment-everything-important-you-should-know/> (last visited July 14, 2025).

⁹ What is Environmental Impact Assessment (EIA)?, *supra* note 5.

PHASES INVOLVED IN ACQUIRING THE ENVIRONMENTAL PERMIT

A process is outlined in the EIA Notification, 2006 for getting environmental clearances.

SCREENING: This stage, which applies to project classes falling under Category B, entails a thorough and methodical screening by the SEAC to ascertain whether a project needs more in-depth research into environmental factors based on its nature, location, and other factors before providing an EIA Report that is required to receive clearance. Projects are further divided into two groups, B1 and B2, depending on whether or not an EIA report is necessary for the project. The former category requires an EIA report, while the latter does not. The B2 Category encompasses a variety of projects, such as small and medium mineral beneficiation units, inland waterway projects, aerial ropeways in ecologically sensitive locations, offshore and onshore oil and gas exploration, specified building construction, and area development projects.

SCOPING: For projects falling under categories A and B1, respectively, the EAC and SEACs create comprehensive Terms of Reference that address environmental concerns for the creation of a comprehensive EIA report. Written responses from the relevant stakeholders are then collected. On the other hand, the class of projects falling under Category B2 are exempt from this requirement for public consultation, and there are specific exclusions listed under “Clause 7(i) of the Notification, such as the expansion of roads and highways that don't require any additional land acquisition.”¹⁰

ASSESSMENT AND DECISION MAKING: Within sixty days following the submission of the final EIA Report, the application, EIA Report, results of public consultations, and public hearing proceedings are subject to a thorough examination by the EAC and SEACs. Following careful consideration, the relevant Appraisal Committee may suggest to the regulatory body that the requested environmental clearance be granted or denied, along with a justification for the decision.”¹¹

Projects that do not require the acquisition of EAI reports, scoping studies, or public consultations are evaluated using reports that are based on the information gathered from site visits. These reports must be submitted to the appropriate authority for review within 15 days

¹⁰ Rai, *supra* note 8.

¹¹ *Id.*

of the evaluation. Project proponents are required to submit compliance reports to the relevant regulatory bodies on June 1st and December 1st of each year, following a six-month interval.

IMPORTANCE OF EIA

EIA links environmental development to the creation of sustainable development based on the environment. It is given the appropriate technique to reduce the negative effects of the development projects. It also encourages the plan's adaptation of some methods, such as mitigation practice. It confirms that the development plan is both within the parameters of ecosystem regeneration and sound from an environmental standpoint. The authorities that have been consulted must analyze certain implications. Before starting the project, the thoughtful group examines and considers the issue.

EIA'S SHORTCOMINGS

There are several issues with the EIA, such as costs and time delays, meaning that government and corporate projects are both delayed. For clients who have to turn in their work before the deadline, this could be problematic. But it necessitates planning and monitoring. Since many nations deal with problems about this subject. They occasionally omit one or both of these steps. Many projects that have the potential to have significant environmental effects have been left out of the required public hearing procedure. Nonetheless, the data collectors show little regard for the native wisdom of the community. Examining, monitoring, and supervising the planned and unforeseen societal effects are all part of this process. It covers all of the adjustments made during the mediation process, as well as the advantages and disadvantages of a formalised mediation. Additionally, the examination takes into account the continued usage of numerous activities, including farming, agriculture, and the use of land and topography. There are connections between these. The effects on society, the economy, and the biosphere are intertwined.

ADVANTAGES

The EIA has several benefits, including:

EIA is a system of apparatus that aids in designing the proper use of natural and human resources considerably.

It can identify these regions where unfavourable consequences are required and use that knowledge to inform site selection.

It also lists the repercussions, which may prompt the development of pollution prevention measures.

It can help the site that benefits the most by lessening or minimising the negative effects.

It shortens the time needed to complete any project.

To now, it has undoubtedly avoided breaking any laws or regulations. When it comes to selection and priority settings, this is one of the best websites. But it also makes the institutional buildings active.

CONCLUSION

Scholars have maintained that public and local engagement is a "threshold condition" for growth in a world where social conflicts and environmental degradation are major challenges. This essential component of the process of economic development is provided by EIA. Therefore, to minimize the potential for future resentment, public hearings should be required as part of the EIA-based approval process for the majority of projects. This will allow affected parties' perspectives and opinions to be considered before a decision to approve the project is made. Comparatively speaking, the process has been far simpler than the Environmental Impact Assessment (EIA). It is a simpler and more efficient manner that has affected projects in a lot of ways thus far for a lot more reasons. It is well-known for being a leading sustainable development mode. The primary goal of the Strategic Environment Assessment (SEA) is to integrate sustainability and environmental considerations, both of which naturally fit into the decision-making process's parameters. For example, putting policies and forms into practice. It is a successful development strategy that has so far expanded its bounds. The already deteriorating and ecologically sensitive region of the Western Ghats has been inundated with proposed projects that would lead to a significant loss of green cover, compromising the sustenance of a river Kaveri in the region. Realising the significance of environmental impact assessment in reaching the goal of sustainable development is becoming more and more crucial, as has been the purpose of environmental legislation in India and around the world to support and maintain the balance between environmental preservation and development.