

# Environment Impact Assessment

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**Abstract:** *‘Mahatma Gandhi Many decades ago Mahatma Gandhi said, “Mans need but not his greed can be supported by our Earth” and developed a concept of reformed village community based on sound environmental management, stressing on the need for sanitation based on recycling entire human and animal manure and well-ventilated cottages built by recyclable materials, he also envisioned about roads, they should be clean and free from dust and mud. The main aim of Gandhij’s object was to use village made goods instead of industrial products. He designed a sustainable life style believing in simplistic living to save our Earth’s resources, at the time when these concepts were not a part of general thinking. At the start of the twenty first century, the problem of Global sustainability was widely recognized by world leaders and a general topic to discuss his problem was shared among scientists, teachers, students, journalists and citizens in all parts of the world. All Development activities use natural resources as raw material and the wastes generated are disposed into different environmental media”.*

## I. WHAT IS ENVIRONMENT IMPACT ASSESSMENT

The environment impact assessment is a study of the effects of a proposed action on the environment. It is a technique as well as process to evaluates social and economic aspects of a development with their ecological and environmental effects. The International Association for Impact Assessment (IAIA) defined the EIA as “ the process of identifying, predicating, evaluating and mitigating the bio-physical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made” EIA, is a study of the effects of a proposed action on the environment.

The environment impact assessment represents an integral part of procedures applied by authorities when deciding upon the admissibility of projects; Environmental Impact Assessment comprise identification, description and assessment of the direct and indirect impacts of a project on-

- ✓ Human beings, animals and plants;
- ✓ Soil, water, Air, climate and landscape;
- ✓ Cultural heritage and other material assets; and
- ✓ The interactions between the foregoing protected assets

Impact is difference between what would happen with the action proposed and what would happen without it.

## ORIGIN OF ENVIRONMENT IMPACT ASSESSMENT

Since before the first world war to after the second world war, rapid industrialization and urbanization in western countries causing rapid loss to nature and its resources and give berth to concerns for pollution, deficiency in quality of standards of life and environmental stress. As a result of this pressure groups formed with the aim of getting a tool, that can be used to safeguard to environment in any development.

## NATURE OF THE ENVIRONMENT IMPACT ASSESSMENT

- The Impact assessment is dual in nature
- ✓ As a technical tool for analysis of consequences of a planned intervention providing information to the stakeholders and to the decision makers
  - ✓ As a legal and institutional procedure linked to the decision-making process of a planned intervention.

## II. ENVIRONMENT IMPACT ASSESSMENT IN INTERNATIONAL ARENA

To protect and promote environment at International level, a universal declaration was adopted in year 1972. This

alleged declaration adopted by the United Nations reads 26 principles. Out of these 26 principle, principle no-17 of this alleged declaration on human environment is dedicated to the environment impact assessment.

The principle no-17 of this conference reads as below- Environment impact assessment as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority. The national environmental policy Act-1970 of United States of America is, the first legislation and procedure on Environmental impact assessment.

#### AGENDA-21

The provisions of Agenda-21 regarding the Environmental Impact Assessment reads as below-

- ✓ Promote the development of appropriate methodologies for making integrated energy, environment and economic policy decisions for sustainable development interalia through environmental impact assessment;
- ✓ Develop, improve and apply environmental impact assessment, to foster sustainable industrial development
- ✓ Carry out investment analysis and feasibility studies including environmental assessments for establishing forest based processing enterprises

#### UNITED NATIONS CONVENTION ON ENVIRONMENT IMPACT ASSESSMENT-1991

The main feature of this convention are reads as below-

##### ARTICLE-1

‘Environmental impact assessment’ means a national procedure for evaluating the likely impact of a proposed activity on the environment.

‘Impact’ means any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or on other physical structures as well as on cultural, heritage and on socio-economic conditions.

‘Transboundary Impact’ means any impact not exclusively of a global nature, within an area under the jurisdiction of a party caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another party.

##### ARTICLE-2

- ✓ The parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant adverse trans boundary environmental impact from proposed activities.
- ✓ Each party take the necessary legal administrative or other measures to implement the provisions of this convention.
- ✓ The party of origin shall ensure that in accordance with the provisions of this convention an environmental impact assessment is under taken prior to a decision to authorize or undertake a proposed activity listed in Appendix-I

- ✓ Also ensure that the affected parties are notified of a proposed activity.
- ✓ Also ensure that an opportunity to the public in the areas likely to be affected to participate in relevant environmental impact assessment procedure regarding proposed activities and shall ensure that the opportunity provided to the public of the affected party is equivalent to that provided t the public of the party of origin.
- ✓ Parties shall endeavor to apply the principles of EIA to policies, plans and programmes as a minimum level,
- ✓ The provisions of this convention shall not affect the rights of particular parties to implement national laws, regulations administrative provisions or accepted legal practices, protecting information, the supply of which would be prejudicial to industrial and commercial secrecy or national security,
- ✓ Also not affect the rights of particular parties to implement bilateral or multilateral agreements where appropriate,
- ✓ Also provisions of this convention shall not prejudice any obligations of the parties under International law with regard to activities proposed

#### III. OBJECTS OF THE ENVIRONMENT IMPACT ASSESSMENT

Environment impact assessment is a planning tool and now generally accepted as an integral component of sound decision-making. The purpose of EIA is to give the environment its due place in the decision-making process by clearly evaluating the environmental consequences of the proposed activity before is taken. Prior identification and characterization of critical environmental impacts allows the public and the government to form a view about the environmental acceptability of a proposed developmental project and what conditions should apply to mitigate or reduce those risks and impacts, which are generated or likely to be generated from these projects proposed. The objects of the Impact assessment are reads as below-

- ✓ To provide information to decision-makers that analyzes the biophysical, social, economic and institutional consequences of proposed actions,
- ✓ To promote transparency and public in participation in decision making process,
- ✓ To identify procedures and methods for monitoring and mitigation of adverse consequences in policy, planning, programming and in project cycles,
- ✓ To contribute and promote environmentally sound and sustainable developments.
- ✓ To understood properly the effects on environment before the grant of consent for that development activity.
- ✓ To assess the environmental costs and benefits of the project to the community.
- ✓ To determine environmental compatibility of the projects.
- ✓ To evaluate and select the best projects alternative from the options available.

#### IV. WHY ENVIRONMENT IMPACT ASSESSMENT IS NECESSARY

To enjoy the natural and historic heritage at this time and in future, the conservation and protection of these including endangered species as well as incomparable values, is necessary. The concession system can help in this direction. Before granting a concession, it must be consider that, to provide detailed description about the nature of proposed activity, their potential effects and methods of reduction of adverse effects on the natural, historic recreational and cultural values, endangered species and on the incomparable values, is the responsibility of those seeks such concession. Although the development is necessary for people to have a comfortable life, yet development projects of negative effects on the environment must be surveyed, forecasted and evaluated in the process of designing the project, then results ought to be opened to the public to obtain opinions, both from citizens and local governments.

Any socio-legal study will thrive only under two conditions-

*FIRST-* The output should be such as can capture the attention of all policy makers and not merely the members of legal academics, enforcement agencies, forensic profession and para-legal personal. It should be intelligible to non lawyers.

*SECOND-* The forensic profession, especially the bench, should be receptive to Tran disciplinary methods of enquiry and not adopt rigidly insular postures.

#### V. BENEFITS OF THE ENVIRONMENTAL IMPACT ASSESSMENT

Some benefits of EIA are as below-

- ✓ It helps in identifying and understanding the positive and adverse effects of activity and why they occur,
- ✓ It test the appropriateness of the activity proposed,
- ✓ It enables to explore various options for minimizing the impact of activities on natural, historic, recreational and cultural values, endangered species and for incomparable values also,
- ✓ It provide an ongoing basis for monitoring the potential and adverse effects,
- ✓ It make more environmentally sensitive decisions,
- ✓ It increase accountability and transparency during the development process,
- ✓ It reduce environmental damages,
- ✓ It improve integration of projects into their environmental and social settings,
- ✓ It give a positive contribution towards achieving sustainability

Scientifically understood, considerable elucidation of the notions of 'Environment' 'Impact'; Assessment' is the first and grasp of methods of measurement of 'Effectiveness' or 'Impact' is the second

#### VI. ELEMENTS OF ENVIRONMENTAL IMPACT ASSESSMENT

Principle -17 of the Rio Declaration refers EIA as a national instrument, which is applied by the countries with different levels of development, by different types of government according to their concerned cultural traditions, therefore a general distinction can be made between the characteristics of environmental impact assessment systems of developed and developing countries. While the EIA process is similar, with the common elements, principles for environment impact assessment, could be applied globally to developed as well as developing countries.

These are the key elements to be considered at the time of introducing or amending an environmental impact assessment systems

- ✓ Political support and commitment;
- ✓ Legal basis with accompanying regulations and guidelines;
- ✓ Provision for public involvement;
- ✓ Coverage of proposed actions likely to have significant environmental effects;
- ✓ Designated process and procedures, including mechanism for review of the quality of EIA reports;
- ✓ Appropriate role of environmental agency in EIA process administration and in decision-making;
- ✓ Technical and professional capacity to carry out environmental impact assessment;

#### VII. DUE PROCESS AND ENVIRONMENTAL IMPACT ASSESSMENT ADMINISTRATION

Principles of environmental impact assessment administration with due process reads as below-

- ✓ *RESPONSIVE OR PARTICIPATIVE-* Appropriate and timely opportunities for the public to be informed and heard,
- ✓ *EFFICIENT-* Minimum time and cost burdens on proponents and participants, consistent with meeting accepted requirements and objectives of EIA,
- ✓ *EQUITABLE-* Fair treatment of all participants, without bias toward or against any party,
- ✓ *TRANSPARENT-* Open and accessible process, with clear and easily understood requirements,
- ✓ *ACCOUNTABLE-* Parties are responsible for their actions, in compliance with process requirements,
- ✓ *CERTAIN-* Guidelines and timelines followed with any variance subject to authorization by the administering body,
- ✓ *PRAGMATIC-* Flexible application of the process, adopting it to the proposal, potential impacts and purpose of decision-making,
- ✓ *CREDIBLE-* The process is implemented objectively and administered impartially,
- ✓ *COST-EFFECTIVENESS-* The assessment process and its outcomes will ensure environmental protection at the least cost to the society,

- ✓ *INTEGRATED*- The process should address the interrelationship of social, economic and biophysical aspects

#### VIII. POSITION OF ENVIRONMENT IMPACT ASSESSMENT IN INDIA

Post independent India specially the post forth-second constitutional amendment-1976 phase is characterized by the talismanic use of the environmental law making technique in the handling of problems of social change and sustainable development, some laws are made after mature consideration and detailed enquiry, they are assured of supportive structures, administrative, enforcement and public opinion,. But of necessity, a large number of legislations are characterized by short gestation period, little or no pro-legislative social enquiry and feeble supportive structures The main efforts done by the Ministry of Environment & Forest Govt. of India in the direction of the environment impact assessment are as below-

The Water (Prevention & Control of Pollution) Act-1974,  
The Indian Wild Life Protection Act-1972,  
The Air (Prevention & Control of Pollution) Act-1981,  
The Environment (Protection) Act-1986,  
The Biological Diversity Act-2002,  
The Coastal Regulation Zone-1991, Notification, and  
The Coastal Regulation Zone-2011, Notification

Under sub rule-(3) of rule-5 of The Environment (Protection) Rules-1986 and in the exercise of powers conferred by sub section-(1) and clause (v) of sub section-(2) of section-3 of The Environment (Protection) Act-1986

The aforesaid Ministry had issued Vide Notification No-S.O.80(E) on 27<sup>th</sup> January 1994, and till year 2004 a lot of amendments has been done in this said notification.

#### IX. CONCLUSION

The integration of assessment of impacts on environment, into development planning, is the most important tool in achieving sustainable development. The environmental impact assessment process is necessary in providing an anticipation and preventive mechanism for environmental management and protection in any development.

Vide notification No-S.O.1533(E) Dated-14 September-2006, was also issued by the aforesaid Ministry, and vide Notification No-195(E) Dated-19<sup>th</sup> January in year-2009, was again issued by the ministry to make certain amendments in this above noted -2006, Notification .

But no such specific amendment is made for the issues related to the protection and conservation of Coastal Ecology and Marine Environment, by the Ministry of Environment & Forest, Govt. of India.

#### REFERENCES

- [1] United Nations Convention on Environment Impact Assessment-1991,
- [2] Agenda-21;
- [3] United Nations Conference on the Human Environment-1972,
- [4] The Water (Prevention & Control of Pollution ) Act-1974,
- [5] The Indian Wild Life Protection Act-1972,
- [6] The Air (Prevention & Control of Pollution) Act-1981,
- [7] The Environment (Protection) Act-1986,
- [8] The Environment (Protection) Rules-1986
- [9] The Biological Diversity Act-2002,
- [10] The Coastal Regulation Zone-1991, Notification,
- [11] The Coastal Regulation Zone-2011, Notification