

## **Supreme Court on National Environmental Regulator**

### **Why in news?**

The Supreme Court has asked the government to explain why it had not set up an “independent environment regulator” under the Environment (Protection) Act, 1986 to oversee green clearances.

### **Why is the delay?**

- The official policy prioritises ease of doing business.
- There is thus no consensus on what a new regulator can achieve.
- The draft Environmental Impact Assessment (EIA) Notification 2020 too seeks to advance that goal.
- It is much in line with virtually eliminating the civil society’s role in environmental clearance.
- It does not encourage the public to voice its views and report violations, while independent scrutiny of proposals is weakened.

### **What are the shortfalls in EIA process?**

- A key issue raised by the PIL is the lack of credibility of the EIA process.
- This is leaving way for reports that are often produced with the help of dubious expertise and manipulated data.
- The EIA process, especially after the notification in 2006, has been heavily critiqued for conflicts of interest.
- Under it, the proponent of a project herself/himself is responsible for producing the EIA report.
- In most cases, the proponents ignore the views of communities that would be displaced.
- They are ill-equipped to assess the loss of biodiversity and ecosystem services such as clean air, water and farm productivity.
- Clearances under forest, wildlife, air and water quality laws are heavily weighted in favour of promoters.
- The Centre has not taken any substantial move to set an independent regulator despite court’s interventions in 2011 and 2014.
- The current PIL is forcing the government to come up with a fresh explanation on the delay year after year.

## What are the implications?

- Polluting projects make way for conflict arising from pressure on scarce land and ecosystems.
- Such projects have already created clusters of industrial locations that are doing badly on the CPCB's Comprehensive Environmental Pollution Index.
- But this did not stop approvals for further polluting activity in some of these places.
- Other issues are the slow pace at which multiple departments process project proposals.
- This raises the transaction costs and results in the clamour to dispense with regulation.

## What is the way forward?

- The Centre and States must acknowledge the ill effects of polluting projects.
- The remedies lie in administrative reform.
- It is eminently feasible, for instance, to produce a whitelist of lands for industry, reclaiming polluted areas.
- What India cannot afford to do is further degrade its forests, rivers, wetlands and air, whose health is vital for its large population.
- For a national regulator to work, the government must recognise the limits to extractive growth, respect a neutral body and preserve the integrity of the environment.

**Source: The Hindu**