



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

**Peer - Reviewed & Refereed Journal**

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

### **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL** **TEAM**

### **Raju Narayana Swamy (IAS ) Indian Administrative Service** **officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional  
Procurement from the World Bank.

diploma in Public

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.





## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



### **Dr. Rinu Saraswat**

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

### **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



### **Subhrajit Chanda**

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

**VIT**  
**VELLORE INSTITUTE OF TECHNOLOGY, CHENNAI.**



**Academic Year 2023 - 24**

**Department: School of Law (VITSOL)**

**Name of Assignment: Research Paper**

**Name:** Deepa Darshini S

**Registration No.:** 21BLB1110

**Subject:** Environmental Law

**Submitted to:** Prof. Arun D Raj

# **ROLE OF ENVIRONMENTAL IMPACT ASSESSMENT IN ACHIEVING INDIA'S SUSTAINABLE DEVELOPMENT GOALS**

## **ABSTRACT**

Environmental Impact Assessment (EIA) and Sustainable Development Goals (SDG) are vital for India as both of these concepts help in building a future by balancing developmental urges with ecological preservation including social, economic and environmental goals. EIA is an important factor in achieving the goals that are proposed by the United Nations to tackle global challenges. This paper examines the role of EIA in SDGs by interpreting the legal framework of EIA by also observing the recent Draft EIA Notification 2020. It analyses the process of EIA and how it is helpful in achieving the Sustainable Development Goals with the inclusion of Public Participation. The paper gets into the specific goals that are related to EIA to highlight the role of EIA in SDG. Further, it identifies existing challenges and suggests solutions.

**Key Words:** Environmental Impact Assessment (EIA), Sustainable Development Goals (SDG), Ecological preservation, Public Participation, EIA Process.

## **1. INTRODUCTION**

As a Developing Nation, India is striving for progress across various domains where Sustainable Development is one of its important objectives. These Sustainable Development Goals can be implemented with the help of Environmental Impact Assessment which assesses the proposed project's effects as a whole and mitigates the negative impacts of the environment in the initial stage which eventually leads to certain main Sustainable Development Goals related to the Environment. EIA is a tool that is helpful to make informed decisions of the proposed projects which lays out the information based on scientific knowledge with the participation of the general public.

The role of EIA in the promotion of SDGs is significant as it helps to integrate environmental considerations into development planning producing diverse and widespread benefits. It helps in aspects such as pollution, biodiversity loss, water usage, forest diversion, and displacement of communities. Also, the EIA process has implications of several environmental principles such as precautionary principle, participation principle, transparency principle which ensures the objectives of sustainable development.



EIA has gone through various amendments with over 100 changes made in the past five years. The purpose of amending is to streamline the environmental clearance process and for enhancing transparency and to address changes that are essential with the significance of project and time.

This paper explores the integration of EIA and SDGs in the geographical dimension of India. It evaluates how essential is the EIA for the achievement of the global goals which upholds the commitments to ecological preservation. This study analyses the role of EIA in every related SDGs to provide its implications. This study provides for the evolution and legal framework of Environmental Impact Assessment with the importance of achieving the Sustainable Development Goals within 2030. Further this paper also provides suggestions for the active challenges faced in achieving the SDGs.

## **2. RESEARCH OBJECTIVE**

The objective of this research is to evaluate the effectiveness of the Environmental Impact Assessment India's Sustainable Developmental Goals by examining the legal framework of EIA with reference to Draft EIA Notification, 2020 and explores the contribution of EIA to attain the SDGs. The paper also aims to state the importance of public participation of the EIA process and finally identifying the challenges and gaps in ensuring ecological preservation.

## **3. ENVIRONMENTAL IMPACT ASSESSMENT IN INDIA**

Environmental Impact Assessment (EIA) is a process of evaluating the likely environmental impacts of a proposed project or development, taking into account inter-related socio-economic, cultural and human-health impacts, both beneficial and adverse.<sup>1</sup> EIA predicts the impact of the project on the environment at an early stage and mitigates the adverse impact that'll have on the environment and design projects accordingly with the view of ecological preservation.

Environmental Impact Assessment has been a foundation for environmental governance since its establishment in the late 1970s. In India, this mechanism was initially started for the River Valley Project 1978-1979. With time, the government realised that this process is needed for other sectors of the project as well to promote sustainability. Hence the Ministry of Environment, Forest and Climate Change started to implement on sectors such as industries,

---

<sup>1</sup> Convention on Biological Diversity, What is Impact Assessment?  
CBD, <https://www.cbd.int/impact/whatis.shtml>

mining infrastructures and nuclear power projects “to facilitate collection of environmental data and preparation of management plans, guidelines have been evolved and circulated to the concerned Central and State Government Departments.”<sup>2</sup>

### **3.1. PROCESS OF EIA**

The process of EIA is designed to address the potential environmental impacts of a project. According to the organization of Mission Sustainability, the process includes:

1. Screening
2. Scoping
3. Impact Assessment
4. Mitigation
5. Public Participation
6. Reporting
7. Decision Making
8. Monitoring and Compliance<sup>3</sup>

The stages of the EIA process are mandated by the EIA Notification, 2006 and the amendments made to it. The process provides for methodical assessment of the proposed projects. Every step of the process studies the impact of the project on the environment in detail before approval. In the process they also ensure to reduce the severity of the negative effects. It is not possible to eliminate it completely but it can be lessened.

### **3.2. LEGAL FRAMEWORK**

India's EIA framework operates within the broader context of environmental governance, incorporating principles of sustainable development, public participation, and precautionary measures.<sup>4</sup> The Notification followed the developments at the 1992 UN Earth Summit

---

<sup>2</sup> Ministry of Environment, Forest and Climate Change, Environmental Impact Assessment (EIA), MoEFCC, <https://moef.gov.in/environmental-impact-assessment-eia>

<sup>3</sup> Mission Sustainability, Environmental Impact Assessment (EIA): Meaning, Process, and Case Studies, <https://missionsustainability.org/blog/environmental-impact-assessment/>

<sup>4</sup> Iftikhar Hussain Bhat, From Reform to Controversy: A Critical Analysis of India's Environmental Impact Assessment (EIA) Framework, 9 J. Soc'y Kashmir 1

where the Rio Declaration adopted EIA as part of the catalogue of environmental protection principles.<sup>5</sup> Environmental Impact Assessment (EIA) is governed by EIA Notification, 1994 which was established by the Environment Protection Act, 1986 where Section 3 and 6<sup>6</sup> of the Act empowers the Central Government to establish measures and procedural rules. Over time, EIA Notification, 2006 was introduced which replaced the existing legislation to replace the 1994 Notification which lacked clarity in procedures and also for the need of decentralization.

EIA Notification, 2006 refined the environmental clearance process and promoted a more transparent and participatory framework. This Notification decentralized the mechanism by categorizing the projects into Category A and Category B based on the potential environmental impact which is essential to determine the level of scrutiny required. Projects falling under Category 'A' in the Schedule to the Notification, requires Environmental Clearance from the Ministry of Environment, Forest & Climate Change (MoEF & CC), GoI and for matters falling under Category 'B', depending upon the thresholds of the activities requires Clearance at State Environment Impact Assessment Authority (SEIAA).<sup>7</sup> In this Notification, Category A projects undergo the whole EIA process which comprises 4 stages: Screening, Scoping, Public Hearing and Appraisal according to EIA Notification, 2006. Category B projects were further classified as B1 and B2, of which B2 projects are not mandatorily required to undergo the complete EIA process.

### **3.2.1. DRAFT EIA NOTIFICATION, 2020**

The Draft EIA Notification, 2020 has retained many provisions of the existing 2006 Notification but it has made some core changes with respect to the process of approval. Compared to the four stages of EIA prescribed under the EIA Notification 2006, the Draft EIA Notification proposes a 6-stage process: including Scoping, Preparation of Draft EIA Notification, Public Consultation, Final EIA, Appraisal and Grant or Rejection of Environmental clearance or environmental permission.<sup>8</sup> This Draft also expanded the B2 category where the public consultation has been exempted.

---

(2019), <https://sociology.uok.edu.in/Files/c2d3b278-4cf7-49a5-9525-af5e352f2900/Journal/43097c96-62a4-4dc1-9e37-727e00aa46ea.pdf>.

<sup>5</sup> United Nations Conference on Environment and Development, Rio Declaration on Environment and Development, 3–14 June 1992, U.N. Doc. A/CONF.151/26, principle 17

<sup>6</sup> Environment (Protection) Act 1986, ss 3, 6.

<sup>7</sup> Tamil Nadu Dep't of Env't. & Climate Change, Environmental Clearance, <https://www.environment.tn.gov.in/environment/environment-and-clearance>

<sup>8</sup> Stellina Jolly & Siddharth Singh, Environmental Impact Assessment Draft Notification 2020, India: A Critique, 5 Chinese J. Env'tl. L. 11, 11–36 (2021).

The Draft has drawn criticism for favouring industrial practices rather than focusing on ecological preservation as this Notification has reduced the period of notice for public hearing to 20 days which was earlier 30 days. The provisions for post-facto clearance in the new draft allows industries to violate EIA norms first and seek a clean chit afterwards — contrary to the rule of law, according to the Supreme Court.<sup>9</sup> These changes have raised serious concerns about the dilution of environmental safeguards and democratic oversight.

### **3.2.2. COMPLEMENTARY ENVIRONMENTAL LAWS**

India's Environmental Impact Assessment (EIA) regime is complemented by a sequence of industry-focused legislation addressing different aspects of environmental protection. The Water (Prevention and Control of Pollution) Act, 1974<sup>10</sup> and the Air (Prevention and Control of Pollution) Act, 1981<sup>11</sup> govern standards of pollution control. The Forest (Conservation) Act, 1980<sup>12</sup> prevents diversion of forest land without examination, and the Wildlife Protection Act, 1972<sup>13</sup> protects biodiversity and ecological habitats. Both the acts together provide a robust legal foundation that supports EIA by adding environmental sustainability to the sanctioning and monitoring of projects.

### **3.3. PUBLIC PARTICIPATION**

Public Participation is an important aspect in EIA because whenever there is a developmental project, it affects the environment where the people of the particular area live with the effects caused by the project. And they also have the knowledge of the actual impact which helps in better understanding of the government and take learned decisions. There is an increasing recognition that science alone cannot provide us with all the answers in the regulation of health and environment since the traditional scientific establishment may not be able to arrive at, or even frame the right questions<sup>14</sup>. Through public participation, people's concerns and needs are considered.

---

<sup>9</sup> Down To Earth, Draft EIA 2020 Undercuts India's Biodiversity and Climate Goals, <https://www.downtoearth.org.in/environment/draft-eia-2020-undercuts-india-s-biodiversity-and-climate-goals-73201>

<sup>10</sup> The Water (Prevention and Control of Pollution) Act, No. 6 of 1974, Acts of Parliament, 1974 (India).

<sup>11</sup> The Air (Prevention and Control of Pollution) Act, No. 14 of 1981, Acts of Parliament, 1981 (India).

<sup>12</sup> The Forest (Conservation) Act, No. 69 of 1980, Acts of Parliament, 1980 (India).

<sup>13</sup> The Wildlife (Protection) Act, No. 53 of 1972, Acts of Parliament, 1972 (India).

<sup>14</sup> Thayyil, Naveen. "Public Participation in Environmental Clearances in India: Prospects for Democratic Decision-Making." *Journal of the Indian Law Institute*, vol. 56, no. 4, 2014



Also, it provides a degree of transparency and accountability, which invites social and environmental causes to be given priority in advance by the sponsors of the project. But it is not applied uniformly. Effective participation is often hindered by issues such as lack of dissemination of information, technicality of the reports, and low public awareness.

Further, the proposed amendments to the 2020 Draft Notification for curtailing the time and extent of consultations have been faulted for excluding voices of the people. Despite such constraints, there has to be a high degree of public participation to increase the legitimacy and long-term sustainability of environmental decision-making. It increases public trust in environmental governance regimes and strengthens democratic institutions.

'Participatory' mechanisms in environmental governance are advocated for a variety of reasons, including an implied emphasis on participation as furthering justice and equity<sup>15</sup>. Thus, the EIA process is incomplete without Public Participation.

#### **4. SUSTAINABLE DEVELOPMENT GOALS**

Sustainable Development is, as defined in the Brundtland Report “it meets the needs of the present without compromising the ability of future generations to meet their own needs.”<sup>16</sup> This concept lays down the foundation for both development and ecological preservation. It ensures balance among environmental protection, economic growth and social inclusion.

This Sustainable Development led to the creation of Sustainable Development Goals (SDGs) established by the United Nations 2015 as part of 2030 Agenda for Sustainable Development. The SDGs are a global call for action to solve global problems such as poverty, inequality, climate change, environmental degradation, peace, and justice. They include 17 goals with 169 targets and constitute a broad agenda for governments, businesses, and civil society to help build an inclusive, equitable, and sustainable world.

##### **4.1. EVOLUTION OF SUSTAINABLE DEVELOPMENT GOALS**

The development of the Sustainable Development Goals (SDGs) is being monitored by global milestones. The concept of sustainable development was formally launched in Agenda 21 at United Nations Conference on the Environment, 1992 (UNCED) or the Earth Summit. Agenda 21 prioritized balancing environmental sustainability with economic and

---

<sup>15</sup> World Commission on Environment and Development, *Our Common Future* (Oxford University Press 1987).

<sup>16</sup> World Commission on Environment and Development, *Our Common Future* (Oxford Univ. Press 1987), <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>

social development. It was the initial global instrument to refer to mainstreaming environmental factors in planning development, and in 2000 the UN developed the Millennium Development Goals <sup>17</sup>(MDGs) which will seek to eradicate poverty, hunger, education and health within 15 years. The MDGs succeeded in poverty alleviation at the global level but lack an integrated approach to environmental sustainability and fail to acknowledge the interdependence of the different global challenges. The Rio+20 Summit of 2012 (20th anniversary of the Earth Summit) reaffirmed the need for a broader and more inclusive agenda. This led to the development of the 2030 Agenda for Sustainable Development, which was endorsed by all UN Member States in 2015. The Agenda set the 17 Sustainable Development Goals to replace the Millennium Development Goals, broadening its focus from economic and social goals, to environmental sustainability, governance, and peace.

The Goals and targets are the result of over two years of intensive public consultation and engagement with civil society and other stakeholders around the world, which paid particular attention to the voices of the poorest and most vulnerable.<sup>18</sup>

#### **4.2. INDIA'S COMMITMENT TO SDGs**

India's contribution to enabling the Sustainable Development Goals (SDGs) which was adopted in 2015 is expressed through its incorporation of instruments of environmental governance like Environmental Impact Assessment (EIA) into national development. EIA process enables achievement under SDG 13 (Climate Action), SDG 15 (Life on Land), and SDG 11 (Sustainable Cities and Communities) through environmental impact assessment of development projects and encouragement of ecologically sustainable decision-making. Through the use of EIA, harm to biodiversity, water, air, and human health can be prevented before executing the project, thus being in line with the SDG agenda of precaution and sustainability.

With a sense that the need was to reconcile environmental governance and sustainable development, India institutionalized EIA process through the EIA Notification of 2006, and it introduced categorization of projects, public hearing mechanism, and expert appraisal mechanism as means of ensuring ecological interests. Moreover, India's top policy think

---

<sup>17</sup> United Nations, Research Guides: UN Documentation: Development: 2000-2015, Millennium Development Goals, <https://research.un.org/en/docs/dev/2000-2015>

<sup>18</sup> United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, GA Res. 70/1, UN Doc. A/RES/70/1 (Oct. 21, 2015), [https://www.un.org/ga/search/view\\_doc.asp?symbol=A/RES/70/1](https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1).

tank, the NITI Aayog, leads SDG tracking and action coordination. NITI Aayog has focused on the institutionalisation of the SDGs – not only to view sustainable development as a standalone or parallel framework, but to make it an integral part of national and subnational development strategies through collaborative governance and a whole-of-society approach.<sup>19</sup> India's National Policies like Swachh Bharat Abhiyan, Jal Jeevan Mission also contribute to the commitment of SDGs.

By integrating environmental evaluation with infrastructure and industrial development policies, India strives to make its economic growth inclusive as well as environment-friendly, hence complementing the overall goals of the 2030 Agenda.

## **5. ROLE OF EIA IN SDGs**

Environmental Impact Assessment (EIA) is instrumental to the Sustainable Development Goals (SDGs) realization since it serves to guarantee economic growth at the expense of the environment. Through EIA as a preventive strategy, environmental consequences of a projected project are considered, and considerations are integrated in the decision-making process.

### **Relevant SDGs and EIA's contribution to each of them.**

#### 5.1. SDG 6: Clean Water and Sanitation

SDG 6, water and sanitation for all, and sustainable management of water availability. It focuses on water pollution, water scarcity, and poor sanitation facilities. EIA helps in identifying the impact of projects on aquifers and bodies of water in an area so that future developments will not pollute or over-extract water supplies. It also analyses sanitation plans, making conservation of water more effective as well as maintaining hygienic conditions.

#### 5.2. SDG 7: Affordable and Clean Energy

This is to ensure universal access to clean, reliable, modern, affordable, and sustainable energy. This is to shift to renewable energy from fossil fuel. EIA facilitates the progress of SDG 7 by facilitating the pulling out of solar, wind, and other renewable energy plans. This includes such plans having minimal environmental deterioration and enhances national growth through schemes of sustainable energy.

#### 5.3. SDG 9: Industry, Innovation, and Infrastructure

---

<sup>19</sup> Press Information Bureau, Release of SDG India Index 2023-24, <https://pib.gov.in/PressReleasePage.aspx?PRID=2032857>

SDG 9 promotes industrialization, innovation, and infrastructure development that is resistant to nature. EIA tries to keep the development from causing damage to the ecosystem; it aligns pollution control methods, stresses maximum utilization of resources, and convinces industries towards the adoption of cleaner technology, thus generating sustainable growth.

#### 5.4. SDG 11: Sustainable Cities and Communities

It is one that makes cities safe, inclusive, resilient, and sustainable. Planning and management become very critical with the rapid rate of urbanization. Urban designs like transportation facilities, housing complexes, and waste disposal points are studied by EIA so that they have no adverse effects on air quality, biodiversity, or human health.

#### 5.5. SDG 12: Responsible Consumption and Production

SDG 12 encourages efficient consumption and reduction of waste in order to sustain production and consumption. EIA enables through the requirement of project proponents to look into suggested methods in which they use material and reduce waste. It demands process efficiency and steps against pollution, thus reducing environmental degradation caused by overconsumption.

#### 5.6. SDG 13: Climate Action

This goal necessitates the imperative to reverse climate change and its impact. Climate change has become the highest component of nearly all the development planning guidelines. EIA helps through an analysis of greenhouses, interpretation of climatically-related hazards, and imposition of counter-measures against climate-mitigating and adaptation strategies for expected operations in accordance with the objectives of climatic resilience.

#### 5.7. SDG 14: Life Below Water

SDG 14 targets the protection of marine life and sustainable use of ocean resources. Marine activities and coastal development are subject to EIAs to research the potential effect on aquatic life as well as water quality. This prevents pollution, preserves biodiversity, and maintains marine resources for future generations.

#### 5.8. SDG 15: Life on Land

Its target is to keep forests in a sustainable way, in a form that does not lead to the loss of diversity in nature and restores the defiled land. EIA helps significantly in outlining



and setting conditions for environmental risk such as destruction of natural ecosystems, land loss, and degradation in terrestrial activity. By introducing environmental conservation by force, EIA offers an opportunity to sustain the environment as well as secure ecologic harmony.

#### 5.9. SDG 16: Peace, Justice, and Strong Institutions

SDG 16 invokes strengthening effective, accountable and inclusive institutions at all levels. Environmental governance is of primary importance here since EIA enables transparency and accountability in approval as well as implementation of the projects. Public participation and ensuring rule of law during the environmental impact assessments enable EIA to provide justice through hearing the voice of affected people and ensuring a just decision regarding the development projects.

## 6. CASE STUDY

### 6.1. LG POLYMERS GAS LEAK, VISAKHAPATNAM (2020)

The Visakhapatnam gas leak incident happened on May 7, 2020, at LG Polymers chemical plant in RR Venkatapuram, Visakhapatnam district, Andhra Pradesh, India, resulted in fatalities and several injuries.<sup>20</sup>The poisonous gas that was released was styrene which resulted in severe respiratory symptoms, vomiting, and long-term health problems. LG Polymers two decades of operation had no environmental clearance but sought post-facto clearance, going directly against the precautionary principle in environmental law. There were many Sustainable Development Goals that were violated, with the most impacted being SDG 3 (Good Health and Well-being) as a result of the substantial loss of public health, SDG 12 (Responsible Consumption and Production) as evidenced by the improper dumping of hazardous waste, and SDG 16 (Peace, Justice, and Strong Institutions), meaning institutional failure to provide any compliance was placed. After the disaster, the National Green Tribunal (NGT), ordered a ₹50 crore punishment on LG Polymers and mandated Environmental Impact Assessments (EIAs) so these types of tragedy could be avoided in the future. This tragedy included many discussions about the increased risks of operating without clearances or governance and the type of strong environmental governance needed to not see these types of tragedy again.

---

<sup>20</sup> M. Vijay, *Styrene Gas Leak Incident Analysis in Vishakapatnam: Event Tree Analysis, Root Cause Analysis and Threat Zone Determination Using ALOHA Software*, 23 Asian J. Env't & Ecology 252 (2024), <https://doi.org/10.9734/ajee/2024/v23i7578>.

## 6.2. VIZHINJAM INTERNATIONAL SEAPORT, KERALA

Adani Ports, located in Thiruvananthapuram, Kerala, is developing the Vizhinjam International Deepwater Multipurpose Seaport to create a major transshipment site near major international shipping routes. It is designed primarily to cater container transshipment besides multi-purpose and break bulk cargo.<sup>21</sup> The economic development goals of this project faced challenges in environmental degradation and social displacement. The Environmental Impact Assessment (EIA) report has found fault for being inadequate in assessing coastal erosion, marine biodiversity loss, and the possibility of social displacement of fishers. Protestors, particularly fishers, protested on website/public media because dredging and land reclamation would cause greater coastal erosion and therefore would risk their livelihood through dredging while describing the method for taking care of those who would be displaced throughout. The project has implications related to more than one Sustainable Development Goal (SDG). For example, SDG 14 (Life Below Water) - the area has marine habitats being destroyed from dredging, and SDG 11 (Sustainable Cities and Communities) - communities of fisherfolk are facing the reality of being displaced, and SDG 1 (No Poverty) - the project poses risks to income through the social consequences of the project, and SDG 16 (Peace, Justice, and Strong Institutions) - the project has many irregularities regarding EIA processes, consultation was severely deficient, with no inclusive manner of public consultation. In 2022 there were protests throughout Kerala calling for the suspension of the project and legitimate rehabilitation of displaced people. There was an intervention order by the Kerala High Court to vacate the protest camps, and continued to be an ongoing issue with political support from groups like All India Kisan Union - fisherfolk community. The Vizhinjam port development continues to be a flashpoint of environmental governance as a social justice issue.

## **7. CHALLENGES**

In India, the issues regarding compliance and enforcement of Environmental Impact Assessments (EIAs) relate not only to serious harmonization issues with Sustainable Development Goals (SDGs) but they also relate to:

---

<sup>21</sup> Vizhinjam International Seaport Ltd., *Vizhinjam International Seaport*, <https://vizhinjamport.in/>

- Lack of Monitoring and Compliance Processes: Lack of compliance processes and not always sufficiently transparent Environmental Management Plans (EMPs) that do not specify enforcement or mitigation processes, make monitoring and compliance impossible, further limiting the accountability of addressing SDG 13 (Climate Action) and SDG 15 (Life on Land)
- Lack of Environmental Impact Assessment Reports: Reports can misleadingly use single season or simulated data which can lead to incorrect conclusions, which do not, represent the long-term impact on ecosystems and biodiversity and don't therefore do not support the target of accomplishing SDG 15
- Non-Inclusive Assessments: The project proponent who hires the team of EIA consultants, has a vested interest, and as there is no mandatory accreditation, the EIA's written are not credible and therefore do not do SDG 16 (Peace, Justice and Strong Institutions) justice
- Little Public Consultation: The 2020 EIA Notification B2 project exemptions entirely marginalise these audiences and contrary to making decisions that are relevant to the social inclusiveness set out in SDG 16, an example here is the Vizhinjam Port case and the 20-day public hearing
- No Specialisation: SEIAAs and EACs do not have expertise in social impacts or biodiversity impact assessments and tender less than adequate assessments, which continues to threaten SDG 15 outcomes.
- Project Exemption: The project exemption under 2020 Notification and the softening of interventions to projects in border area or limits on the amount that can be invested will affect impacts that may cause damage to sensitive environments (ex-coastal zones, Vizhinjam Port) and threaten sustainable development goals (SDGs) such as SDG 14 (Lifecycle below water) and SDG 13.
- Post-Facto Clearance: The big concern with the 2020 Notification, which permits a project to go ahead before clearances (whilst not recommended, take the LG Polymers gas leak as an example), violates precautionary principles and SDGs such as SDG 3 (Good health and well-being) and 12 (Responsible consumption and production).

These issues, particularly with the changes and relaxations of restrictions outlined in the 2020 Notification clarify a need for ongoing reforms to the EIA process to ensure an outcome in the overall goal of sustainable development set out by India.

## **8. RESEARCH GAP**

This paper on India's EIA process addresses the environmental and procedural aspects but there is limited literature addressing the prospective impacts of the 2020 EIA Notification involving the relevancy of SDGs, especially social sustainability considerations such as public engagement and marginalized community intersectionality. This study needs further discussion on pollution mitigation and biodiversity, also none engage with EIA as a support for SDG 16 (Peace, Justice and Strong Institutions) and SDG 17 (Partnerships for the Goals) for transparent governance and stakeholder collaboration. Similarly, there is little consideration about the social and economic consequences of violations of EIA requirements, as exhibited by the LG Polymers and Vizhinjam Port cases.

## **9. SUGGESTIONS**

- **Eliminate Post-Facto Clearances:** Bar the initiation of projects while post facto clearances are being pursued to ensure compliance with the precautionary principle; and to avoid accidents as with the LG Polymers gas leak.
- **Require Multi-Season Data:** Utilise more comprehensive baseline assessment to avoid impact assessment contingencies, while supporting SDG 15 (Life on Land).
- **Enhance Public Participation:** Reinstate 30-day consultation period, translate EIA reports into local languages, and engage hybrid (face-to-face and virtual) hearings in order to include marginalized communities, while supporting SDG 16.
- **Increase Compliance:** Increase the compliance reporting from annual to 6 month increments and increase penalties for non-compliance in the EIA.
- **Provide Human Resource Support:** Provide training to SEIAAs and EACs on biodiversity and social impact assessment - possibly to improve the overall quality of appraisal.
- **Utilise Technology:** Create digital systems for effective access to EIA reports and public participation for feedback, synergies with SDG 17 (Partnerships for the Goals).

## **10. CONCLUSION**

Environmental Impact Assessments (EIAs) are especially significant for India's Sustainable Development Goals as they connect development with appropriate arrangements for



environmental protection. However, provisions of the 2020 EIA Notification regarding post facto clearance and reduced public participation are counter to the goals of the EIA, as seen with LG Polymers and Vizhinjam Port. Structural barriers such as lack of enforcement, poor quality data and absence of marginalized voices further undermine the EIAs potential to enable SDGs 13, 14, 15, and 16. If India can standardize the removal of post facto clearances and extend public participation and public participation to focus on data related to SDG targets and incorporate the SDGs into the 2020 EIA Notification, it could enhance the role of EIAs to facilitate sustainable development and socially support transparency, accountability and inclusion ensuring that all development projects are aligned to India's commitment to the 2030 Agenda and Sustainable Future.