

**ENFORCEMENT OF ENVIRONMENTAL IMPACT ASSESSMENT
LAW (EIA) IN HIMACHAL PRADESH WITH SPECIAL
REFERENCE TO CEMENT PLANTS**

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Abstract: The outline of the research paper is as follows. India's traditional concept of development emphasizes on collective welfare that is totally different from the today's concept of economic development at any cost. Indian culture has always emphasized on overall welfare, i.e. man should live in such harmony with other living as well as non-living things that the natural, cultural and social environment should be conducive to his overall development. But, today time has changed and man is ready to harm nature to any extent for his benefit. However, in Indian culture the use of nature has not been prohibited but it is allowed only to the extent that it does not harm nature adversely. For example, a farmer has the right to cut a tree but only if he plants another five. And in these cement plants cases, they have cut thousands of trees and have planted none. Indian culture has treated nature as an inseparable part of them and not as a resource for exploitation.

A novel and recent feature of Indian legal system is the rapid growth and development of environmental legislation and EIA Notification is one of the most important instruments to ensure that the development activities should be environmentally and socially sustainable.

The proposed paper concludes with key message that the Environmental Impact Assessment (EIA) should be prepared on the basis of the existing background pollution levels vis-à-vis contributions of pollutants from the proposed plant.

Keywords: Environment, Environment Impact Assessment, Pollution

Introduction: Himachal Pradesh is a hilly state and is mountainous in character. It is situated in the Northern part of India. Himachal's beauty lies in its lofty snow covered peaks, mighty rivers, deep gorges and enchanting waterfalls. Himachal is one of the states

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in the country which has least polluted environment. 66% of the total area of Himachal Pradesh is covered with deciduous and evergreen coniferous forests. This rich fauna is not only a source of raw material to the industries but also providing fodder and nutritious grass for the livestock and is fulfilling the needs of the cultivators and other people.

Himachal Pradesh lies between 30.22'40" to 33.12'44" North latitude and 75.47 to 79.04 East longitude. The total area of Himachal Pradesh is 55,673 sq.km. with population of 68,64,602. This State is divided into twelve administrative districts.¹

There are total of 7 Cement Plants functioning in the State of Himachal Pradesh and these are: Cement Corporation of India (CCI), Rajban, Sirmour, ACC, Barmana, Bilaspur, Ambuja, Darlaghat, Bilaspur, ACL, Bir Plasi, Nalagarh, Solan, J.P., Baga, Arki, Solan, J.P., Bagheri, Nalagarh, Solan, Ambuja, Nawagaon, Nalagarh, Solan.

The Researcher has chosen this study keeping in mind the fact that Himachal is a hilly state and used to be dust free State. It is one of the least polluted states of the country and it is full of natural flora and fauna. But at this time, 7 Cement Plants are functioning in the State and three of them are within an area of less than 50 kms. Now, there was curiosity in Researcher's mind that whether these Plants has got clearance under the EIA Notification and has they properly followed this Notification. So, the Researcher took this study.

Material and Methods: The study was conducted in three districts of Himachal Pradesh where seven cement plants are functioning at present. Primary data was obtained for the study through the structured questionnaire as well as personal interview with the people residing around these cement plants.

Result and Discussion: The majority of the Respondents felt their Environmental Impact Assessment Notification has not been followed properly by the Cement Plant Authorities and they are facing problems in one way or another.

¹ Dr. Syed and RPH Editorial Board, *Himachal Pradesh; General Board, Ramesh Publishing House 1*(New Delhi, 2015).

The Researcher chose a 10% of random sample of the population for “Questionnaire Schedule for Local Residents” by using Simple Random Sampling Method. The nature of study is exploratory, aiming to explore relationship between industrial development and environmental conditions of the area at micro level. Interview schedule contained both type of close and open-ended questions including the variables such as gender, age, educational qualification and year of establishment of the plants.

The variables chosen by the Researcher for the purpose of Data Analysis are:

- (1) Gender;
- (2) Educational Qualification; and
- (3) Age.

Table 1: Population on the basis of Gender

Sr. no.	Gender	Population	Percentage
1.	Male	693	59%
2.	Female	483	41%

After analyzing the sample chosen, i.e. 10% of the population, the Researcher found that the total number of population selected is 1176, out of which 693, i.e. 59% of the total sample selected is male and 483, and i.e. 41% of the total sample selected is female which is shown in Table number 1.

Table 2: Population on the basis of Education Qualification

Sr. no.	Education Qualification	Population	Percentage
1.	Illiterate	38	3%
2.	Primary	79	6%
3.	Middle	263	21%
4.	Metric	294	23%
5.	Plus Two	323	25%
6.	Graduate	196	15%
7.	Post-Graduate	32	3%
8.	Professional Diploma	51	4%

Table 2 shows that out of the total sample chosen, 38, i.e. 3% of the sample chosen, are illiterate, only 79, i.e. 6% of the sample chosen, are primary educated, 263, i.e. 21% of the sample chosen, received education till middle standard, 294, i.e. 23% of the sample chosen, are metric qualified, 323, i.e. 25% of the sample chosen, are +2 educated, 196 i.e. 15% of the sample chosen, are graduates, 32, i.e. 3% of the sample chosen, are post-graduate and only 51, i.e. 4% of the sample chosen, hold professional and technical diploma.

Table 3: Population on the basis of Age Group

Sr. no.	Age-Group	Population	Percentage
1.	18-25	86	7%
2.	25-32	201	17%
3.	32-39	220	19%
4.	39-46	258	22%
5.	46-53	172	15%
6.	53-60	143	12%
7.	60-67	60	5%
8.	67-74	21	2%
9.	74-81	15	1%

The third variable chosen by the Researcher is age. And Table 3 shows that 86, i.e. 7% of the sample chosen, people fall in age-group of 18-25 years, 201, i.e. 17% of the sample chosen, in the age-group of 25-32, 220, i.e. 19% of the sample chosen, in 32-39, 258, i.e. 22% of the sample chosen, in 39-46, 172, i.e. 15% of the sample chosen, in 46-53, 143, i.e. 12% of the sample chosen, in 53-60, 60, i.e. 5% of the sample chosen, in 60-67, 21, i.e. 2% of the sample chosen, in 67-74 and 15, i.e. 1% of the sample chosen, people fall in the age-group of 74-81.

Analysis of the Sampling: The response of the Respondents to whether the Cement Plant Authorities has properly followed the procedure involved in enforcement of EIA is as:

Table 4: Public hearing for Environment Impact Assessment

Public Hearing		
Yes	No.	Don't Know
383	592	204

Table 4 shows the distribution of answers to the 12th Question in the questionnaire, asking whether the authorities held the Public Hearing for Environment Impact Assessment, 383, i.e. 33% of the sample chosen, respondents said yes to it while 592, i.e. 50% of the sample chosen no and 204, i.e. 17% of the sample chosen, said that they don't know anything about it.

Table 5: Notice for Public Hearing

Notice for Public Hearing.		
Yes	No.	Don's Know
251	827	98

Table 5 shows the distribution of answers to the 13th Question in the questionnaire, asking whether the authorities gave Notice of Public Hearing in advance (by 30 days), 251, i.e. 27% of the sample chosen, said yes to it while 827, i.e. 65% of the sample chosen, no and 98, i.e. 8% of the sample chosen, said that they don't know anything about it.

Table 6: Place for Public Hearing

Sr. no.	Place	Held at	Percentage
1.	At site	280	19%
2.	In Site Close Proximity	189	13%
3.	At any other place	14	1%
4.	Not Held	963	67%

Table 6 shows the distribution of answers to the 14th Question in the questionnaire, asking the place at which Public Hearing was held for Environment Impact Assessment, 280, i.e. 19% of the sample chosen, Respondents said that it was held at site, 189, i.e. 13% of the sample chosen, respondent in favour of site's close

proximity, 14, i.e. 1% of the sample chosen, says that it was held at any other place and 693, i.e. 67% of the sample chosen, respondent's said that it was not held at all.

Table 7: Mode of Conduct for Public Hearing

Sr. no.	Mode of Conduct	Numbers	Percentage
1.	Direct	324	24%
2.	Indirect	139	12%
3.	Don't Know	713	61%

Table 7 shows the distribution of answers to the 15th Question in the questionnaire, asking what was the mode of conduct for the Public Hearing for Environment Impact Assessment, 324, i.e. 61% of the sample chosen, Respondents said that mode of conduct for Public Hearing was direct, 139, i.e. 12% of the sample chosen, said that it was indirect and 139, i.e. 24% of the sample chosen, said that they doest not know anything about it.

Conclusion: The survey of this study has led to a number of conclusions about the functions and consequences of this concept of Enforcement of Environment Impact Assessment (EIA) Law.

The multiplicity of the development activities has posed new problems of environment degradation. Therefore, keeping in view the nature of development activities EIA procedure was adapted to mould the development activities into environmentally and socially sustainable development. The results of the survey conducted by the Researcher are quite shocking as implementation of EIA Notification with special reference to Cement Plants in the State of Himachal Pradesh, it was found that however, public hearing has been conducted but most of the people residing near the plants do not know anything about the public hearing. Not even a single person knows about EIA Notification. However, a few people know about the Public Hearing but said that it was not conducted directly but the cement plant Authorities collected people for "Dham" (Lunch) or for any religious ceremony where it was told that it was a Public Hearing, the authorities got signature by fraud and showed it as consent. No one explained to locals what is meant by Public Hearing, for which purpose it has been organized and why there consent is

important. None of the guidelines of EIA Notification even for conduction of Public Hearing has been followed by the cement plants. The local residents have objections on the functioning of the cement plants but they are unheard.

These cement plants has become a question mark on survival of locals. They have lost their fertile land to plant and remaining land has become barren. They don't have employment opportunities in the plants, their animal production has been affected and most importantly the environment in which they are living is polluted.

However, in some cases State Government has taken strict actions against the cement plants and fine has been imposed. For example,

“State Pollution Control Board secretary Vineet Kumar said that "We have asked the Bilaspur-based cement plant to utilize polythene waste generated in Bilaspur, Mandi and Kullu districts as in Norway cement plants are using polythene, animal carcass and plastic waste as alternate fuel and now the same system is being introduced in Himachal Pradesh. Kumar said that as kilns in cement plants have temperature between 1,300 to 1,400 centigrade, burning of polythene would not result into emission of harmful gases and pollution because at such high temperature polythene burns up completely. Other cement plants too will be approached to use municipal solid waste as alternate fuel. In this way, while the cement plants get free alternate fuel, municipal bodies will get an easier way for waste disposal”.²

Unfortunately, Environmental Impact Assessment (EIA) process is evolved to understand the potential environmental impacts of major development proposals, but in most of the cases it is complex and confusing and the local communities failed to understand how a development might affect them. Most of the cement plants in village areas whose traditional occupation is agriculture. The people in these areas do not know anything about EIA, but they know how their environment will be effected and how they have to protect it. So efforts should be to involve local communities more and more in the EIA process by making it simpler. It is not necessary that experts know everything and

² Anand Bodh, “H.P. plans to use polythene waste in cement plants”, *Times of India*, December 15 2013.

the knowledge and objections of the local communities who has to live near the sites can not be ignored.

And more important the EIA process should be more understandable to local communities such as the main details to be collected which are applicable to EIA process should be more easy and understandable to them so they can participate in them and can decide for themselves.

Ironically, the environmental conditions around the cement plants forced us to think that are we the same Indians who worshipped nature, protected it and have used our natural resources judiciously for centuries? However, we can not deny this fact that economic development is not only the need of hour but also backbone of our country. But the eco-friendly technologies should be adopted.

Thus, the EIA Laws still have many loopholes to be stitched. The authorities involved in the implementation of EIA Notification (whether Government or people elected) has failed to fulfill their obligations.

On the basis of the historical, analytical, comparative and empirical study made in this thesis, the following suggestions are made for so that EIA Laws can fulfill the purpose of their inception, i.e. they can truly be proved to be the instrument of sustainable development.

1. The process of EIA study should be made simpler and easy so that the local communities of the area where the project is proposed to be implemented could understand it and the efforts should be made for direct involvement of local communities and if they have any objections then it should be solved properly and seriously.
2. The knowledge and expertise of the local communities and their perceptions of the environment should be included in the environmental methodology and while calculating means of measurements and deciding impacts on environment and finding solution for it. After all the local communities have to live around the projects to be implemented. So, this knowledge of their

should be properly utilized to differentiate between the impacts which are more important to them and which are less important.

3. Presently, the Public Hearing which is an important tool in the hands of local communities should be properly publicized and the local communities should be made aware of this. As in most of the cases, the Panchayat Pradhans are the employees of the cement plants, in such cases the villagers should be allowed to choose another representative of them in matters relating to cement plants. The required consent of Pradhans and their signature should not be considered valid in matters of cement plants if they are employees of them.
4. The officers and authorities involved in the Public Hearing process should be made responsible if there are any violations of EIA Notification because in such way the corruption can be controlled and sustainable development can be assured.

References:

1. Dr. Syed and RPH Editorial Board, *Himachal Pradesh; General Board, Ramesh Publishing House* 1(New Delhi, 2015).
2. EIA Notifications.
3. www.google.com