

Need of public consultation in EIA for building and construction projects

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Abstract- In recent past there have been many agitations and protests against various building and construction projects across Indian cities. As there has been no mechanism for public consultation, in case of building and construction projects, the paper aims to demonstrate the importance of public participation in building and construction projects through case studies. It was found that there is urgent need to amend the EIA notification to include public consultation for building and construction projects so that the concerns of local residents are addressed satisfactorily.

I. EVOLUTION OF ENVIRONMENTAL IMPACT ASSESSMENT

Industrial revolution resulted in rapid urbanization and industrialization of western countries that resulted in unchecked exploitation of natural resources, increase in environmental pollution and some significant environmental disasters. This led to environmental awareness among the public and significant environmental movements started in USA during 1950s and 1960s.

In response to such a situation, Environmental Impact Assessment, assessing the environmental impacts of a development activity, for large-scale projects was enforced through National Environmental Policy Act (NEPA) in United States of America in 1969. This was the first law of its kind in the world and soon other countries and international organizations followed it. Till date more than 100 countries have developed their own version of Environmental Protection Act, to implement Environmental Impact Assessment for various activities at different level of decision-making process.

II. ENVIRONMENTAL IMPACT ASSESSMENT IN INDIA

In 1986, the Government of India enacted the Environment (Protection) Act (EPA) under which Environmental Impact Assessment (EIA) was made statutory through EIA notification, 1994. The notification made it mandatory to conduct Environmental Impact Assessment for certain developmental activities. In 2006, Government of India reviewed the EIA notification and it has been in force till date.

In India, Environmental Impact Assessment includes four steps namely, (i) Screening, (ii) Scoping, (iii) Public Consultation and (iv) Appraisal. It has been presumed that environmental impact due to building and construction projects is insignificant and hence screening, scoping and public consultation has been omitted for building and construction projects. The appraisal is done on the basis of the form 1 and form 1A for projects with built up area between 20,000 sqm to 1,50,000 sqm or on the basis of EIA report for projects with built up area more than 1,50,000 sqm. Projects with built up area less than 20,000 sqm are not covered by the notification.

According to the notification, all the Building and Construction projects are exempted from public consultation. In recent past, there have been many cases where the local residents have opposed and sometimes taken on to the streets in protest of such developmental activities in their vicinity. To understand the basic concerns of the local residents and the necessity of public consultation in building and

construction projects, few case studies has been discussed below.

III. CASE STUDIES

The first case study is of Alpha One mall in Vastrapur area of Ahmedabad City. The mall, biggest of the Gujarat state, was opened on 15th October 2011. The mall spreads across an area of 1.2 million sq. ft. and has a foot falling of around 40,000 on Sundays and around 20,000 on weekdays. As soon as the mall became operational, daily traffic jams started to occur near the mall premises. It was observed that the mall was situated very near the recreational Vastrapur lake. The lake and the street eateries that came alive in late evening had an enormous footfall. The opening of the mall in the area has just augmented it. The local residents were annoyed with the daily traffic jams, encroachment of roads and pavements by roadside parking, air pollution and noise pollution from the vehicles and the nuisance due to late night shows. The residents had already complained to the city collector about their concerns and the local newspapers had also covered the matter extensively, but there has been no significant change in the situation and the residents prefer to stay in their home on Sunday evenings to avoid the problem.

Next case study is of the Reliance Mall in Alaknanda area of Delhi city. The mall is about 70,000 sq. meter in size and is still under construction. The mall is situated in a residential area and it will share a boundary with a local public school, about which the Principal is much concerned. There have been concerns by the local residents too about the adverse impact due to upcoming mall. The main concerns of the local residents are increase in traffic, increase in air and noise pollution, encroachment of roads and pavements due to insufficient parking space, law and order ramifications and diversion of scarce civic resources like water and electricity. The residents from Alaknanda, Greater Kailash II and C R Park, who are assumed to be affected by the upcoming mall, has formed a group called Citizen Alliance, which voices against the construction of the mall in the area. The group includes professionals like

economist, doctors, architects, lawyers and teachers from upper middle class. They had organized a rally of 1000 plus people to oppose the construction of the mall in recent past in order to show public support for their concerns. They have also petitioned to then Chief Minister, Lt. Governor and other political leaders. The impact of the all these agitations has been that the construction of mall has slow down but this is just a temporary way-out to the problem and the mall with all the associated concerns of the local resident remains unsolved.

Another case study is of Margoa city of Goa State. Here the residents of Dovondde, Fatorda—Margao has expressed concerns over the construction of 4 six – storey residential buildings. The major concerns of the local residents have been that the native population of 150-200 residents with just 32 ancestral houses will be under pressure from the 400 odd new residents after the project is completed, the new construction would additionally affect their primary business of pig rearing/piggery and the open spaces used by them for sports and cultural activities will be disappeared. Also the residents are already facing infrastructural problems like ineffective garbage management and the absence of a sewerage system that will be only augmented by upcoming residential project. A memorandum has been signed and addressed to the chief minister, local MLA, member secretary south Goa planning and development office, chief officer of Margao municipal council and the local ward councilor.

The last case study is of a 54-storey tower in Tardeo locality of Mumbai city. The Slum Rehabilitation Authority clearance to a new 54-storey tower next to the twin Imperial Towers has led to protests from locals according to whom the congested and narrow lane leading to the towers will not be able to handle the increased burden on its crumbling infrastructure. Apart from chocking the road, the proposed tower will put a strain on the water resources and lead to further parking problems. Residents of the twin towers are also concerned that the new tower will block the view from their homes. The local residents

along with that of Imperial towers are putting together a detailed petition to be filed in the high court on how the new tower will increase congestion and become a burden on the civic infrastructure.

IV. DISCUSSION AND RESULT

From the above case studies it is clear that it is important to consider the concerns of the local resident in building and construction projects too. People are aware about the various adverse impacts due to such projects and ignoring their concerns often led to agitations and ultimately delays in the project itself. Hence there is need to amend the EIA notification 2006, which has exempted public consultation for building and construction projects.

V. CONCLUSION

From the above study it can be concluded that the concerns of local residents must be addressed and they should be consulted before finally making the decision in case of building and construction projects. As EIA notification 2006 has a statutory status and covers public participation for other developmental activities, it is preferred that the notification is amended and public participation is included for building and construction projects to address the above mentioned cause.

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