

Critical Study of Environmental Impact Assessment in India Connected to Land Acquisition for Special Economic Zones

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Abstract- The research study will critically demonstrate the policies and procedures of environmental impact assessment and social impact assessment for set up of SEZs in India. Along with this it will discuss the link between Social Impact Assessment and Environmental Impact Assessment to assess the impact of the projects set up as Special Economic Zone on the environment and project-affected people in India. It will also enlighten upon the land acquisition process for SEZ under the preventive and resultant statute. It will demonstrate the guidelines and legal mandates to set up Special Economic Zone. Also highlight major concerns in the implementation of the law. The preservation of the environment is urgently required. However, also take into account the importance of the development of a nation. It is difficult to strike a balance between the rate of development and the potential environmental damage brought on by such activity. So, the idea of environmental impact assessment is a crucial one to balance the two phenomena. EIA requirements recognize and consider a few factors that are essential for balancing the current situation, such as critical examination of the environmental implications of the projects, alternative methods that may be used, and expanding the scope of public involvement.

CONCEPTUALIZING OF SEZ

A duty-free area with specific boundaries that are regarded as foreign territory for the purposes of trade, duties, and tariffs is known as a special economic zone. A SEZ may be collectively or singly built by the central or state government or through its agencies, or person for the manufacturing of goods or rendering services or to serve dual purpose or as a Free Trade and Warehousing Zone¹.

SEZs are established to generate additional economic activity, promote the export of goods and

services, encourage foreign investment and domestic investment also, enhance infrastructure and lastly create employment opportunities thus leading to rapid economic growth. Before SEZs the term EPZ prevailed in India. Various EPZs were set up in different parts of India. The government of India introduced its SEZ policy in the month of April in the year 2000. As an outcome, several EPZs were converted to SEZs in India. Later the SEZ Act 2005 came that became operational in the year 2006. China adopted the policy of SEZs way back in 1978. The scheme of SEZ was adopted in India in the year 2000. The first SEZ in India was Kandla SEZ, Kandla in Gujarat. The government of India provides lucrative tax exemptions for the establishment of SEZs. 100% income tax exemption on export income for the first 5 years and for the next 5 years 50% tax exemption on export income as stated under section 10AA of the Income Tax Act 1961. Successful SEZs are capable to attract huge multinational companies as well as domestic companies and firms, to contribute to employment generation and economic development. SEZs attract FDI because they offer an environment that is more suited to business expansion. By removing tariffs and other trade restrictions, the domestic market is exposed to competition in relation to foreign markets which lowers prices and broadens the range of options available to consumers. As a result of new export markets evolve for the goods and services generated in the SEZ.²

As the establishment of leads to a huge amount of land acquisition it is the duty of the person or government that establishes the SEZ to adequately support the people and provide them rehabilitation and

resettlement along with fair compensation. Types of SEZs include-

1. Multi-product SEZs
2. Sector specific SEZs
3. IT/ITES
4. Gems and jewellery and Biotech SEZs
5. Free trade warehousing zones (FTWZ)

Section 5(2) of The Special Economic Zones Rules, 2006 states the minimum area of land required for different types of SEZs³. The main requirement for creating an SEZ is land for both processing and non-processing activities. The sizes mentioned range from a minimum of 10 ha to a maximum of 5000 ha. A multi-product SEZ requires a contiguous area of 1000 hectares or more but below 5000 hectares. Sector-specific SEZs require a minimum area of 100 ha, FTWZ requires an area of 40 ha minimum, and IT/ITES, Gems & jewellery, and Biotech SEZs require an area of a minimum of 10 ha.

There has been a decline in SEZ notifications, according to the Government's Ministry of Commerce & Industry, as of February, 2020, 101 SEZs had reportedly been de-notified. The following are some of the justifications given by the state for such a de-notification. Location of SEZs that are not suitable, rehabilitation and compensation plans that are infeasible, the application of the Minimum Alternate Tax (MAT) and Dividend Distribution Tax (DDT), benefits received outside of SEZs such as reduced import duties due to various free trade agreements, and magnitude.⁴

Developers of SEZs were previously exempt from DDT tax, but that exemption was removed as of 1 June 2011. Developers of SEZs as well as SEZ units were exempted from MAT, which was subsequently withdrawn with effect as of April 1, 2012.

ROADMAP TO ENVIRONMENT IMPACT ASSESSMENT

Development before the 1970s.

A technical, engineering, and economic analysis of the project is performed. Little thought was given to the effects on the environment.

Development in the early to mid-1970s.

In 1970, NEPA brought about EIA in the US. Implementing policies and procedures, with a

requirement for public involvement, is the fundamental principle. Standard impact analysis techniques have been developed (e. G. Matrix, list, and network).

NEPA was first put into effect in 1973–1974 in Canada, Australia, and New Zealand. Unlike Australia, which legislated EIA, Canada, and New Zealand established administrative procedures.

Significant public inquiries to support the development procedure.

Late 1970s and early 1980s:

More formalized direction.

Developed and developing nations simultaneously imposed official EIA requirements.

Environment assessment procedures used in developing nations (Brazil, Philippines, China, and Indonesia) include risk analysis and strategic environment assessment (SEA).

Ecological modeling, prediction, and assessment techniques demanded to be given more attention.

Public participation is allowed.

Coordination between environmental assessments and land use planning process.

During 1990s:

The Espoo Convention mandates that transboundary effects be taken into account.

The use of other information technologies, such as geographic information systems (GIS), has increased. Global issues and sustainability basics are getting more attention. The EIA was also officially adopted by India. Environment assessment laws are being developed in many developing nations. The fast growth of environmental assessment training can be observed.

Contemporary EIA in India

EIA have been interpreted by Ministry of Environment and Forests (MoEF), Government of India as a method of identifying, forecasting, evaluating, and mitigating the biophysical, social, and subsequent relevant effects linked with the project. Advancement of science and technology led to an increase in the number of developmental projects. But many such projects established in the past lacked proper mechanisms to avoid adverse impacts on the environment. Such projects gradually appeared to create negative effects on the environment. So, the need for a just and proper

mechanism was felt to safeguard and protect the environment from the negative effects of the project. EIA has been introduced as a result of the failure of earlier techniques to determine the environmental threats of a developmental project.

As per the provisions under EIA Notification, 2006 environment clearance is required for several new projects or where expansion or modernization of any existing project takes place. As per this notification, all projects under Category A require mandatory environment clearance from the MoEF. It also states if at least one industry in the proposed industrial estate falls under Category A the entire industrial area shall be treated under Category A. The functioning of a project without environmental clearance issued may lead to irretrievable degradation of the environment. Environment clearance is given after conducting various decision-making processes. It is of utmost importance to predict the positive and negative impact at the very early stage before the SEZs are set up. So, an environmental impact assessment is to be conducted, for the protection and improvement of the environment. It is a study to predict the consequences of a developmental project like SEZ on the environment. The decision-makers after determining the pros and cons of the project conclude whether the developmental project is to be implemented or not and if capable of being implemented, what are suitable modifications needed to minimize the adverse impacts on the environment. Environmental Impact Assessment shall ensure public hearing or public participation in the Government decision-making process. It must be transparent. The decision-making process should be flexible enough to tackle various problems. It must be done in a professional manner and the process must reflect integrity. Through environmental impact assessment, the positive and negative effects of the project are sought out if the positive impacts of a project are more than the negative impacts then the project are justified from an environmental point of view. As per EIA notification 2006 Special Economic Zones fall under 7(c) of the first schedule and require prior environmental clearance.

STEP BY STEP MECHANISM OF EIA

Stages of environmental impact assessment include screening, scoping, baseline data collection, prediction

and mitigation, reporting, public hearings or public participation, and decision-making.

i. Screening

Screening is a method by which it is concluded whether the project requires environmental impact assessment or not. It depends on the type of project undertaken, investment, geographical location in which the project is to be established, etc. Without screening it is hard to conclude that to carry on with environmental impact assessment or not in the particular project. But screening is not needed where projects mentioned as per law require mandatory environmental impact assessment. SEZs do require environmental impact assessment as per EIA notification 2006¹².

ii. Scoping

Scoping is the process of identifying the harmful impact of the developmental project on the environment. Before the project is set up this process helps to identify particular areas of the undertaken project that might use an adverse impact on the environment and may suggest possible alternatives and modifications that can be made to avoid such adverse impact on the environment. For scoping information about the type of project and its impact on the environment are collected and analyzed. Information related to the type of land on which the project is to be set up and its geographical location is also collected and analyzed. This process addresses all the important issues that the decision-makers need to consider before approving or denying the project.

iii. Baseline data collection

For this purpose, data related to the project site, surrounding area, flora, and fauna present in that area, air quality, noise level, characteristics of soil, etc. are collected and analyzed. If the project site is near fragile or sensitive areas such as national parks, wildlife sanctuaries, archaeological monuments, tribal settlements, religious and historic places, coastal areas rich in mangroves, corals, etc. are also taken into consideration. This data helps to analyze the existing condition before the setup of the project and what might be the impact after the project activity commences. So, baseline environmental data collection should be done accurately with integrity and transparency.

iv. Prediction of impact and mitigation

It is that stage of environmental impact assessment where experts predict the consequences of the project on the environment and people if commenced. Predictions related to whether biodiversity, human health, land, air, and water quality are going to be affected by the commencement of such project are taken into consideration and alternatives are also suggested. A list of all the adverse impacts of the project is prepared.

Mitigation is the process of reducing the adverse impact of the project on the environment and people through various alternative measures undertaken as per recommendations by experts. The aim of mitigation is to reduce the adverse impacts of the project as predicted on the environment and people through various actions. Appropriate and justified measures are taken to reduce the adverse impact of the project.

v. EIA Report

EIA report includes a detailed description of the project, a description of the areas of the environment likely to be affected by the commencement of the project, measures taken to avoid or prevent or reduce negative impacts of the project, an analysis of alternatives carried out, a summary of the public hearing, etc.

Vi. Public participation

The project proponent may request the concerned authority for conducting a public hearing process. Public Participation is necessary so that the affected families express their viewpoints their preferences and also to make them aware of the adverse impacts of the project. a lack of understanding can lead to unrest. Along with that to take into consideration the public issues and their concerns related to the project. Proper notice needs to be served before the public hearing to inform the local and affected families about the public hearing date and location and for their active participation. The SPCB shall issue a notice for a public hearing along with the time, date, and place mentioned. The public issues may be mentioned in the EIA report which will bring more accuracy and transparency. To avoid biases in analysis it is essential. Public hearing reports including statements of public issues, a summary of the public hearing process, public statements, and concerns and supported by video recording of this process need to be submitted

before a particular authority. Without public hearing, legitimate issues may remain unheard leading to conflict of interests and unrest.

vii. Decision making

In this process, a decision is taken whether to accept or reject the project after considering the detailed study of the project along with the public issues and their concerns related to the project raised in a public hearing. The result of all the details of the study of the project's impact on the environment is mentioned in the Environmental Impact Statement. The decision-makers consider this document also to ascertain the ultimate decision.

viii. Monitoring the clearance conditions

After the Government issues an Environmental Clearance certificate the project proponents can start the project. But the most vital part is monitoring during the constructional phase and after completion or operational phase whether the laws, regulations laid by the Government, and recommendations made are complied. This is to ensure that the predictions in the EIA report were correct or not and mitigation measures recommended are properly complied with or not. This is the final step where a monitoring body ascertains suggestions made to avoid or reduce the adverse environmental impacts are implemented properly in reality along with compliance with legal provisions.

CHARACTERISTICS OF EIA

- i) It is a method that addresses the consequences of the undertaken project on the environment.
- ii) It is a method to impose upon the developer of the project a sense of responsibility towards the environment.
- iii) If the project has several negative impacts on the environment which can be foreseen then via the EIA method mitigation measures may be adapted to protect the environment from those negative consequences.
- iv) It is a method through which decision-makers perform an in-depth study of the area, habitats, and developmental project in order to predict the impact of the project on the environment.
- v) It also monitors whether the prediction by the expert committee was true and whether proper

measures to reduce the negative impacts of the project on the environment are actually implemented. The decision-makers suggest various alternatives, and restructuring techniques to reduce the adverse effect of the project on the environment. Proper implementation of those measures is vital. So monitoring is a crucial step in EIA to effectively overcome the difficulties in reality.

- vi) For the purpose of Environmental Clearance, EIA need to be conducted and report is a pre-requisite need to be submitted.

PURPOSE OF EIA

- i) Systematic analysis of the project's impact on the environment and recommend alternative action plans for the proposed project whenever needed.
- ii) To aim towards sustainable development¹³.
- iii) Mitigate the harmful consequences of the proposed project upon the environment by adapting alternative techniques in developing the project.
- iv) To assure that the project sponsor complies with the appropriate environmental standards and various environmental requirements prior to operation.

JUDICIAL APPROACH TOWARDS ENVIRONMENTAL PROTECTION

The task of developing progressive environmental jurisprudence has been greatly aided by the effort of the Indian judiciary. It has been involved in matters ranging from safeguarding coastal areas, enhancement of air quality in the Delhi National Capital Region, protection of the Taj Mahal, and further discharge of industrial effluents in rivers or lakes. There are very few Honorable Court decisions in India that explicitly address the Environmental Impact Assessment. As per the observation of the Courts in most of the cases where development projects that deemed to pose a risk to the climate, the Environmental Impact Assessment statements have not considered the subjective parts of the matter but rather seem to be objective. Although based on the verdicts judiciary plays a proactive role in environment protection.

Bombay Dyeing Mfg. Co. Ltd. V. In the Bombay Environmental Action Group Case, AIR 2006 SC 1489, it was decided that projects involving the public

interest should be evaluated following the examination of the following factors.

- (a) To take ecology into consideration.
- (b) The interests of the workers.
- (c) Institutions in the public sector and other financial institutions' interests.
- (d) Owners' rights and interests.
- (e) A sick and closed person's interest.

Due to the Supreme Court's innovative interpretation in identifying an environmental right that includes a right to clean air, water, and other elements, the Court would typically lean in favor of environmental protection.

Essar Oil Ltd. v. Halar Utkarsh Samiti (2004) 2 SCC 392

In the matter of Essar Oil Ltd. v. Halar Utkarsh Samiti and Others, the Court was required to rule on the legality of a crude oil pipeline traversing a marine national park and sanctuary. Also, the question of whether habitat destruction due to project development led to the illegal act of, removal of wildlife with some exceptions was a matter of debate before the court. For a determination of the facts, the case was remanded, although the court noted that habitat destruction is illegal because it eliminates wildlife. The Court also realized the State's right to permit abolish and destruction of wildlife for its advancement without having any substantial virtue. Such proclamation sanctions the eradication of wildlife for purposes of development. The Court issued a warning against the arbitrary approval of permits by the State but added that it would disagree with the State Government's decision regarding all precautionary measures that had been taken to guarantee a "transient and minimal" environmental impact before approving a permit. Environmental degradation is a result of the population's rapid growth and the corresponding rise in demand. The environment and the development of another should not necessarily lead to conflict.

The court approves the pipeline to use the Marine National Park and Sanctuary to pump crude oil along with keeping an eye on the wildlife's habitat was least interrupted and the damage to the habitat did not result in the demolition of the wildlife. The court while deciding observed definite principles pronounced in the Stockholm Declaration and set the framework and regulation to uphold humanity and its environment.¹⁴

Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664

The Narmada Bachao Andolan (NBA) is regarded as an Indian social movement against a number of huge dam projects through the Narmada River, which flows constantly across the states of Gujarat, Maharashtra, and Madhya Pradesh. It was led by local tribal people (Adivasis), farmers, environmentalists, and human rights activists. One of the largest dam projects on the Narmada River was the Sardar Sarovar Dam in Gujarat, which served as one of the early centerpieces of the movement. The project was primarily concerned with giving the residents of the aforementioned states access to irrigation and electricity. The strongest mass movement so far opposing the building of a massive dam on the Narmada River was launched in 1985 and is known as the Narmada Bachao Andolan. More than 250,000 people were expected to be displaced. The main conflict in the Save the Narmada Movement concerned the rehabilitation or resettlement of these individuals. The Narmada Valley Development Project, which involved the construction of 30 large dams, 135 medium dams, and 3,000 small dams as well as increasing the height of the Sardar Sarovar dam, was sanctioned by the Narmada Water Disputes Tribunal¹⁵. Medha Patkar with her colleagues explored the project site in 1985 after learning about the construction of the Narmada Dam Project. A writ petition was filed before the Court by the Narmada Bachao Andolan (NBA), a non-governmental organization that has been at the forefront of the protests against the construction of the Sardar Sarovar Dam, raising a number of issues, including resettlement and rehabilitation. A complaint was brought before the Court regarding the state of Madhya Pradesh's behavior in trying to escape its obligations to provide rehabilitation services to the ousted individuals by offering them cash compensation. The legal conflict began in 1985 when social activist Medha Patkar filed a Public Interest Litigation (PIL) opposed to the project in the Supreme Court of India, bringing up concerns about the improper rehabilitation and resettlement of displaced people as well as the project's extensive environmental damage. The Supreme Court initially ordered the construction of the dam to be halted, but in 1998 it was reinstated under the condition that the rehabilitation and resettlement work be under supervision. The height of the Dam was gradually increased until it reached 120 m by 2006.

Due to ongoing infractions of the rehabilitation and resettlement laws by the relevant authorities, Medha Patkar continued her legal battle.

Baba Amte and the seven-person team began an indefinite hunger strike in January 1991, which they continued for 22 days committing to a sit-in till their deaths. The project's funding source is the World Bank. The World Bank's involvement in these initiatives was suspended in 1993.

Following its decision in favor of Andolan, the court ordered an immediate halt to construction at the dam and gave instructions to the concerned state to finish the process of rehabilitation and replacement. The court's primary decision in Narmada Bachao Andolan was rendered on October 18, 2000¹⁶. The Court opined-

1. The removal of the tribal members and other people wouldn't necessarily lead to per se violation of their basic or other rights.
2. After receiving rehabilitation in the new place, they would live better as compared to where they were.
3. Adequate and better facilities will be available at the new rehabilitation site.
4. Improvement and advancement would result from gradual assimilation into society's mainstream.

The court further noted that affected families in the project would receive a free house or plot. The court also took note of the fact that the state governments had liberalized their resettlement policies and were providing packages that went beyond those stipulated in the Narmada Water Dispute Tribunal's ruling.

Thus, additional applications for the rehabilitation of the expelled in accordance with the Narmada Water Dispute Tribunal's decision were submitted by Narmada Bachao Andolan to the Supreme Court. Additionally, they prayed for guidance to set aside and not follow the orders issued by the Grievance Redressal Authority.

In its numerous campaigns against the devastation and displacement brought on by large dams and for the rights of the impacted people, including farmers, laborers, fishermen, and others, NBA has been successful at the executive, legislative, and judicial levels.

It is pertinent to note, despite, such challenges the dam project had to face the Sardar Sarovar project was the first significant river valley project that was subject to

strict environmental requirements imposed by the Indian government at the time of project was given clearance. This was also one of the first projects where an environmental impact assessment was started by organizations even while the project was still in the planning stage.

The Narmada Control Authority established an environmental subgroup to keep track of various environmental-related issues. In 1975, the Central Water Commission (CWC) has already published guidelines regarding EIA to be applied to all significant hydroelectric and irrigation projects¹⁷.

Vellore Citizens Welfare Forum v. Union of India and ors, 1996 5 SCR 241

An NGO called "Vellore Citizen Welfare Forum" filed a Public Interest Petition under Article 32 of the Constitution of India regarding the severe soil and water pollution brought on by the emission of untreated sewage water from 900 tyrannies constructed in 5 districts of Tamil Nadu. This tyranny completely polluted the Palar River in Tamil Nadu, which was the main source of pure water used for irrigation and consumption. The water from tyrannies contains 176 different types of chemicals, according to a survey of sewage water that was conducted afterward. Near the tannery, 35000 hectares of land were deemed unsuitable for farming. Additionally, 350 wells were deemed to be harmful for consumption. Additionally, the Tamil Nadu Pollution Control Board's directive to construct an effluent plant for the proper disposal of effluents was ignored.

The Supreme Court stated that efforts should be made to maintain a balance between environmental protection and industrial development after hearing both the party's arguments. The court noted that one of the primary sources of foreign currency and a source of employment are tanneries. However, it also devastates and harms the environment. Consequently, the court issued the following ruling in order to strike a balance between environmental protection and industrial development¹⁸.

1. The Supreme Court decided that the tanneries should be closed until and unless they have installed the necessary pollution control equipment.
2. It was further stated that after these devices were installed, tanneries could acknowledge the Tamil

Nadu Pollution Board and resume their functioning after receiving approval from the board. It directed all the tanneries in the concerned districts must pay a fine of Rs. 10,000 each at the Collector's office. Additionally, it mandated that Mr. M.C Mehta be given by the State of Tamil Nadu a payment of Rs. 50,000 as a sign of appreciation for his efforts and exertion towards environmental protection.

3. Additionally, it placed emphasis on the creation of Green Benches to handle matters pertaining to environmental protection in order to swiftly and effectively resolve these cases. The Central Contamination Control Board and the Tamil Nadu Pollution Control Board were harmonized by the Supreme Court to review the domain.
4. It mandated that tanneries approach pollution control boards either directly or with informed insight, or demonstrate that each of their individual units has built or set up the necessary contamination Control devices.
5. The Pollution Control Boards were instructed to examine the Units and compile a report on them by May 6, 1996.
6. The Environment (Protection) Act of 1986's Section 3(3) calls for the establishment of an authority, and the court ordered the Central Government to establish one.
7. In order to put the polluter pays principle and the precautionary principle into effect, it stipulated the composition and duties of the authority.
8. In addition, it was stated that the authority would order the closure of the industry if the polluter refused to pay the amount of compensation.

The Loss of Ecology (Prevention and Payments of Compensation) Authority was established by the Central Government pursuant to the instructions provided by the Court.

CONTROVERSY SURROUNDING ADANI PORTS AND SEZ

Mundra Port and SEZ, which is currently Adani Ports and SEZ, located at Mundra, Gujarat. A number of court cases on APSEZ have been filed pertaining to widespread clearing of mangroves at the SEZ site. The port and special economic zone of Adani at Mundra were inspected in 2010 by the Indian Ministry of Environment and Forests. It notified "No existing

mangroves shall be destroyed during construction of project," and filling of creeks is also prohibited.

The Gujarat High Court held in a judgment and order dated May 9, 2012, that as long as the Central Government does not grant the MPSEZ environmental clearance for the creation of infrastructural facilities on the land so allotted, and consequent to such permission such facilities have been actually created by the allottee, the lessor cannot lease out the right of enjoyment of the infrastructural facilities to its lessee¹⁹.

Further it was alleged that construction was going on inside the Adani Special Economic Zone (SEZ) at Mundra despite the SEZ lacking an environmental clearance from the Indian Government. Despite not having valid permission to construct infrastructure in the SEZ, Adani have entered into contract with tenants within the SEZ for rent and maintenance charges for providing infrastructural facilities in flagrant violation and disregard of the Environmental Impact Assessment Notification, 2006 as well as the dictum of law laid down by this Court in Writ Petition (PIL) No.194 of 2011²⁰. The Expert Appraisal Committee has recommended for the grant of Environment and CRZ Clearance for after careful consideration of the pertinent documents supplied by the project proponent and additional clarifications provided in response to its observations of SEZ covering an area of 8481.2784 ha. However, the Ministry of Commerce and Industries have given its preliminary approval to the SEZ for 1840 ha.

The Hon'ble Gujarat High Court in WP No. 21 of 2013 pursuant to an order dated 13.01.2014 ordered the Ministry to make its own decision regarding the issue of granting environmental clearance, taking into account the situation, within thirty days of the date of this judgment, without fail. Furthermore, per order dated 27.01.2014 The Hon'ble Supreme Court ruled in SLP No.1526 of 2014, according to the ruling in case which was filed in opposition to the High Court's order, the MOEF will have the option to ask this Court for an extension of time if they are unable to complete the process within the time frame set by the High Court. As a result, the Ministry has petitioned the Honorable Supreme Court for a two-month extension. It is evident from the 13.01.2014 judgment of Hon'ble High Court of Gujarat in PIL 21 of 2013 the Hon'ble Court has construed, the grant of lease 10 units prior to obtaining EC by M/s APSEZ as violation of EIA,

Notification, 2006. Therefore, according to the OM dated 12.12.2012 and 27.06.2013, project proponent was addressed for Board Resolution and the State Government was addressed to take credible action against the project proponent for the violation.

Additionally, APSEZ was given instructions under Section 5 of the Environment Protection Act, 1986 not to begin or permit any additional construction activity within the SEZ until clearance had been granted.

Further, Hon'ble Supreme Court vide order dated 02.05.2014 in SLP 1526 of 2013 had ordered for stay of Ministry's letter dated 3.04.2014 addressed to Government of Gujarat to initiate legal action for the violation, also directed that the Ministry to complete the process of EC within eight weeks.

After prolonged debate since its inception related to environmental clearance M/s. APSEZ has been granted Environmental and CRZ clearance vide letter no. 10-138/2008-IA.III, dated 15th July, 2014 for development of a Multi Product SEZ.

DAHEJ SEZ (GUJARAT)

Gujarat Industrial Development Corporation (GIDC) and Oil and Natural Gas Corporation (ONGC) jointly promote Dahej SEZ Ltd (DSL), a business registered under the Companies Act of 1956, for the development of Special Economic Zones (SEZ). DSL is a multi-product SEZ at Dahej in Vagra Taluka of Bharuch district in Gujarat, India.

Dahej SEZ adhered to the EIA and Obtained the Environmental Clearance from the MoEF on 17th March 2010, Environmental Clearance No. 21-1084/2007-IA.III²¹.

SEZ conducting EIA properly tend to lead to less adverse impact on environment and the people in an area. Because EIA report must contain statistics of every possible factor like impact of the project on air, water, land, hazardous waste efflux management, noise level etc. and measures to eliminate or reduce the adverse impact. So, clear view of the impacts is available prior to the execution of the project and the only task remains to build up the project adhering to the EIA report outcome. Moreover compliance to EIA and EC benefits both the SEZ and the environment.

METHODOLOGY

The research methodology followed in this research is

doctrinal research methodology. The research is a descriptive and detailed analysis of SEZ, Environment and Social Impact Assessment rules, case laws, and legislations in Indian jurisdiction.

Data was collected from various primary and secondary sources. Primary sources of data include statutes, bills, and case laws whereas secondary sources include books, newspaper articles, journals, and various internet-based resources which are accessible.

LITERATURE REVIEW

This contemporary research work envisages on SIA and EIA, need to be done properly to eliminate the adverse socio-economic and environmental impacts at the initial stage of a proposed developmental project like SEZ. Each and every developmental project established and started operations may lead to environmental degradation and affect the livelihood, employment, social networks and other aspects of the people in the area where such project established and started operations. So, it is the need of the hour to lay stress upon EIA and SIA. Moreover, robust monitoring is needed to be done to properly implement the assessment tools in every project without any delay and pecuniary penalty for their non compliance. Various statutes have made EIA and SIA compulsory to harmonize commercial interest of project proponents and safeguard the interest of community and protection of the environment. To accomplish this contemporary research work study from several literatures has been carried out. Some of the following literatures are mentioned below:

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