INTEGRATING ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT IN INDIA: A LEGAL AND POLICY ANALYSIS

by

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&

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ABSTRACT

In India, the effects of a development project on nature and on people are judged in different rooms. Environmental Impact Assessment (EIA) is carried out under the EIA Notification, 2006, by environmental regulators, for projects of a listed type and size. Social Impact Assessment (SIA) is carried out under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by land acquisition authorities, and only when land is compulsorily acquired. This article examines what that separation costs. It identifies three problems: social harms that escape assessment altogether, consultation that is split across several forums, and decisions taken without a full view of a project's consequences. It reviews signals from the Supreme Court and the National Green Tribunal that environmental and social questions cannot be kept apart, and draws on the World Bank, the European Union and South Africa for workable models. It concludes by proposing five reforms that can be introduced within India's present constitutional and statutory framework, beginning with amendments to the EIA Notification that the Union can make on its own.

Keywords: EIA; SIA; integrated impact assessment; RFCTLARR Act 2013; public consultation; environmental governance

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I. Introduction

Imagine a community nestled in the woods with a coal mine built right next to it. In order to get environmental clearance, the mining firm has to do things like hold a public hearing, compile an EIA report, and get advice from an expert committee. A second round of procedures, including a SIA, another public hearing, an independent expert committee, and a separate decision, will be initiated in the event that the enterprise requires private land and the State decides to buy it. The second procedure may never take place if the property is purchased by means of a special statute, a negotiated acquisition, or is owned by the government.

This, however, is not how the villagers' impressions of the quarry differ. For them, one set of repercussions includes dust on their crops, dried up wells, no more grazing pasture, hundreds of migratory workers, and the destruction of a sacred grove. In spite of this, Indian law requires two separate bodies to examine distinct aspects of that experience at separate periods and under separate statutes, and on occasion it requests that no one examine any aspect of it all.

The essay contends that one of the most significant flaws in Indian impact assessment legislation is the lack of integration between EIA and SIA, and that this can be remedied. The modern operation of the two procedures is described in Part II. The issues that arise as a result of their split are detailed in Part III. Part IV examines the rulings of Indian courts. International and foreign models are examined in Part V. Chapter Seven draws to a close, while Chapter Six suggests five changes.

II. Two Tracks: How EIA and SIA Work Today

A. The environmental track

The EIA Notification, 2006 is delegated legislation issued under Section 3 of the Environment (Protection) Act, 1986.[3] For projects included in its Schedule, which are categorised into Category A (determined by the Union) and Category B (chosen by State authorities), prior environmental clearance is required. Steps in the process include assessment, public input, screening, and scoping. Any project of a certain kind or size—a mine exceeding a certain area, a thermal plant beyond a certain capacity, or a highway over a certain length—will set off the alarm. The method of acquisition, purchase, or lease of land is irrelevant.

[3] The Environment (Protection) Act, 1986, No. 29, Acts of Parliament, 1986, § 3 (India); Ministry of Environment and Forests, Notification, S.O. 1533(E) (Sept. 14, 2006) (India) [hereinafter EIA Notification, 2006].

Both in theory and in practice, the EIA is environmentally friendly. "Committees comprised primarily of scientists and engineers evaluate relocation plans in cases where displacement is involved, and this is the extent to which the document delves into socioeconomic issues.

B. The social track

For public purpose forcible acquisitions, SIA is now necessary according to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act).[4] The project's social impacts must be studied by the relevant government in conjunction with local self-government authorities. A public hearing must also be held. A Social Impact Management Plan must be prepared. Finally, an independent expert committee must examine the study. The trigger is the *mode of land access*: SIA applies only where the State acquires land compulsorily.

C. Where the tracks meet

The Act contains only two provisions linking the tracks.[5] Any time an environmental impact assessment (EIA) is done, the agency doing the EIA must have access to the SIA report, per Section 6(2). Irrigation projects that are required to conduct an EIA are completely excluded from the SIA regulations according to the proviso to Section 6(1). One is a simple handoff of paperwork, and the other takes environmental factors into account in lieu of social ones.

D. Where neither track reaches

The social path is even more restricted due to exclusions. Section 105 and the Fourth Schedule exclude the SIA chapter when considering acquisitions governed by thirteen core legislation, such as those pertaining to national highways, railroads, and coal-bearing lands.[6] Several States, with presidential assent, have exempted further categories of projects from SIA.[7] Land that is acquired through government land allotment, negotiation, or lease does not incur SIA. This means that despite the fact that projects like coal mines, highways, and industrial parks have far-reaching social impacts, they are only required to undergo environmental assessments, rather than mandatory social ones.

[4] The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, No. 30, Acts of Parliament, 2013, §§ 4–9 (India) [hereinafter RFCTLARR Act].
[5] *Id.* § 6(1) proviso, § 6(2).
[6] *Id.* § 105, sch. 4.
[7] *See, e.g.*, The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Gujarat Amendment) Act, 2016 (India); The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Maharashtra Amendment) Act, 2018 (India).

III. Why Separation Matters: Three Problems

A. Harms that no one assesses

Some injuries occur in the space between the tracks, which is the primary concern. The most obvious case in point is public health, which deals with issues like migratory worker health, water-borne diseases caused by contaminated sources, and respiratory illnesses near mines and industries. Although the EIA tracks levels of pollutants, they infrequently correlate those readings with actual health effects. There is an emphasis on land and livelihoods in the SIA. Loss of cultural and religious resources, gender-specific impacts (e.g., women bear a disproportionate share of the burden when water or fuelwood sources dry up), and the cumulative effect of multiple projects in a single area are additional harms in a similar position. These damages aren't exclusively associated with acquisition or the environment; thus, they don't belong in either.

B. Consultation split into pieces

The second issue is with involvement. Public hearings on environmental impact assessments (EIAs) held by the State Pollution Control Board (as per Appendix IV of the EIA Notification), hearings on special impact assessments (SIAs) held under Section 5 of the RFCTLARR Act, and gram sabha meetings held under either the Forest Rights Act, 2006 or PESA, 1996 are all ways in which communities impacted by individual projects can be contacted.[8] Everyone knows that each forum has its own set of rules, officials, and priorities when it comes to discussing important issues. It is considered that the EIA hearing does not cover matters pertaining to land, and that the SIA hearing does not cover matters pertaining to water. Forum multiplication in this way does not lead to increased engagement. The law's intended participants become weary as a result.

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C. Decisions without the whole picture

Decision quality is the third issue. The environmental clearance authority and the acquisition approval authority are not required to review the SIA or the EIA, respectively. Evaluating the project's social and environmental impacts alongside its financial rewards is optional. In terms

[8] EIA Notification, 2006, *supra* note 1, app. IV; RFCTLARR Act, *supra* note 2, § 5; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, No. 2, Acts of Parliament, 2007 (India); The Provisions of the Panchayats (Extension to the Scheduled Areas) Act, 1996, No. 40, Acts of Parliament, 1996 (India).

of mitigation, there is just as much disjointedness: in cases where there is no social impact assessment (SIA), there is no social management plan whatsoever; and in cases where there is an environmental management plan, there are two distinct papers with independent monitoring.

The situation is worsened by inadequate monitoring. A quarter of the EIA reports that were audited did not adhere to their Terms of Reference, compliance with clearance conditions was low, and monitoring agencies were understaffed and underequipped, according to the performance audit conducted by the Comptroller and Auditor General.[9] The environmental track's ability to absorb social issues informally is already compromised due to its own internal stresses.

IV. What the Courts Have Signalled

The merger of EIA and SIA has not been mandated by any Indian court. But a number of rulings indicate that way. It all starts with Article 21 of the Constitution. Sustainable development, the precautionary principle, and the polluter-pays principle are all a part of Indian law, according to the Supreme Court, which has also ruled that the right to a healthy environment is an integral part of the right to life.[10] Separate evaluations of the environment and society will not lead to sustainable development.

In *Orissa Mining Corporation Ltd. v. Ministry of Environment and Forests*, the Court went further. Gram sabhas in the Niyamgiri hills were tasked with assessing the potential impact of bauxite mining on the Dongria Kondh and other forest residents' religious, cultural, and community rights. Their determination was then considered pertinent to the forest clearing process.[11] In effect, the Court inserted a social and cultural inquiry into an environmental approval.

Courts have also insisted on the integrity of the assessment process itself. The Delhi High Court in *Utkarsh Mandal v. Union of India* required the clearance authority to engage with objections raised at the public hearing.[12] The Supreme Court in *Lafarge Umiam Mining (P) Ltd. v. Union of India* called for an independent regulator for appraisal and monitoring,[13] and

[9] Comptroller & Auditor Gen. of India, Report No. 39 of 2016: Performance Audit on Environmental Clearance and Post Clearance Monitoring (2016), https://cag.gov.in/en/audit-report/details/27540.
[10] Olga Tellis v. Bombay Mun. Corp., (1985) 3 SCC 545 (India); Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647 (India).
[11] Orissa Mining Corp. v. Ministry of Env't & Forests, (2013) 6 SCC 476 (India).
[12] Utkarsh Mandal v. Union of India, 2009 SCC OnLine Del 3836 (India).
[13] Lafarge Umiam Mining (P) Ltd. v. Union of India, (2011) 7 SCC 338 (India).

in *Hanuman Laxman Aroskar v. Union of India* set aside an appraisal based on an EIA that had concealed material information.[14]

On July 29, 2026, a three-judge bench ruled in the case of *Vanashakti v. Union of India* that previous environmental permission is necessary. The judgement also overturned an Office Memorandum from 2021 that permitted projects to be regularised after they had begun without clearance, but preserving a limited, one-time program from 2017.[15] The Court's approach, which it dubbed eco-centric proportionality, aims to strike a balance between the rights to development and a clean environment. According to that line of thinking, Articles 14 and 21 apply to the assessment regime's design.

The courts do consider social and environmental impacts together, but they can only do so after a decision has been made, and case by case. Incorporation should occur earlier, during the evaluation procedure.

V. Lessons from Abroad

Three models show that integration is practical.

Development finance institutions. One Environmental and Social Impact Assessment (ESIA) that addresses impacts on the environment, labour, health, cultural heritage, resettlement, and Indigenous Peoples is required by the International Finance Corporation's Performance Standards and the World Bank's Environmental and Social Framework. Additionally, one Environmental and Social Management Plan is required.[16] Such documentation are already being prepared for lenders by several Indian projects, in addition to the separate EIA and SIA documents required by Indian regulators. Although the lender model exemplifies what an integrated evaluation entails, it is limited in its applicability because it is confined to loan agreements rather than public law.

The European Union. To accomplish integration, the European Union's Environmental Impact Assessment (EIA) Directive was revised in 2014 to expand the scope of an EIA beyond the traditional environmental considerations to include human health, land, cultural heritage, material assets, and their interplay.[17] Measures for mitigation and monitoring must

[14] Hanuman Laxman Aroskar v. Union of India, (2019) 15 SCC 401 (India).

[15] Vanashakti v. Union of India, 2026 INSC 761 (India); *see also* Namrata Banerjee, *Vanashakti III | Judgement Summary*, Sup. Ct. Observer (Aug. 6, 2026), https://www.scobserver.in/journal/vanashakti-iii-judgement-summary/.

[16] World Bank, Environmental and Social Framework (2017); Int'l Fin. Corp., Performance Standards on Environmental and Social Sustainability (2012).

[17] Council Directive 2011/92, arts. 3, 8a, 2012 O.J. (L 26) 1 (EU), *as amended by* Council Directive 2014/52, 2014 O.J. (L 124) 1 (EU).

also be included in the development permission. Due to its effectiveness in modifying the scope of a single existing instrument, this model is the most easily adaptable to India.

South Africa. In order to make the Environmental Management Program a legally binding document, the National Environmental Management Act of 1998 defines the environment and its management principles in a way that requires a combined assessment of social, economic, and environmental aspects.[18] The Constitutional Court has held that environmental authorities must consider socio-economic factors as part of their duty to promote sustainable development.[19] This decision should not be accompanied by a management plan; the plan should have legal force.

All things considered, the three models point to a workable solution for India: follow the EU's lead in expanding an existing instrument, incorporate the lenders' thorough content, and mimic South Africa's binding management plan.

VI. Towards Integration: Five Reforms

1. Widen the scope of the EIA Notification

The Union can amend the EIA Notification under Section 3 of the Environment (Protection) Act without new legislation. *Vanashakti* (2026) confirms that this power is broad, though it must be exercised through a valid notification rather than an executive memorandum.[20] Impacts on social and health, culture, gender, Scheduled Tribes, and forest residents, as well as cumulative impacts, regardless of land acquisition status, should be evaluated in every EIA for Category A projects and Category B projects beyond a certain threshold, according to the amendment. The coverage gap highlighted in Part II might be mostly filled with this one adjustment.

2. Make appraisal multidisciplinary

One member of the evaluation committee should have experience in public health, and another should have knowledge of social impact assessment or resettlement. Integrity of the evaluator determines how well an evaluation fits in with the whole.

[18] National Environmental Management Act 107 of 1998 §§ 2, 24, 24N (S. Afr.).
[19] Fuel Retailers Ass'n of S. Afr. v. Dir.-Gen.: Env't Mgmt., Mpumalanga Province 2007 (6) SA 4 (CC) (S. Afr.).
[20] *Vanashakti*, 2026 INSC 761.

3. Turn Section 6(2) into real coordination

In cases when an EIA and a SIA are needed, it is recommended that they be performed concurrently, with shared baseline data, and on coordinated schedules. Appraisal committee members should be obligated to review the SIA and document the actions taken in response to its recommendations. Also, since an EIA is necessary, Parliament should reconsider the irrigation provision in Section 6(1) to ensure that big irrigation projects are still subject to social assessment.

4. Hold one consultation, not three

State coordination of environmental impact assessment (EIA), site impact assessment (SIA), and gram sabha proceedings is required when a project calls for all three: a single, local language disclosure of a combined draft assessment; a joint hearing for the EIA and SIA; and a transparent schedule for gram sabha decisions under PESA and the Forest Rights Act. That way, communities wouldn't have to take on as much stress, and their issues would have a place to be heard.

5. Replace the EMP with a binding ESMP

An Environmental and Social Management Plan, in the prescribed form, shall be attached to the clearance as a binding condition. This plan should replace the Environmental Management Plan and detail each measure, the responsible person, schedule, budget, and indicator. Periodic independent audits and public compliance reports should be put in place to verify compliance. A grievance process should be in place at the project level for individuals who are affected.

Careful planning went into the order of these reforms; the first three can be swiftly implemented by the federal government; the fourth can be accomplished through state-federal cooperation; and the third can be accomplished through targeted amendments to the RFCTLARR Act. Integration can cut down on duplication instead of adding delay if strict deadlines are set for each step; this is crucial for the project's political viability.

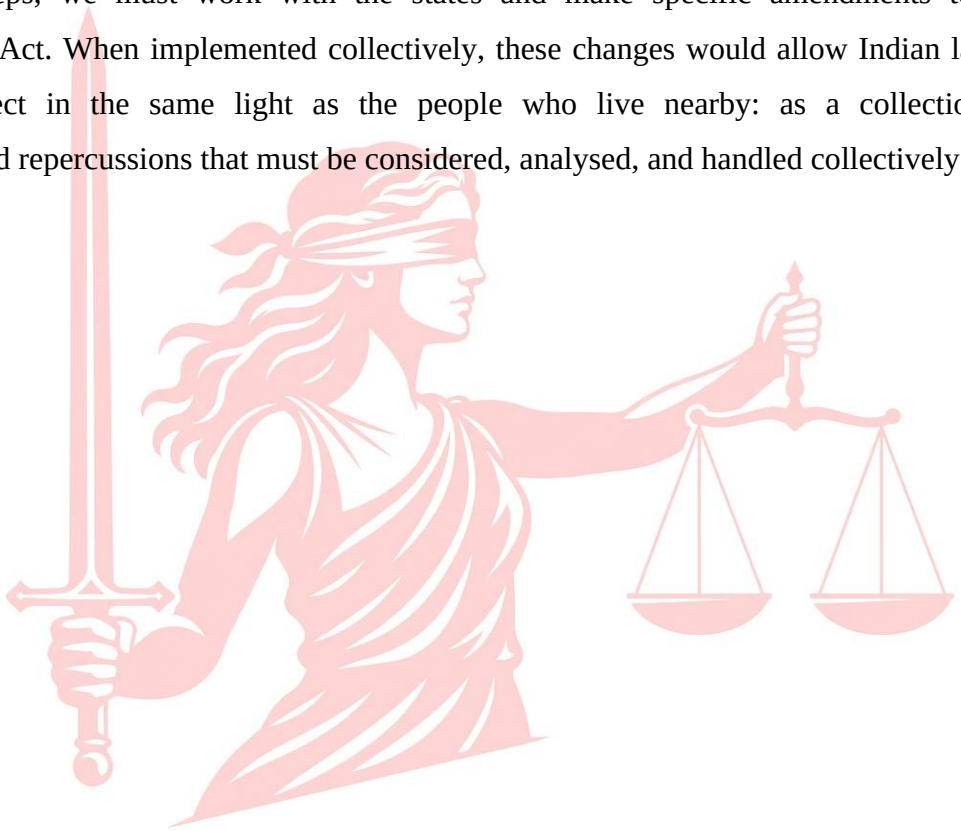
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VII. Conclusion

Since the two regimes in India have distinct origin stories, rather than because anyone thought it was a good idea to keep them apart, the country's development impact assessments focus on the environment and society separately. The costs have become very clear: unanticipated harms, community fatigue from multiple hearings, and judgements made without a complete picture of the project's impact. Judgement rectification is slow and inconsistent, despite the

courts' repeated recognition that the environment and the people who rely on it are inseparable.

A new government agency or a complete overhaul of the legislation are not necessary for integration." An expansion of the EIA Notification's purview, an increase in the membership and experience of appraisal committees, better coordination of ongoing hearings, and the imposition of legal force on the management plan would accomplish much. To complete the remaining steps, we must work with the states and make specific amendments to the RFCTLARR Act. When implemented collectively, these changes would allow Indian law to view a project in the same light as the people who live nearby: as a collection of interconnected repercussions that must be considered, analysed, and handled collectively.



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