

(6) India comparison with international EIA procedures

Table: Comparison of IFC Performance Standards and India EIA System

IFC Performance Standards	EIA Notification 2006 and Subsequent Revisions
Performance Standards-1: Assessment and management of environmental and social risks and impacts	India conducts EIAs on the pollution environment, the natural environment, and the social environment under the EIA Notification 2006. This Notification covers everything from the project planning phase to the construction phase and monitoring after service operation, and also includes the assessment and control of environmental and social risks at each phase.
<p>Performance Standards-2: Labor and working conditions</p> <ul style="list-style-type: none"> • Establish, maintain, and improve the worker-management relationship. • Promote compliance with national labor and employment laws, including prohibiting discrimination and providing equal opportunity for workers. • Tackle issues such as child labor and forced labor. • Promote safe and healthy working conditions. 	<p>According to the Work Sharing Rules of the Government of India, the working environment for workers is under the control of the Ministry of Labor and Employment. In 2009, the National Policy on Safety, Health, and Environment at Workplace (NPSHEW) was developed. This national policy is intended to make all sectors more aware of the safety and health practices in the workplace, reduce the number of injuries, illnesses, accidental deaths and disasters at the workplace, and improve the welfare of workers (ILO 2018).</p> <p>The Employment and Labour Law developed by the Ministry of Labour and Employment consists of the following items: approval for unionization, labor management, labor-management negotiation, unfair labor acts, and the safety and health of the workplace environment. The Employment and Labour Law provides for holidays, annual leave, working hours, wrongful dismissal, minimum wage, layoff procedures, retirement allowance and other employment-related labor standards.¹</p> <p>The Standardization of Environment Clearance Conditions developed by the MoEFCC in 2019 indicates that projects in Category A are required to provide the following: working hours, cooking fuel, portable toilets, portable wastewater treatment facilities, safe drinking water, health care management services, and day nurseries at construction sites (MoEFCC, Standardization of Environment Clearance Conditions 2019).</p>

1. The Equal Remuneration Act 1976 (ER Act): The purpose of this Act is to define equal remuneration for men and women and also prohibit sexual discrimination against women in the workplace. Although the EIA Notification does not refer to gender equality, all business operators are obligated to observe the ER Act.

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<p>Performance Standards-3: Efficient use of resources and prevention/reduction of pollution</p> <ul style="list-style-type: none"> • Avoid or minimize pollution. • Promote the reduction of emissions that are a cause of climate change. 	<p>The EIA Manual for 36 business types developed by the MoEFCC indicates the following three steps: avoidance, minimization, and compensation. This Manual also refers to the control of greenhouse gas emissions, including emissions trading.</p>
<p>Performance Standards-4: Community health, safety and security</p> <ul style="list-style-type: none"> • Avoid or minimize both routine and non-routine risks to and impacts on community health and safety. • Ensure that the safeguarding of personnel and property is carried out through lawful means. 	<p>The EIA Manual for 36 business types developed by the MoEFCC has an item of risk assessment, suggesting that health and safety risks to local communities be assessed and addressed. The Land Acquisition, Rehabilitation, and Resettlement Act (LARR) 2013 defines the guidelines on compensation for affected people and protection of assets.</p>
<p>Performance Standards-5: Land acquisition and involuntary resettlement</p> <ul style="list-style-type: none"> • Avoid or minimize displacement by exploring alternative designs. • Alleviate adverse environmental and social impacts from land acquisition etc. by providing compensation for loss of assets at replacement cost, and ensure that resettlement procedures are implemented with proper disclosure of information, consultation, and participation of local residents. • Improve, or at least restore, the livelihoods and standards of living of displaced persons. • Improve living conditions at resettlement sites by providing adequate housing. 	<p>The EIA Manual for 36 business types developed by the MoEFCC indicates the avoidance and minimization of involuntary resettlement through consideration of alternative solutions. For loss of assets, the reacquisition cost will be compensated in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act (LARR) 2013. This Act also provides for public hearings, survey protocols, and other resident resettlement procedures. Provisions regarding livelihood rehabilitation and resettlement are stipulated in this Act as well.</p>

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<p>Performance Standards-6: Biodiversity Conservation and Sustainable Management of Natural Resources</p> <ul style="list-style-type: none"> • Protect and conserve biodiversity. • Promote the sustainable management and use of natural resources through the adoption of practices that integrate conservation needs and development priorities. 	<p>The Biological Diversity Act 2002 was enacted for biodiversity conservation.</p> <p>Projects to be conducted in Eco-Sensitive Zones (ESZ) or within 10 kilometers of an ESZ are required by the ESZ Notification 2019 to obtain an ESZ clearance at the pre-feasibility report phase.</p> <p>Projects that affect reserved forests or protected forests are obligated by the Forest Conservation Act 1980/1988 to obtain a forest clearance.</p>
<p>Performance Standards-7: Indigenous Peoples</p> <ul style="list-style-type: none"> • Ensure that the development process fosters full respect for the dignity, human rights, aspirations, culture and natural resource-based livelihoods of Indigenous Peoples. • Avoid adverse impacts on communities of Indigenous Peoples, or minimize, mitigate, or compensate for such impacts, and provide Indigenous Peoples with opportunities for development benefits in a culturally appropriate manner. • Establish and maintain an ongoing relationship with Indigenous Peoples affected by the project. • Foster good faith negotiation with and the participation of Indigenous 	<p>For the sake of respect for the dignity and human rights of scheduled tribes and scheduled castes, the Untouchability Practices Act 1955, the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989, and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 were formulated.</p> <p>The rights for the lands traditionally or conventionally used by indigenous peoples are recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.</p> <p>Compensation for indigenous peoples is made under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act (LARR) 2013.</p> <p>Projects that go through the Panchayat scheduled areas and that affect more than 50% of the tribe's population or impact their livelihoods are required by the Panchayat Extension to Scheduled Areas Act (PESA) 1996 to obtain written consent from the village or the community meeting (Gram Sabha).</p> <p>In conducting development projects, the Environment and Social Safeguard Framework (ESSF) is also employed to protect the rights of indigenous peoples. The ESSF is not mandatory for business operators, while projects of the India Infrastructure Financing Company Limited (IIFCL) ² are subject to this</p>

2. The India Infrastructure Financing Company Limited (IIFCL) was established on January 5, 2006, as a state-owned company under the Companies Act 1956. This company invests in medium- and large-scale infrastructure projects related to transportation, energy, communication, water, and sanitation, and social and commercial infrastructure. These projects may pose negative impacts on the environment and society. As a financial institution with environmental knowledge and social responsibility, IIFCL declares that it will avoid and compensate the negative impacts of projects in

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<p>Peoples when projects are to be located on traditional or customary lands under use by the Indigenous Peoples.</p> <ul style="list-style-type: none"> • Respect and preserve the culture, knowledge and practices of Indigenous Peoples. 	<p>framework (IIFCL 2013).</p>
<p>Performance Standards-8: Cultural Heritage</p> <ul style="list-style-type: none"> • Protect cultural heritage and support its preservation. • Promote the equitable sharing of benefits from the use of cultural heritage in business activities. 	<p>Business operators engaged within 100 meters of an archaeological site are obligated by the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation Act) 2010 to obtain an archaeological permission at the pre-feasibility report (PFR) phase.</p>

its portfolio on the environment and society. IIFCL has the Environmental and Social Safeguard Policy (ESSP) and protocol frameworks to fulfill the commitments.