

# The Instrument of Public Consultation

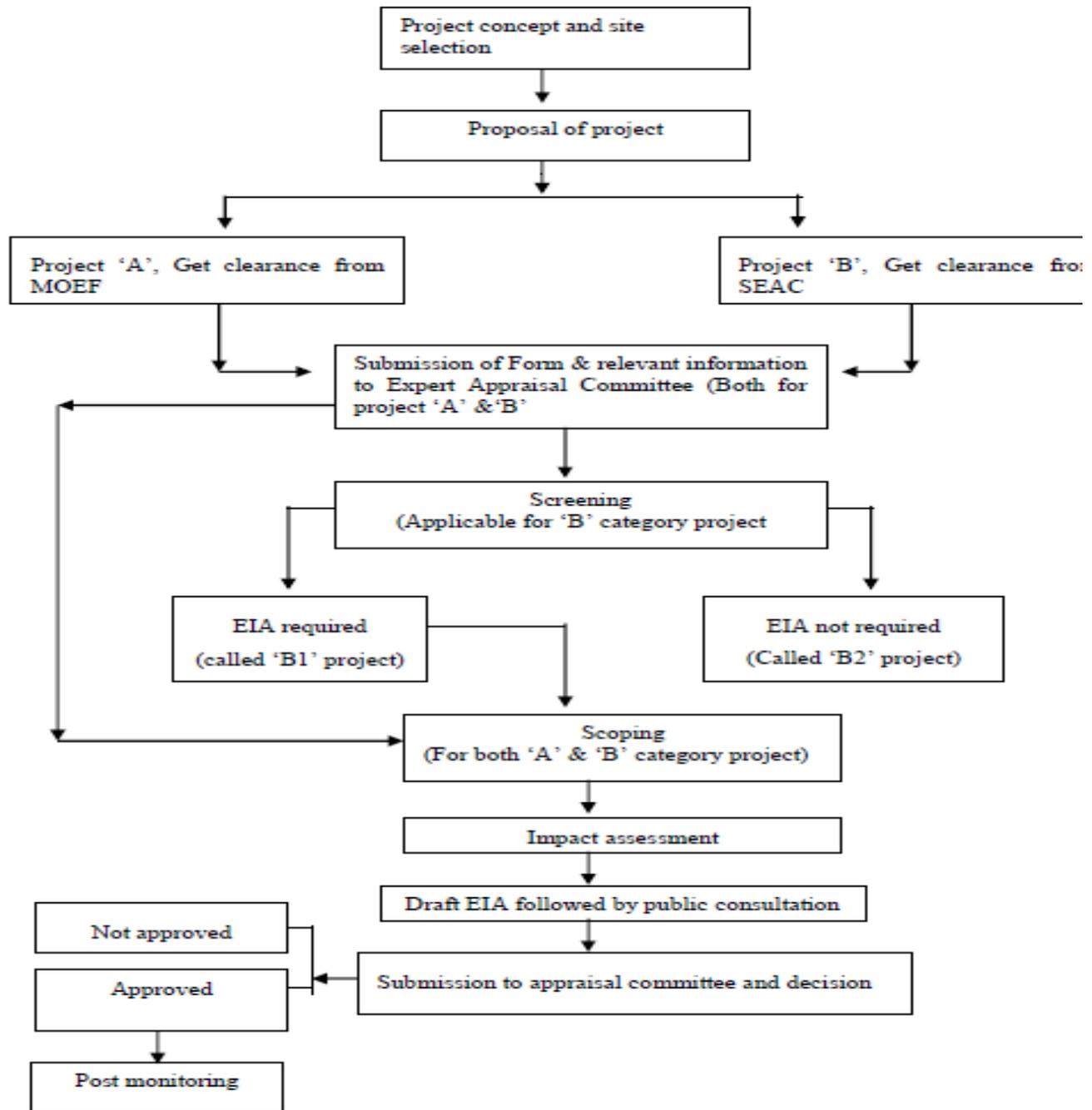


# Public Consultation in EIA Process

- An important part of EIA process
- Performed in two steps:
  - Public Hearing for local people; and
  - Written comments from other stakeholders



## EIA process in India



# Why Public Hearing?

- Raising awareness about the possible impacts of the project
- Giving local communities a say
- Bringing different perspectives
- Incorporating local information



# Public Hearing Process

- Notice for hearing to be placed in one national daily, and one regional vernacular daily newspaper
- Local community to have a minimum of 30 days to respond to draft EIA report
- Video Recording
- All responses to be noted down, read out to audience in vernacular language and minutes to be sent to respective State Pollution Control Board



# Recent Trends of doing away with Public Hearing

## 1. **Inadequate** Information

EIA report generally remains silent on the environmentally sensitive areas surrounding the project

- Example: The EIA report for Nirma Cement in Mahuva, Gujarat does not disclose the presence of water body in proposed plant premises
- The objections made during public hearing were not incorporated in the MoM



# Recent Trends of doing away with Public Hearing

## 2. **Inappropriate Venue** of hearing

To refrain project affected people from reaching the venue

- Example: In 2010, public hearings of two different projects (Adani's Mundra SEZ and KPGL Power Plant) fixed on same date and same venue
- Public hearing for a limestone mining project in Jaisalmer was organized 60 km from the project site from where there was only one bus in a day to reach the site of public hearing



# Recent Trends of doing away with Public Hearing

## 3. Exemption to Projects from public hearing

- 2017: Expansion of coal mining projects up to 40 percent capacity
- January, 2020: Hydrocarbon exploration activities exempted from EIA and PH
- March 2020:
  - Modernisation of irrigation projects
  - Expansion or modernization projects with capacity increase more than 50 percent
  - All building, construction and area development projects
  - Inland waterways
  - Expansion or widening of national highways
  - All projects concerning national defense and security or involving “other strategic considerations”



# Recent Trends of doing away with Public Hearing

## 4. Project Clearance even after Public says **NO**

Example: Dibang Hydropower project in Arunachal Pradesh

- Foundation stone laid in 2008
- Strong opposition by Local tribes and various stakeholders: displacement of local tribe's community land and destruction of rich biodiversity
- Rejected twice by forest appraisal committee stating that fallout of the project on such a rich biodiversity zone would be such that regaining it "may be very difficult through any type of mitigation measure."
- The Cabinet Committee on Economic Affairs (CCEA) gave a go ahead to the project in July 2019



# CSE's AGENDA: DEEPEN PUBLIC ASSESSMENT

## STRENGTHEN PUBLIC HEARING

- **Live streaming** of proceedings of public hearing
- All information pertaining to the concerns raised in public hearings should be put in public domain
- When project is cleared the report back on peoples concern should be made available – what they said and what was taken into account
- There is no provision to ensure that voices are heard before project is cleared and this then leads to lack of credibility in the system
- Public **Assessment**, not Public Consultation
- Not a one day job, public be involved at **different stages** of project

CSE recommends **inclusive** development

