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

1. Project concept and site selection
   - Proposal of project
     - Project ‘A’, Get clearance from MOEF
     - Project ‘B’, Get clearance from SEAC

2. Submission of Form & relevant information to Expert Appraisal Committee (Both for project ‘A’ & ‘B’)

3. Screening (Applicable for ‘B’ category project)
   - EIA required (called ‘B1’ project)
   - EIA not required (Called ‘B2’ project)

4. Scoping (For both ‘A’ & ‘B’ category project)
   - Impact assessment
     - Not approved
       - Draft EIA followed by public consultation
     - Approved
       - Submission to appraisal committee and decision
       - Post monitoring
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
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