

Public Participation in Environmental Impact Assessment and Social Inclusion in India

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Abstract—Growing conflicts between economic development and environmental sustainability has emerged one of the most pressing issues in contemporary intellectual and civil society discourses. Modernisation has indubitably made this world a much better place to live. Although, unsustainable and unscientific exploitation of earth's resources has put additional pressure on the natural ecosystem. Consequently, environment experts and civil society have become more assertive and resistive to such unsustainable developmental activities both locally and globally. Establishment of a developmental plan, policy, project etc. needs to be evaluated and assessed in a comprehensive, inclusive and holistic manner. India is a unique country with unique climatic, demographic and socio-cultural features and needs. The country is galloping fast on economic front and modernisation is in full swing. Paradoxically, protests against developmental projects have also increased in numbers and intensity in various parts of the country in recent decades. Increased protests against developmental projects are becoming a serious challenge to the society and economy of the country. There is a need to ensure harmony and synergy between economic development, environmental sustainability and social security. Present paper is an attempt to analyse those mechanisms which were established to ensure more inclusive, harmonious and ecologically synergic developmental patterns in India.

1. INTRODUCTION

One important issue which has captured the attention of society and government worldwide is the growing debate between economic development and environmental security and sustainability. The ever increasing population and rapid urbanization has further accelerated the pace of economic growth in various parts of the world today. Although, economic development has improved the lifestyle of millions of people in the world. It is equally true that such growth in industrialization has put extra pressure on natural ecosystem. The rising earth's temperature, uncertain weather pattern and increased natural disaster in the form of droughts, tsunami, and hurricane have all plunged many people to misery in past few decades.

Consequently, state authority, civil society and non-governmental organizations have entered in to remedial mood. Many strategies were suggested to protect the earth's ecosystem from unrestricted industrialization. *Environmental Impact Assessment* (EIA) is one among the environmental management mechanism which provides a very wide and comprehensive cost-benefit analysis of any developmental project. EIA is an important procedure to ensure environmental effects of various developmental plans, projects and policy activities before project is allowed to reach its operational phase.

One of the most significant determinants of EIA is the procedure of *Public Hearing* (PH) and *Public Participation* (PP) on any developmental project. In a highly democratized political system, public participation is epitomized as a viable source of political stability and legitimacy.

People's consent is therefore, attributed as highest priority in decision-making in most liberal and social democratic countries of the world today. Effective public participation increases the credibility of government policies and institutions responsible for executing the public trust by ensuring an open and inclusive decision-making process [1]. The challenges of a development pattern striving to harmonize economics with social and environmental needs require active participation of common people in public safety and welfare issues. Public participation and opinion about development is fundamental to achieving lasting and possible solutions to conflicting issues.

2. MEANING OF THE ENVIRONMENTAL IMPACT ASSESSMENT

Environmental impact assessment refers to the need to identify and predict the impacts of any legislative proposals, policies, programmes, projects and operational procedure on the environment and on man's health and well-being and to interpret the communicate information about the impact [2].

Ministry of Environment and Forest, (MoEF) Government of India, (GoI) defines EIA as,

“a process by which development activities are appraised by the ministry. This is therefore, to ensure that, environmental concerns are integrated in the development activities in order to achieve sustainable development” [3].

In broadest term, EIA describes a technique and a process by which information's about the environmental effects of a project is collected, both by developer and from other sources, and taken into account by planned authority in forming their judgments on whether the development should go ahead.

It is participatory, anticipatory, constructive and systematic in nature and relies on multi-disciplinary observation [4]. Environmental impact assessment is a wider concept which includes systematic investigation of both positive and negative impacts of any project, scheme and policy on the physical, biological and socio-economic environment [5]. The concept of EIA aimed to reduce the risks of proposed project. It interacts with the physical, biotic, socio-economic and demographic environments to concentrate in environment protection mechanism.

3. GENESIS AND DEVELOPMENT OF ENVIRONMENTAL IMPACT ASSESSMENT

The concept of EIA was first introduced in the United States of America (USA) from Section 102 (2) of the *National Environmental Policy Act* (NEPA), 1969. According to the Act, the decision on major federal activities (project, plan and governmental policy etc.) can only be taken with fore-knowledge of their likely environmental consequences [6]. Later on in 1985 the concept of EIA was introduced and recognized in Europe when European Community issued directive 85/337 to direct the members countries to adopt EIA by the year 1988 [7].

More importantly, EIA received global appreciation in 1987 when *United Nations Environment Programme* (UNEP) adopted general goals and principles for EIA [8] Two years later in 1989 the *World Bank* made it mandatory to get EIA for projects in finances [9]. At present, both the developed and developing nations have introduced EIA as a major determinant accessing the socio-environmental impacts of all major development policy, plan and project.

EIA has been introduced and is in process in many developing countries [10]. Although, EIA has its roots in Western countries which followed their particular rules and regulations to operationalize it in their respective countries. Though, the functional method of EIA developed in different foundations in these countries. For Instance, in European Union the EIA is usually based on European Council Directive which includes a variety of projects, plan, highway construction and all that activities which has significant effects to the associated

environment [11]. Germany followed the EIA by a law in 1990. In Australia only federal projects require EIAs [12].

The landmark concept of sustainable development in 1987 further comprehended it to the most parts of Europe [13]. Presently, the EIA has become an essential requirement in more than hundred countries [14].

The convening of the *United Nations Conference on Environment and Development* (UNCED) in a critical review of the participatory process in 1992, gave additional impetus to the need for environmental impact assessments as a tool to harmonize environmental and developmental concerns. Principle 17 of Agenda 21, states that,

“environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impacts on the environment and are subject to a decision of a competent national authority” [15].

In India, though EIA came into existence around 1978-79, this has been under implementation since the end of the *Sixth Five Year Plan* by Impact Assessment Division in the Ministry. It originated as a scheme for establishing a Division of Environmental Assessment [16].

However, EIA was made mandatory only in 1994. Since the period, EIA and environmental clearance have been made statutory for 30 categories of developmental activities in the sectors of industry, thermal power mining, river-valley infrastructure and nuclear power [17].

EIA legislation was formally introduced in 27th January, 1994 at the central level by a regulation passed under The Environment (Protection) Act, 1986 [18]. According to the provisions of the Schedule-II of the *Environmental Impact Assessment Notification S.O.60 (E), 1994*, any person seeking to establish new project in any part of India or the innovation of any existing industry, project or plan listed in the Schedule-I shall submit an application along with detailed report of EIA and details of public hearing as specified in Schedule-IV of the notification to the Secretary, MoEF, New Delhi [19].

4. PUBLIC PARTICIPATION IN ENVIRONMENTAL IMPACT ASSESSMENT

There have been certain amendments in the 1994 Environmental Impact Assessment Notification as; the provision of public hearing was included in April 4, 1997 under the *Public Hearing Notification* [20]. The act made it mandatory to the project proponent to arrange public hearing as one of the important pre-condition to get the final approval for project execution from the relevant authority. More importantly, Ministry of Environment and Forests, Government of India, is exclusively responsible for the evaluating EIA report submitted by project proponent [21].

Furthermore, the notification of MoEF issued on 14 September, 2006 reaffirmed that, public consultation is

obligatory for certain category of projects that have significant environmental impacts to the surrounding atmosphere [22]. The re-engineering of EIA regulations in 2006, has added the screening and scoping of the project proposal for the identification of the actual environmental priority.

The environmental clearance process 2006 has also been decentralized for certain categories of projects, termed as Category 'B' projects, such projects will be appraised at state level by constituting a *State Level Environment Impact Assessment Authority* (SEIAA) and *State Level Expert Appraisal Committee* (SEAC) [23]. Ministry of Environment and Forests, Government of India is solely responsible for notification of EIA [24].

The State Pollution Control Board has the exclusive authority to introduce a notice for public hearing which shall be published in at least two newspapers widely circulated in the region around the project, one of which shall be in the vernacular language of the locality concerned. State Pollution Control Board shall mention the date, time and place of public hearing. Suggestions, views, comments and objections of the public shall be invited within 30 days from the date of publication of the notification [25].

5. WHO CAN PARTICIPATE IN PUBLIC HEARING MEETING

All persons including bonafide residents, environmental groups and others located at the project site and sites of displacement likely to be affected can participate in the public hearing. They can also make verbal and written suggestions to the State Pollution Control Board.

Composition of Public Hearing Panel

The composition of public hearing panel will include the following personalities:

- Representative of State Pollution Control Board.
- District Collector or his nominee.
- Representative of State Government dealing with the subject.
- Representative of Department of the State Government dealing with Environment.
- Not more than three representatives of the local bodies such as Municipalities or Panchayats (unit of local government).
- Not more than three senior citizens of the area nominated by the District Collector.

According to the amended EIA Notification, 2006 Ministry of Environment and Forestry, Government of India, the concerns of the project affected people should be ascertained through public consultation. Therefore, it's obligatory to conduct a public hearing meeting at the project vicinity with the early

approval of concerned State Pollution Control Board. The notice of public hearing should be advertised in one major national newspaper and one in regional newspaper, with a minimum notice period of 30 days, as mentioned earlier, for assessing the reaction of public [26].

It is also statutory to forward one hard copy and one soft copy of the EIA report and its executive summary to authorities namely, District Magistrate, Zila Parishad (district council) or Municipal Corporation, District Industries Office and Regional Office of MoEF. The notice for public hearing informs the public about these places or offices where the public could access the EIA report and it's executive summary, before the public hearing begins.

MoEF and the concerned State Pollution Control Board also invite responses from concerned person by placing on their website the summary EIA report for obtaining written response from the public. The public hearing report of a project forms the part of environmental clearance proposal that is submitted to MoEF along with EIA and EMP reports. SPCB notifies the date of public hearing through local newspapers and other means for wide circulation indicating specified time period for the hearing [27].

EIAs and Initial Environmental Examinations (IEE) will be reviewed and approved by ADB and GoI before commencement of detailed design, and EIA and IEE details and results will be communicated to the local community before commencement of construction. Summary IEEs and summary EIAs will be prepared and disclosed in accordance with ADB's *Public Communication Policy 2005*. Category B projects require environmental clearance from the State Environment Impact Assessment Authority (SEIAA)

Moreover, the public hearing provisions of the EIA Notification were changed by two regulations enacted in 1997: *Public Hearing Notification, S.O. 318 (E)*; and *Public Hearing Notification, S.O. 319 (E)* (the public hearing notifications) [28]. The essence of the public hearing notifications is that hearings are now mandatory for all projects to which the EIA Notification applies [29].

6. CONCLUSION

Although, as the current discussion revealed the fact that, the success and progress of public participation has been limited, especially in the developing nations. In India, the numbers of public hearing meeting in EIA of developmental projects is gradually increasing. The democratization of developmental activities has resulted into cooperation and coordination between project developer and the project affected people. The valuable suggestions of the local people in the public hearing meetings have proved important input to project proponent to prepare EIA reports. Although, the widespread poverty, illiteracy, and the awareness deficit are some of the major hurdles to the effective and successful public participation in India.

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