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PROCEDURE FOR ENVIRONMENT CLEARANCE IN INDIA

Ashok K. Rathoure

Akone Services, Surat -395017, Gujarat, India

Corresponding Author's Email: asokumr@gmail.com

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Abstract: The Ministry of Environment and Forests (MoEF), Government of India (GoI), through issuance of EIA notification S.O. 1533 dated 14.09.2006, has restructured the Environmental Clearance procedure in suppression of the earlier environment Impact Assessment (EIA) Notification of January 1994 and its subsequent amendments. Through this notification forty (40) activities (predominantly industrial in nature), have been scheduled for mandatory Environmental Clearance. Part of these activities require Environmental Clearance from Central Level Impact Assessment Authority at MoEF, New Delhi whereas others require Environmental Clearance from state level Environmental Clearance authority *i.e.* State Environment Impact Assessment Authority. Environmental Clearance is now granted by MoEF, New Delhi at central level and also by the state environment clearance authority at state level. In West Bengal, SEIAA and SEAC are comprised of experts from the field of Industrial Engineering, Environmental Management, Public Health Engineering, Town and Country Planning, Economics and other related fields.

Keywords: EIA, State Level Expert Appraisal Committee, Clearance, SEIAA.

Postal Address: Mayashivraj Sadan, Gupta Colony, Hardoi-241001, Uttar Pradesh.

INTRODUCTION

Environmental Impact Assessment (EIA) is a plan to any industrial activity or developmental activity for controlling the adverse impacts and it is important tool for decision-making process to ensure environmentally sound and sustainable development. An EIA concentrate on problems, conflicts and natural resource constraints which might affect the viability of a project. It also predicts how the project could harm to people, their habitat, their livelihoods and the other nearby developmental activities. The environment clearance process is step wise procedure for getting non-objection certificate (NOC) from concerned central or state government depending upon the project category decided by the ministry of India. Environment clearance is necessary for all new projects/activities, expansion and/or moderation

of existing project/activity and change in product mix listed in schedule of EIA notification 2006. The environmental clearance process is required for 37 (40-3 = 37 Sectors) types of projects and covers aspects like screening, scoping and evaluation of the upcoming project. The purpose of Environmental Impact Assessment (EIA) is to identify and evaluate the potential impacts (beneficial and adverse) of development and projects on the environmental system. It is a useful aid for decision making based on understanding of the environment implications including social, cultural and aesthetic concerns which could be integrated with the analysis of the project costs and benefits. This exercise should be undertaken early enough in the planning stage of projects for selection of environmentally compatible sites, process technologies and such other environmental safeguards. The main objective of EC is to formulate a transparent,

decentralized and efficient regulatory mechanism to:

- Incorporate necessary environmental safeguards at planning stage.
- Involve stakeholders in the public consultation process.
- Identify developmental projects based on impact potential instead of the investment criteria.

PARTICIPANTS IN EIA PROCESS

Proponent: It can be government agency or a private firm wishing to initiate the project.

Assessor: It is the agency, company or person having responsibility of preparing the EIA.

Reviewer: It is the agency, board or person having responsibility for reviewing the EIA and assuring compliance with published guidelines or regulations.

Decision maker: It can be a head of state, a group of ministers, an elected body or a single designated individual.

Expert advisors: They are persons with the specialized knowledge required to evaluate the proposed action, they may come from within or outside the government.

Special interest groups: They include environmental organizations (NGO), labour unions, professional societies and local associations.

Public: It includes citizens and the media.

Other government agencies: They are agencies with a special interest in the project. Components of central/state government or district, cities, talukas, villages.

KEYWORDS RELATED TO EIA

- Baseline Data (BLD) means data depicting the pre-project environmental scenario of the proposed project or activity at the site and immediate surroundings
- EIA Report is the document that presents project description, baseline scenario, anticipated environmental impacts, mitigation measures, analysis of alternatives, environmental monitoring programme,

project benefits, environmental management plan, additional studies as per the Terms of Reference prescribed by the regulatory authority in the generic structure specified in the appendix to the notification. The EIA Report is prepared by the project proponent through the Environmental consultant organisations which are accredited for a particular sector and the category of project for that sector with the National Accreditation Board for Education and Training (NABET) of Quality Council of India (QCI) or any other agency as may be notified by the Ministry from time to time

- Draft EIA is the EIA Report prepared for purpose of Public Consultation.
- Final EIA is the EIA Report by addressing the concerns raised by the public during the public consultation, time bound action plan along with budgetary provision for the commitments made therein by the project proponent for the purpose of appraisal
- Expansion for the purpose of this notification, means any increase in mine lease area or length or numbers or generation capacity or culturable command area or production capacity or throughput or project area or handling capacity or built-up area, as applicable to the existing project or activity, resulting in capacity beyond the limits specified for the concerned project or activity, in the schedule or environmental clearance obtained earlier. Any capacity addition through modernization or change in product mix or change in the process shall also be considered as expansion
- Medium Enterprise means the project or activity as defined under Micro, Small and Medium Enterprises Development Act, 2006 and its subsequent amendments.
- Micro Enterprise means the project or activity as defined under Micro, Small and Medium Enterprises Development Act, 2006 and its subsequent amendments.
- Small Enterprise means the project or activity as defined under Micro, Small and Medium

Enterprises Development Act, 2006 and its subsequent amendments.

- Notified Industrial Estate for the purpose of this notification is the Industrial estate including parks, complexes, areas, export processing Zones (EPZs), Special Economic Zones (SEZs), Biotech Parks, Leather Complexes which are notified by the Central Government or State Government or Union Territory administration prior to the 14th September, 2006 or which have obtained the prior environmental clearance as mandated under the EIA Notification, 2006 or subsequent amendments.
- Public Consultation refers to the process by which the concerns of local affected persons and others who have plausible stake in the environmental impacts of the project or activity are ascertained with a view to taking into account all the material concerns in the project or activity design as appropriate. The Public Consultation shall ordinarily have two components comprising of:
 - The public hearing at the site or in its close proximity, district wise in case of the project area located in more than one district, to be carried out in the manner prescribed in the notification, for ascertaining concerns of local affected persons.
 - Inviting responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.
- Protected Areas are areas as notified under the Wild Life (Protection) Act, 1972 (53 of 1972) from time to time.
- Eco-sensitive Areas or Eco-sensitive zones are area or zones as notified under subsection (2) of section 3 of the Environment (Protection) Act, 1986, from time to time.

DEVELOPMENTS IN EIA NOTIFICATION/EC PROCESS

1977-78: Concept of EIA/EC process begins with River valley projects. No legislation support.

23rd May 1986: Environment Protection Act 1986, after Bhopal Gas Tragedy (2-3 Dec. 1984).

27th Jan. 1994: First Notification under EPA 1986 was issued. EIA process became statutory requirement rather than administrative for project/activities.

27th October, 2003 [S.O.1236 (E)]: Draft Amendments: Any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 litres per day or below or with an investment of Rs.50,00,00,000/- or below.

Any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

7th July 2004 [S.O.801 (E)]: I. In paragraph 3- Any construction project falling under entry 31 of Schedule-I including new townships, industrial townships, settlement colonies, commercial complexes, hotel complexes, hospitals and office complexes for 1,000 (one thousand) persons or below or discharging sewage of 50,000 litres per day or below or with an investment of Rs.50,00,00,000/- or below.

Any industrial estate falling under entry 32 of Schedule-I including industrial estates accommodating industrial units in an area of 50 hectares or below but excluding the industrial estates irrespective of area if their pollution potential is high.

II. In Schedule-I, after item 30 and the entry relating thereto, the following shall be inserted, namely:

31. New construction projects.

32. New industrial estates.

14th Sept. 2006: Revised EIA notification- Different projects divided into 8 heads requiring EC either from MoEF or SEAC. Projects were divided into A and B (B1 & B2) category A and

B1 require EIA studies along with Public Hearing as per notification.

11th Oct. 2007 [S.O. 1737 (E)]: New national/state highway and its expansion and GC apply for item 1(a).

19th Jan. 2009 [S.O. 195 (E)]: Revised threshold criteria for different categories. Public hearing agenda placed into Public domain for easier process of EIA and EC.

In said notification, in para 2 after subpara (iii) - However, modernization or expansion proposals without any increase in pollution load and or without any additional water and or land requirement are exempted from the provision of this notification.

In para 3 for subpara (7) - All decisions of SEIAA shall be taken in a meeting by majority.

In para 4, in subpara (iii) - In absence of a duly constituted SEIAA or SEAC, a category B project shall be considered at the Central level. However, category B projects are exempted from scoping for three years from the date of issue of this notification shall be substituted.

In para 7(i), in subpara III (Stage 3 of PH)-

(i). Dredging provided the dredged material shall be disposed or dumped within port limits.

(ii). All building or construction projects or area development projects (which do not contain any category A projects and activities) and Township (item 8).

Some other amendments in schedule and category on mining were incorporated.

15th April, 2019: Zero Draft of Environment Impact Assessment Notification, 2019 excluding 6(b) Isolated storage & handling of hazardous chemicals (As per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)

Building and Construction Projects – Cat B2 and Built up area >50,000 to <1,50,000 m²

For small scale industries EC is exempted for various industries.

23rd March 2020: Draft EIA Notification 2020. Draft Notification available in public domain for suggestions and objection on it.

SOME MAJOR CHANGES IN EIA NOTIFICATION 2006

- I. Standard ToR for scoping for all industry - April 2015.
- II. Baseline data in EIA - valid for 3 years – 29th Aug. 2017.
- III. Public hearing exemption – 27th April 2018.
- IV. Form 2 for EIA submission – 20th April 2018.
- V. CER instead of CSR or ESC- 1st May 2018.
- VI. Violation case- 14th March 2018, then 30th May 2018.
- VII. Guidelines for continuous emission monitoring systems- June 2018.
- VIII. Standard EC conditions – 9th Aug. 2018.
- IX. Mining area changed from 50 ha to 100 ha- 14th Aug. 2018.
- X. DEAC/DEIAA - dissolved and public hearing is required more than 5 ha. – as per NGT verdict on 13th Sept. 2018.
- XI. Building or construction projects with built-up area $\geq 20,000\text{m}^2$ change to $\geq 50,000\text{m}^2$ – 15th Nov. 2018.
- XII. Zero draft of environment impact assessment notification, 2019 – 15th April, 2019.
- XIII. Molasses based distilleries (5g) > 100 KLD will be treated as cat. A & < 100 KLD will be treated as cat b - 13th June 2019.
- XIV. 6(b) (Isolated storage & handling of hazardous chemicals) omitted from EIA notification – 13th June 2019.
- XV. Certifying instruments and equipment for monitoring emissions and ambient air – 22nd Aug. 2019.

PROCEDURE FOR ENVIRONMENT CLEARANCE

In case of EIA notification 1994 and its amendments the proponent requires EC from the Central Government as per schedule 1 in EIA notification 1994. But according to EIA notification 2006, schedule 1 is divided in to two categories A and B. Category A requires EC from Central Government (MoEF) and Category B

requires EC from state government. The State Government classifies the Category in B1 and B2. B1 category requires EIA preparation and B2 category does not requires preparation of EIA. Overall decentralized process makes Environment clearance more effective efficient EC procedure is divided in four steps given below.

a) Screening

In case of EIA notification 2004, where screening was not required and 32 categories were selected for which EIA notification is required as no categorization was done in EIA notification 1994. Where in EIA notification 2006, Screening is applicable for only B category of projects/activities and State level Expert Appraisal Committee will decide whether project is needed environmental studies for preparation of an Environmental Impact Assessment (EIA). Depending upon the nature and location, projects requiring EIA report shall be termed as Category B1 and remaining projects shall be termed as Category B2 which does not require EIA. This categorization is done by State Level Expert Appraisal Committee applied in Form 1 by project proponent.

b) Scoping

Scoping was not applicable in EIA notification 1994 and entire TOR was decided by project proponent without ant public consultation. In EIA notification 2006, Scoping is done by the EAC in the case of Category A projects or activities, and SEAC in the case of Category B1 projects or activities determine detailed and comprehensive Terms of Reference (TOR) based on the information provided by the project proponent. The TOR is determined on the basis of the information furnished by the applicant. Application in form 1, prefeasibility report and draft TOR by project proponent is submitted to EAC/SEAC respectively to central/state government from which EAC/SEAC decides TOR for EIA preparation. After deciding TOR, EIA draft report is prepared. TOR should be prepared

within 60 days by EACs if not done project proponent can go ahead with their own TOR.

c) Public Consultation

In case of EIA notification 1994, the project proponent should write the SPCB or district magistrate office for organizing public consultation and it is responsibility of SPCB to publish notice for environmental public hearing in at least two newspapers widely circulated in region and one of the newspapers should be in local language. In EIA notification 2006, SPCB is responsible for conducting public consultation. All category A and B1 projects/activities shall undertake public consultation. It is not applicable to:

1. Modernization of irrigation projects.
2. All projects or activities located within industrial estates or parks) approved by the concerned authorities, and which are not disallowed in such approvals.
3. Expansion of Roads and Highways (item 7 (f) of the Schedule) which do not involve any further acquisition of land.
4. all Building /Construction projects/Area Development projects and Townships
5. All Category 'B2' projects and activities.
6. All projects or activities concerning national defense and security or involving other strategic considerations as determined by the Central Government.

These are the two components of public consultation

1. Public hearing to ascertain the views of local affected people.
 - Public hearing shall be conducted by the State Pollution Control Board (SPCB) within 45 days and if SPCB fails to engage the public hearing within 45 days, central government in Ministry of Environment and forest for Category A and SEIAA for Category B1 appoint another independent organization to do the same within another 45 days.

- If the public agency nominated by SPCB reports that it is not possible to conduct the public hearing in a manner which will enable the views of the concerned local persons to be freely expressed. It shall report the facts in detail to the concerned regulatory authority.
 - After due consideration of the report shall rule that the public consultation in the case need not include the public hearing
2. Obtaining written responses from interested parties
- Within seven days of the receipt of a written request for arranging the public hearing Confidential information including non-disclosable or legally privileged information involving Intellectual Property Right shall not be placed on the website.
 - Make available on written request from any concerned person the Draft EIA report for inspection at a notified place during normal office hours till the date of the public hearing
 - All the responses received as part of this public consultation process shall be forwarded to the applicant through the quickest available means and shall be display on the website.

After public consultation, applicant shall address all environmental concerns expressed during this process and make appropriate changes in the draft EIA and Final EIA report shall be submitted by the applicant to the concerned regulatory authority for appraisal.

d) Appraisal

Appraisal means the detailed study by the Expert Appraisal Committee or State Level Expert Appraisal Committee of the application and other documents submitted by the applicant for grant of environmental clearance. It is carried out on the basis of final EIA report and outcome of public

consultation. Appraisal of all projects or activities which are not required to undergo public consultation, or submit an Environment Impact Assessment report i.e. Category B2 projects/activity shall be carried out on the basis of prescribed application Form 1, Form 1A and any other relevant information. Appraisal should be done within 60 days of receipt of final EIA submission.

PROCEDURE FOR APPRAISAL FOR ENVIRONMENTAL CLEARANCE

The applicant shall apply to the concerned regulatory authority through a simple communication with the following documents where public consultations are mandatory (For Category A & B):

- a) Final Environment Impact Assessment Report (hard copies and soft copy)
- b) A copy of the video tape or CD of the public hearing proceedings
- c) A copy of final layout plan
- d) A copy of the project feasibility report

These documents shall be scrutinized in office within 30 days from the date of its receipt by the concerned Regulatory Authority strictly with reference to the TOR and the inadequacies noted shall be communicated electronically or otherwise in a single set to the Members of the EAC/SEAC enclosing a copy each of the Final EIA Report including the public hearing proceedings and other public responses received along with a copy of Form -1or Form 1A and scheduled date of the EAC /SEAC meeting for considering the proposal. Where a public consultation is not mandatory (Category B1) and therefore a formal EIA study is not required, the appraisal shall be made on the basis of the prescribed application Form 1and a pre-feasibility report in the case of all projects and activities other than Item 8 of the Schedule. In the case of Item 8 of the Schedule, considering its unique project cycle, the EAC or SEAC concerned shall appraise all Category B projects or activities on the basis of Form 1, Form 1A and the conceptual plan and stipulate the conditions for environmental clearance. As and when the

applicant submits the approved scheme/building plans complying with the stipulated environmental clearance conditions with all other necessary statutory approvals, the EAC /SEAC shall recommend the grant of environmental clearance to the competent authority. The minutes of the EAC /SEAC meeting shall be finalized within 5 working days of the meeting and displayed on the website of the concerned regulatory authority. In case the project or activity is recommended for grant of EC, then the minutes shall clearly list out the specific environmental safeguards and conditions. In case the recommendations are for rejection, the reasons for the same shall also be explicitly stated. In case of environmental clearance for expansion with increase in the production capacity beyond the capacity for which prior environmental clearance has been granted under this notification or with increase in either lease area or production capacity in the case of mining projects or for the modernization of an existing unit with increase in the total production capacity beyond the threshold limit prescribed in the Schedule to this notification through change in process and or technology or involving a change in the product –mix shall be made in Form I and they shall be considered by the concerned Expert Appraisal Committee or State Level Expert Appraisal Committee within sixty days, who will decide on the due diligence necessary including preparation of EIA and public consultations and the application shall be appraised accordingly for grant of environmental clearance.

GRANT OR REJECTION OF ENVIRONMENTAL CLEARANCE

The regulatory authority shall consider the recommendations of the EAC or SEAC concerned and convey its decision to the applicant within forty five days of the receipt of the recommendations of the EAC/ SEAC concerned (or in other words within one hundred

and five days of the receipt of the final Environment Impact Assessment Report), and where Environment Impact Assessment is not required, within one hundred and five days of the receipt of the complete application with requisite documents, except the regulatory authority disagrees the recommendation of EAC/SEAC, the regulatory authority shall request reconsideration by the EAC or SEAC concerned within 45 days of the receipt of the recommendations of the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned while stating the reasons for the disagreement. After reconsideration, irrespective of views of Expert Committee, decision of the regulatory authority concerned shall be final. If decision not granted within specified time, the applicant may proceed as if the environment clearance sought for has been granted / denied by the regulatory authority in terms of the final recommendations of the Expert Committee concerned. Deliberate concealment and/or submission of false or misleading information or data which is material to screening or scoping or appraisal or decision on the application shall make the application liable for rejection. Rejection of an application or cancellation of a prior environmental clearance already granted shall be decided by the regulatory authority, after giving a personal hearing to the applicant, and following the principles of natural justice.

VALIDITY OF ENVIRONMENTAL CLEARANCE

The Validity of EC means the time period for which a prior environmental clearance is valid by the regulatory authority. The prior environmental clearance granted for a project or activity shall be valid for a period of ten years in the case of River Valley projects, thirty years for mining projects and five years for other projects.

Table 1. Validity of Environmental Clearance

Project/ Activity	OM S.O. 1141(E) on dtd. 29 th April, 2015		Total Validity (EIA, 2019)
	Validity	Extension of Validity	

All the projects/ activates except Major Irrigation and River valley Projects, Nuclear Power Plants, Mining Projects	7 Years	3 Years	10 years
Major Irrigation and River valley Projects	10 Years	5 Years	15 years
Nuclear Power Plants	10 Years	5 Years	15 years
Mining Projects	Project life as estimated by Expert Appraisal Committee or SEAC or DEAC to a maximum of 30 years	No Extension	Coterminous with the validity of mining lease.

POST ENVIRONMENT CLEARANCE MONITORING

The EIA Notification 2006 makes it mandatory for the project management to submit half-yearly compliance. The EIA Notification makes it mandatory for the project management to submit half-yearly compliance reports in respect of the stipulated prior Environmental clearance terms and conditions. This has to be done in both hard and soft copies and has to be submitted to the regulatory authority concerned, on the 1st of June and 1st of December of each calendar year. All such compliance reports submitted by the project management shall be public documents. Copies of the same shall be given to any person on application to the concerned regulatory authority. The latest such compliance report shall also be displayed on the web site of the concerned regulatory authority. EIA involves a systematic process to evaluate the environmental impacts of a proposed development or action. EIA notification 2006 involves the brief study about the project or activity and also its categorization according to plant size and capacity. This divides the load on the central government (Category A) to State government (Category B1). Public participation is essential in good practice EIA, and there are both costs and benefits associated with implementation. Principles and practice of EIA administration and technical processes are introduced and these will be examined in more detail in Environment Clearance process. EIA helps to identify the impacts of proposed project on environment and the study gives the option for remedial measures to control the degradation of

the environment due to proposed activity or plant and help to achieve sustainable development.

INDUSTRIAL PROJECTS

Industrial projects located in any of the following notified ecologically fragile/sensitive areas would require environmental clearance irrespective of the type of project:

- Religious and historic places
- Archaeological monuments
- Scenic areas
- Hill resorts
- Beach resorts
- Coastal areas rich in mangroves, corals, breeding grounds of specific species
- Estuaries
- Gulf areas
- Biosphere reserves
- National parks and sanctuaries
- National lakes and swamps
- Seismic zones
- Tribal settlements
- Areas of scientific and geological interest
- Defense installations, especially those of security importance and sensitive to pollution
- Border areas (international)
- Airports

There are 8 schedules as per EIA notification 2006.

I. Mining extraction of natural resources and power generation (for a specified production capacity)

- 1(a) Mining of Minerals
- 1(b) Offshore and Onshore oil and gas exploration, development & production
- 1(c) River Valley Projects
- 1(d) Thermal Power Plants

1(e) Nuclear Power Projects and processing of nuclear fuel

II. Primary Processing

2(a) Coal Washeries

2 (b) Mineral Beneficiation

III. Materials Production

3(a) Metallurgical Industries (ferrous & nonferrous)

3(b) Cement Plants

IV. Materials Processing

4(a) Petroleum Refining Industry

4(b) Coke oven plants

4(c) Asbestos milling and asbestos based products

4(d) Chlor-alkali Industry

4(e) Soda Ash Industry

4(f) Leather/Skin/Hide processing industry

V. Manufacturing/Fabrication

5(a) Chemical fertilizers

5(b) Pesticides industry and pesticide specific intermediates (excluding formulations)

5(c) Petro-chemical complexes (industries based on processing of petroleum fractions & natural gas and/or reforming to aromatics)

5(d) Manmade fibers Manufacturing 5(e) petrochemical based complexes (processing other than cracking & reformation and not covered under the complexes)

5(f) Synthetic organic chemicals industry (dyes & dye intermediates; bulk drugs and intermediates excluding drug formulations; synthetic rubbers; basic organic chemicals, other synthetic organic chemicals and chemical intermediates)

5(g) Distilleries

5(h) Integrated paint industry

5(i) Pulp & Paper industry excluding manufacturing of paper from waste paper and manufacture of paper from ready pulp without bleaching

5(j) Sugar Industry

VI. Service Sectors

6(a) Oil & gas transportation pipeline (crude and refinery/petrochemical products), passing through national parks/sanctuaries/coral reefs/ecologically sensitive areas including LNG Terminal

6(b) Isolated storage & Handling of hazardous chemicals (as per threshold planning quantity indicated in column 3 of schedule 2 & 3 of MSIHC Rules 1989 amended 2000)

Deleted on 13th June 2019 by S.O. 1960(E)

VII. Physical Infrastructure including Environmental Services

7(a) Air Ports

7(b) All ship breaking yards including ship breaking units.

7(c) Industrial estates/parks/complexes/areas, export processing zones (EPZs), Special Economic Zones (SEZs), Biotech parks, leather complexes.

7(d) Common hazardous waste treatment, storage and disposal facilities (TSDFs).

7(e) Ports, Harbors.

7(f) Highways.

7(g) Aerial Ropeways.

7(h) Common Effluent Treatment Plants (CETPs).

7(i) Common Municipal Solid Waste Management Facility (CMSWMF).

VIII. Building/Construction projects/Area Development projects and Townships

8(a) Building and Construction Projects (20,000 sq.m. to 150,000 sq. m.)

8(b) Townships and Area Development projects.

PUBLIC HEARING

Involvement of the public is one of the fundamental principles of a successful EIA process. It not only provides an opportunity to those directly affected by a project to express their views on the environmental and social impacts of the proposal but also brings about transparency in the environmental clearance system. Nearly all EIA systems make some sort of provision for public involvement. This could be in the form of public consultation or dialogue or public participation which is a more interactive and intensive process of stakeholder engagement. Most EIA processes are undertaken through public consultation rather than participation. Public consultation refers to the process by which the concerns of the local people regarding the adverse impacts of a

project are ascertained and taken into account in the EIA study. This concept was legally introduced in India in the form of public hearing in 1997. Since then the public hearing process has been conducted as a mandatory step of environmental clearance for most projects and activities. The public consultation process ensures an equitable and fair decision-making process resulting in better environmental outcomes. The type of consultation, whom to consult during EIA activities, when and how to do so and who should do it all vary significantly from project to project. This depends on the needs of the project. However, it is an important component for all kinds of project. This is because public consultations help allay the concerns of the local community, and reduce inaccurate information in the EIA report. Ideally public consultation should start from when the idea of the project is conceived and continue throughout the course of the EIA. The five main stages when public involvement can take place in the EIA process are screening, scoping, impact analysis and mitigation, review of EIA quality, and implementation and follow up. In India, the role of the public in the entire environment clearance process is quite limited. Public consultation happens at a very late stage when the EIA report is already prepared and the proponent is about to present it to the review committee for clearance. Even if the members of the community raise certain issues in the public hearing process, they have no means of knowing if it actually gets addressed in the final EIA report as they have no access to it. There are several weaknesses in the public hearing process as it exists now. Instead of becoming a participatory forum it has become a mere procedure. There was a chance to address some of these weaknesses in the new notification and give more teeth to the entire public hearing process. However, there is very little improvement in the new notification; instead it has now added a

provision which makes it possible to completely forego the public hearing process if the situation is not conducive for conducting hearing as felt by the local administration. This provision can be misused to further limit the role of the public in the entire process. There have been several cases in the past that have shown that the public hearing process has failed to meet its objective of effectively involving people in the clearance process. Several means have been devised to keep the public away such as poor circulation of notice, politics, etc.

CONCLUSION

The environmental clearance process is required for all scheduled industrial, infrastructure projects and covers aspects like screening, scoping and evaluation of the upcoming project. The main purpose is to assess impact of the planned project on the environment and people and to try to abate/minimize the same.

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