

Public Consultation : EIA – Indian Perspective

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Abstract

The procedure of prior Environmental Clearance (EC) mandates Public Consultation to elicit concerns of local affected persons and others who have plausible stake in the Environmental Impacts of development projects in India. Mining sector is vibrant in India with 60 projects, having mine lease area of above 50 Ha, obtaining prior Environmental Clearance based on scoping, public consultation and appraisal of Environmental Impact Assessment reports during 2012-2013. Draft Environmental Impact Assessment report is submitted for public consultation, after widely publicizing the availability of the report and executive summary documents both in English and Regional Language. The Present study assesses stakeholder participation in the public consultation process of 40 mining projects during the past 5 years.

The Minutes of Meeting (MoM) of public consultation process available from the websites of Ministry of Environment and Forests (MoEF). Governments of India and State Pollution Control Boards are studied with respect to public participation and concerns expressed by stake holders.

It is observed that the number of speakers range from 1 -57, while representations received from stakeholders range from 0-12 during public consultation. The concerns of local affected people are mainly centered around request for employment to local residents, Corporate Social Responsibility (CSR) and impacts of pollution on agriculture. The public consultation MoMs reflect expectations and understanding of stakeholders with respect to Impacts of Mining projects and the mitigation measures. This paper summarizes the same.

Introduction

The Rio Declaration on Environment and Development (1992), mentioned at principle 10, the need for public participation and urged the states to facilitate and encourage public awareness and participation by making information widely available during the

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Environmental decision making process. Ministry of Environment and Forests (MoEF), Government of India adopted public hearing process in April 1997 as part of Environmental Clearance process. The issue of environmental clearance for development projects involved appraisal of environmental impact assessment reports after public hearing at the project site or at a public building nearest to the site (after its introduction in 1997), was initiated in India in May 1994 (vide S.O. 60 (E) issued by Ministry of Environment and forests, Government of India). A new notification was issued (vide S.O. 1533 dt. September 14, 2006) by the MoEF suppressing the earlier notification of environmental clearance. The new notification mandates prior environmental clearance consisting of screening, scoping, public consultation and appraisal of Environmental Impact Assessment reports for development projects of various sectors. The notification describes public consultation as a 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 process has two components; public hearing at the site or at its close proximity for ascertaining concerns of local affected persons, and obtaining responses in writing from other concerned persons having a plausible stake in the environmental aspects of the project or activity.

The project proponents conduct environmental impact study based on scoping by MoEF. They submit draft EIA report and executive summary of the report both in English and regional language for public consultation, to the state pollution control board. The public consultation is held with a prior notice of 30 days publicized in news papers, and the EIA documents are kept at various local body offices and government offices of the impact area, for public access. The proceedings of public consultation are recorded under the supervision of a judicial authority of a rank not less than an additional district magistrate. The minutes of the meeting (MoM) or public consultation proceedings are prepared in both English and regional language and are circulated to the above mentioned offices for public access. The concerns expressed during public consultation and the project proponent's response, are incorporated in the final EIA report for appraisal by MoEF for issuing the prior Environmental Clearance.

Indian mining industry contributed 2.6% to GDP valued at US \$ 41.6 billion, during 2011-2012, from mining of 87 minerals; 4 fuels, 10 metallic, 47 non metallic, 3 atomic and 27 minor minerals (building and other materials). The extent of mine lease vary from 0.5 ha to thousands of ha. The mining activity is mandated to obtain prior environmental clearance before developing the mine and before expanding the mineral throughput or mine lease area.

The present case study reviews the minutes of public consultation conducted during 2008 - 2013, held for randomly selected 40 numbers. of mining projects in India. The objective is to identify common concerns expressed by stakeholders across the country and assess their relevance to the Environmental aspects of mining activity.

Materials and Methods

The minutes of public consultation are displayed in the web sites of State Pollution Control Boards and in final EIA reports submitted to the MoEF. The minutes of public consultation held during 2008 – 2013 for 40 numbers of randomly selected mining projects were collected from the websites and public domain. The minutes are studied with respect to mine lease area, type of mineral, number of participants, speakers, and written responses received from stake holders. The concerns expressed by the stakeholders are segregated into environmental impacts of mining activity, i.e., land use, air pollution, water pollution, soil contamination, noise and vibration, ecology, occupational health and safety, and socio economic. Concerns related to secondary impacts expressed by stakeholders, in addition to expectations of the stakeholders from the project proponents and statutory authorities are also compiled from the minutes to assess their perspective of public consultation.

Results and Discussion

The total number of projects reviewed are 40. The mine leases are classified based on the type of minerals, i.e., fuels, metallic, non-metallic and atomic. The mine lease area (**Table 1**) ranges from 10.32 ha to 1979.75 ha.

Table 1 Type of Mineral and Mine Lease Area

S. No	Type of Mineral	No. of Projects Reviewed	Mine Lease Area (ha)	
			Min	Max
1	Atomic	1	44.62	
2	Fuel	7	198.98	1488.42
3	Metallic	10	64.46	971.25
4	Non-Metallic	22	10.32	1979.75

The **Table 2** presents the range for participants in public consultation, speakers at public hearing and written representations received. The speakers consist of local residents, public representatives, and Non-governmental organizations (NGO's). It was observed that one project had one speaker despite participation of 150 people, and 10 numbers of written representations. Similarly one project had 57 speakers from among local residents out of 110 participants, without any other kind of speakers and any written representation.

Table 2 Public Consultation and Participation

Type of Mineral	No. of Participants (Range)	No. of Speakers (Range)			No. of Written Representation (Range)		
		Local Residents	Public Representatives	NGOs	Local Residents	Public Representatives	NGOs
Atomic	280	18	27	--	--	--	--
Fuel	65-450	7-18	2-6	0-3	3-7	0-3	0-1
Metallic	75-150	0-57	0-5	0-3	5-10	0-3	
Non-Metallic	45-400	0-33	0-8	0-8	4-6	0-3	0-9

The **Table 3** presents the aspects and concerns expressed by participants. The aspects are identified from mainly environmental impacts, CSR and others. Concerns of land use are expressed in loss of grazing land, loss of connectivity and loss of forest land. The concerns expressed by the participants related to air pollution is fugitive dust due to transportation activity. Water pollution aspect is reflected by the concerns expressed about ground water depletion and water pollution due to mine discharge. The concerns expressed by the participants related to noise and vibrations are mainly related to vibration due to blasting activity. The socio economic aspect is mainly reflected by demand for employment to local residents, which is observed in most of the projects. The ecology aspect is reflected by the concern of improving green area, and avoidance of forest land acquisition. The occupational safety and health aspect is reflected in the demand for provision of health checkup and

Personal protective equipment to employees. There was appreciation for CSR in few projects, while demands for provision of schools, hospitals etc. in most of the projects. The other aspects are related to the concerns of damage to connecting roads, and loss of agricultural productivity. It was consistently observed that speakers in most of public hearings, sought employment to local residents and CSR activity by the proponent, while expressing apprehension regarding loss of agricultural productivity due to mining activity. The participation of NGOs is observed to be low, and the concerns expressed by them are related to depletion of ground water levels due to mining, and requests for provision of employment to affected people, and CSR activity by project proponents.

Table 3. Aspects and Concerns

S.No	Aspects	No. of Projects Where Concern Related to an Aspect is Raised			
		Atomic	Fuel	Metallic	Non-Metallic
1	Land use	1	--	1	3
2	Soil Contamination	--	--	--	--
3	Water Pollution	--	4	7	8
4	Air Pollution	--	4	5	8
5	Noise and Vibration	--	2	3	4
6	Socio Economic	1	7	8	17
7	Ecology	--	2	8	5
8	Occupational safety	--	--	--	4
9	CSR	--	4	5	8
10	Others	1	4	7	15
No. of Projects reviewed		1	7	10	22

Conclusion

The major concern expressed in public consultation is related to provision of employment to local residents followed by request for participation in local developmental activity as part of CSR. The concerns categorized as others are, concerns which are not related to the project, for which the public consultation is being conducted. The secondary impact on agricultural productivity due to mining activity was a major concern among local affected people. The public consultation process is vibrant with active participation mainly by local residents.

Acknowledgements

We acknowledge the support and assistance extended by our colleagues Mr. T. Ravi Kiran and Mr. J. Satheesh.

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