

Socio-economic considerations in environmental decision-making in India



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Outline of the presentation

- Historical perspective
- Legal support and specific provisions
- Process of incorporating socio-economic concerns in development decisions
- Overview of public perception of impacts
- Critical links between biodiversity loss and socio-economic impacts
- Role of impact assessments in decision-making

Origin of environmentalism

1970s Environmental and ecological movements

Dams induced displacement : ‘Stop Tehri Dam’, and ‘Save Narmada’ movements

Mining: anti-mine movements (BALCO, POSCO, Vedanta projects)

Ecological destruction : Silent Valley, Chipko, ‘Save Chilka lake’ movements

Sustainable development practices: *Pani Panchayats* (Water rights movements)

Pre-EIA phase

1977-78 EIA became an administrative requirement for multipurpose river valley projects

Post 1985 Social mobilization by different civil society organizations

80s-90s Public litigations for protecting the environment and ecology

(Important landmarks include: closure of limestone quarries in the Doon Valley and polluting tanneries along the Ganges)

Legal and policy support

- **1985** Bhopal gas tragedy necessitated the enactment of Environmental Protection Act (EPA 1986)
- **1994** EIA was legally notified under the Environmental Protection Act 1986
- **1997** Legal provision for public involvement in EIA
- **2006** Mandated provisions for public hearing to reach appraisal without distortions
- **2007** The National R&R Policy (2007) provision for conducting SIA for a new project or expansion of an existing project

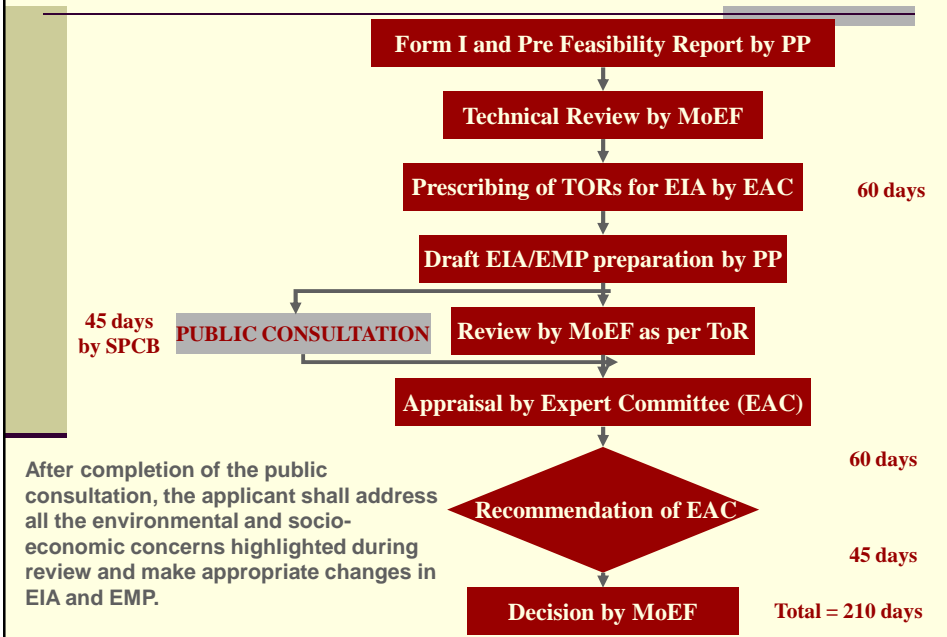
Other triggers for EIA

- Increasing recognition and importance of EA globally
- International obligations (CBD, Ramsar)
- Requirements for donor funded projects
- Regional and national conservation priorities
- Economic development imperatives
- Growing awareness of environmental consequences
- Lessons from past development projects

Salient Features of EIA Notification (1994-2006)

- Umbrella legislation for EIA
- Categorization of projects based on impact potential
- EIA mandatory for specific projects
- Public consultation mandatory
- Validity of the environmental clearance defined
- Provisions for revoking clearance

Decision making Process for Category 'A' Projects



Integration of socio-economic impacts in EIA

Social Impact Assessment is a part of the Environment Impact Assessment process in India

'Public hearing' only process by which the concerns of the local people are ascertained and taken into account in decision making'.



Public consultation process in EIA

EIA Process in India

EIA Notification

(MoEF, 1994)

MoEF (1997)

Public participation in EIA

Objective

Ensure accountability for decisions and actions which are based on transparency through access to relevant and accurate information to all stakeholders



Public Hearing



- Public hearing report became mandatory along with an EIA report for environmental clearance.
- State Pollution Control Boards (SPCB) to organize the public hearings and prepare the proceedings.
- The SPCB to issue 'No Objection Certificate' after the public hearing.

The State Pollution Control Board (SPCB) to issue a notice for 'public hearing' specifying date, time and venue (published in at least two papers of which one is in local language) at least 30 days before the date of public hearing.

Public to include:

- All persons including bonafide residents
- Environmental groups
- Other local authorities with their limits within the project site
- Persons located at the project site or site of displacement
- Project proponents
- Any person (s) likely to be affected by the grant of environmental clearance



Public hearing panel

- Representatives of State Pollution Control Board
- District Collector or nominee
- Representative of State Government dealing with the subject
- State Government Department dealing with the environment
- Local bodies such as Municipalities
- Senior citizens nominated by District Collector.



Access to information for the public

The public must have access to the executive summary of the project at:

- *District Collector's Office*
- *District Industry Centre*
- *Office of the Municipal Corporation/Local Body*
- *Head of the State Pollution Control Board*
- *State Department of Environment*

Outputs of the public hearing

Proceedings of the public hearing for submission to decision making agency for environmental appraisal of the projects.

Major issues highlighted during public hearing			
Issues	Most frequent >50%	Moderate 20-50%	Less frequent <20%
Conflicts between migrants & locals	✓		
Compensation for land	✓		
Monetary support for rehabilitation	✓		
Employment opportunities	✓		
Protection of heritage sites and temples		✓	
Protection of grazing land	✓		
Impacts on fish culture	✓		
Water quality and availability	✓		
Destruction of forest based resources		✓	
Destruction of wildlife habitats		✓	
Decline in fuel wood resources	✓		
Changes in biodiversity linked economy	✓		
Pollution of air, water and land	✓	✓	
Safety measures for human health		✓	

Major pitfalls

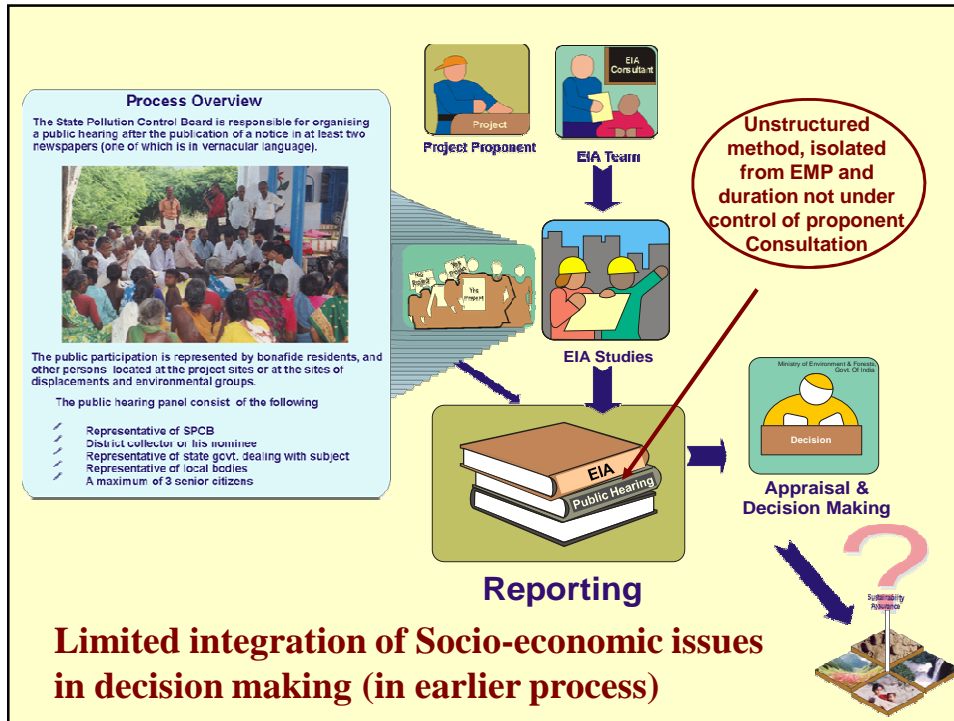
- ◆ Procedural deficiencies
- ◆ Operational pitfalls

Procedural deficiencies

- ◆ Communication of information about public hearing
- ◆ Changes in Public Hearing schedule without notice
- ◆ Uncertainty of the venue of public hearing
- ◆ Control of public hearing process by State Pollution Control Boards
- ◆ Composition of public hearing panel
- ◆ Limited role of panel members
- ◆ Documentation of public hearing proceedings

Operational pitfalls

- ◆ Lack of sufficient information about the project and its impacts
- ◆ Non user-friendly nature of information in executive summaries
- ◆ Remoteness of hearing venue
- ◆ Lack of financial support for participation
- ◆ Under-representation of stakeholders
- ◆ Stage management of the process



Lessons learnt

- ◆ Need for policy support for enhancing the efficacy of public hearing process
- ◆ New framework for EIA to discourage dichotomy between reporting of EIA and public hearing
- ◆ Better mechanism for improving public representation
- ◆ Empowerment of people for playing the role more responsibly and effectively

Public consultation based on re-engineered EIA



Key reforms :

- Only project affected people to participate in Public Hearing
- Provision for written comments incorporated from other concerned citizens
- Videography of proceedings made mandatory with application for seeking Environmental Clearance
- Preparation of public hearing proceedings and signature by competent authority on the same day
- Display of public hearing proceedings in all key offices and on their official web sites

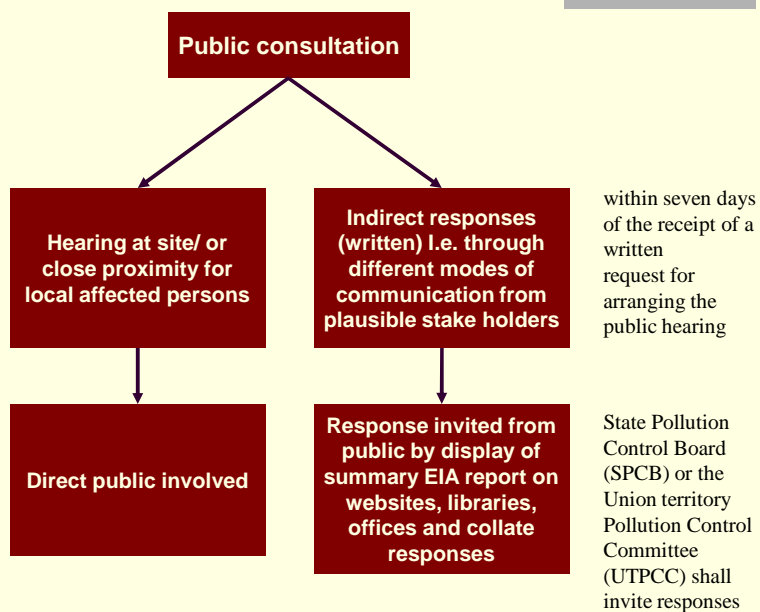
Salient features

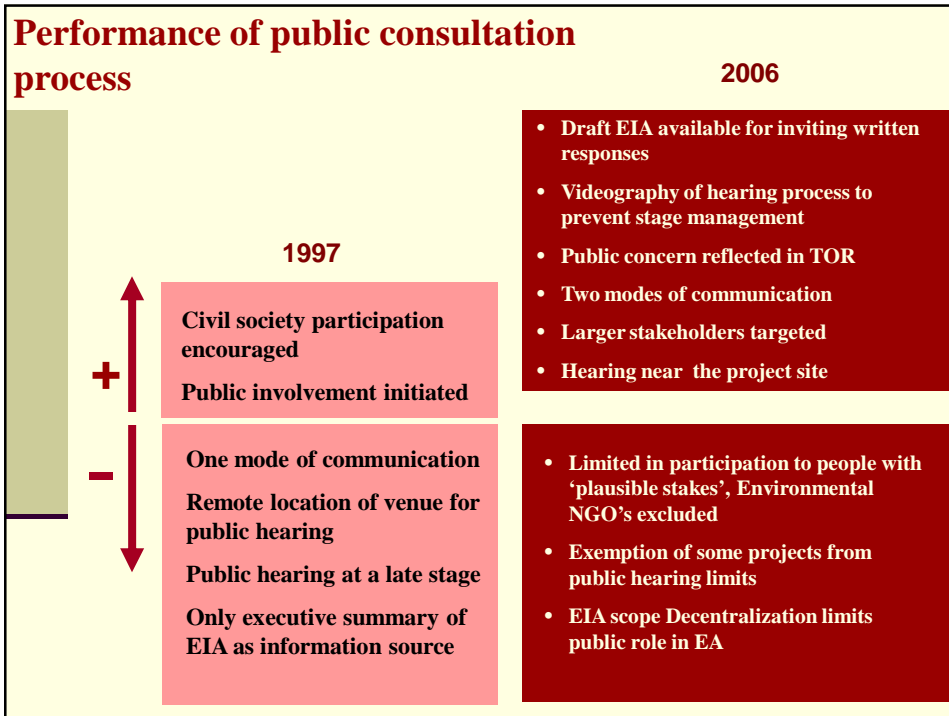
- Applicant to make a request to State or Union Territory Pollution Control Boards along with EIA summary and draft EIA report
- Exemptions granted to certain projects
- Structured public consultations within the stipulated time frame (45 days)

Exempted projects

- i. Modernization of irrigation projects
- ii. All projects or activities located within industrial estates or parks
- iii. Expansion of roads and highways which do not involve any further acquisition of land.
- iv. All building/construction projects/area development projects and townships.
- v. All Category 'B2' projects and activities.
- vi. All projects or activities concerning national defense and security or involving other strategic considerations as determined by the Central Govt.

Existing process of public consultation

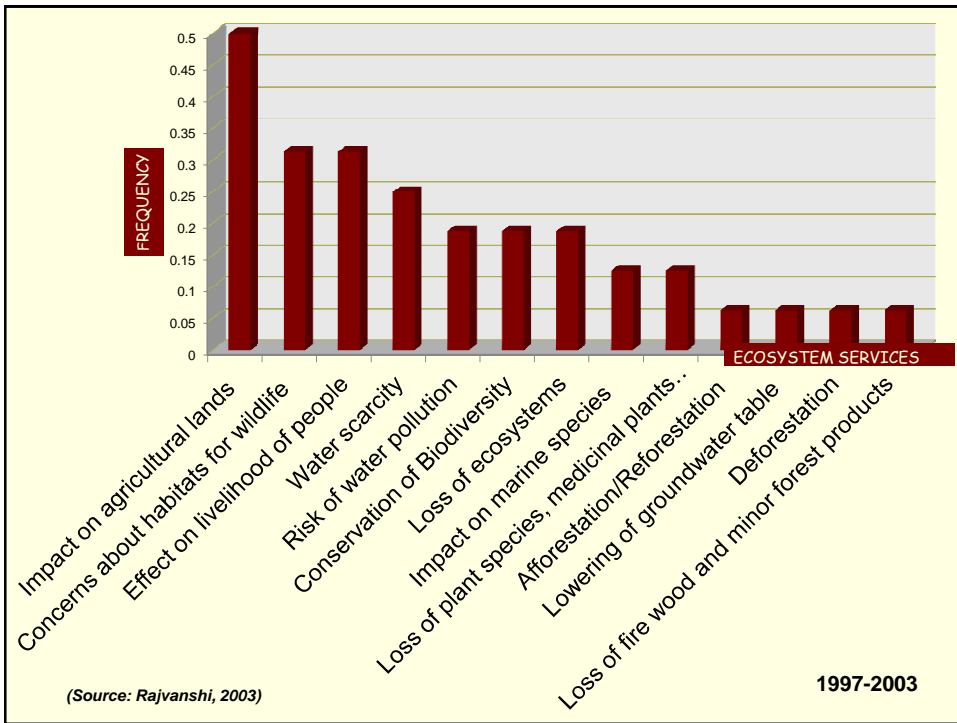


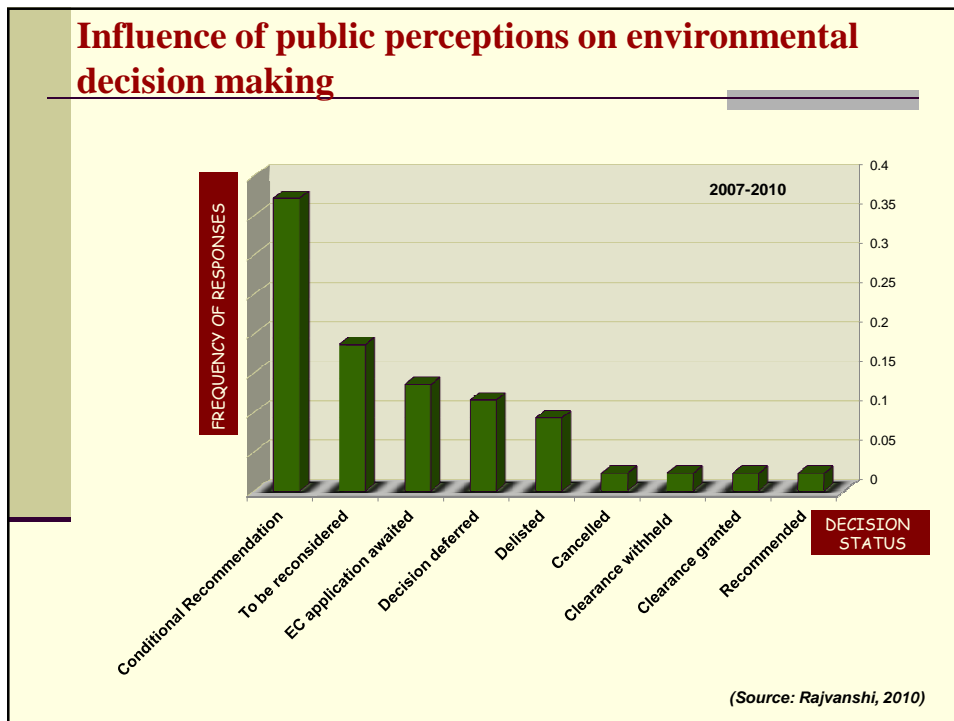
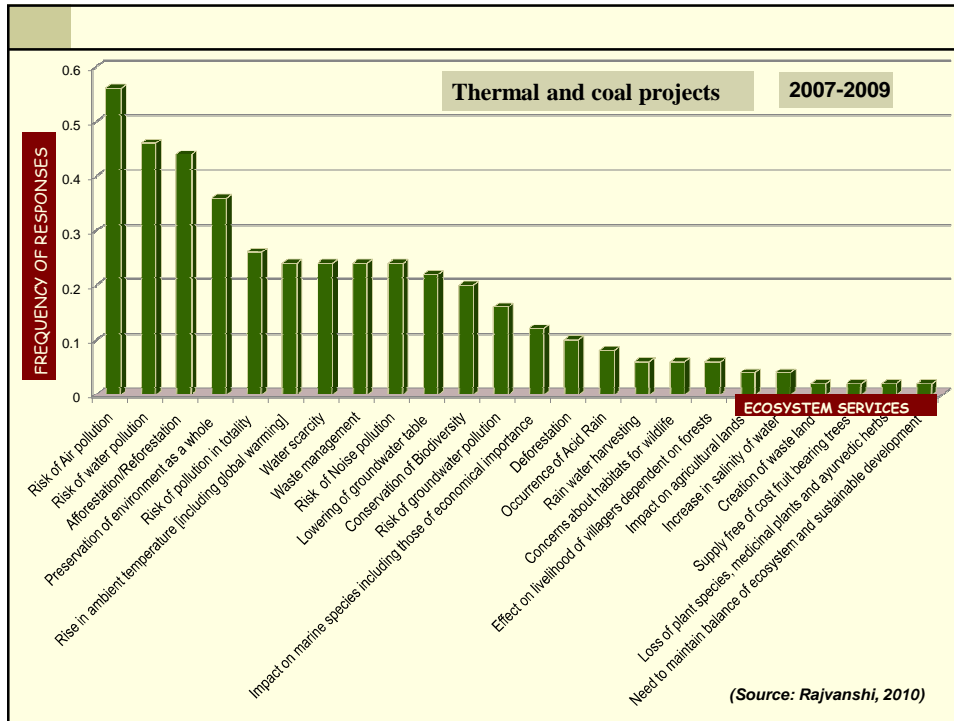


Overview of public perception of impacts

On biodiversity

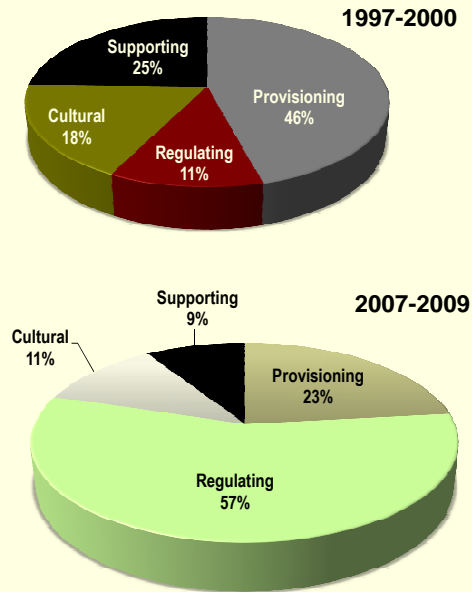
- Based on review 16 reports (1997-2003) and 50 reports (2007-2010)
- Ecosystem services highlighted by the people classified into **Provisioning, Supporting Regulating and Cultural Services**.
- Frequency of expression of different ecosystem services determined





Key findings

- Shifted from provisioning services to regulating services over a span of 10 yrs
- Pollution and health related impacts of development pose greatest concerns
- Reduction in concerns about impacts on agricultural land due to attractiveness of compensation packages
- Gender dimensions of biodiversity impacts also identified

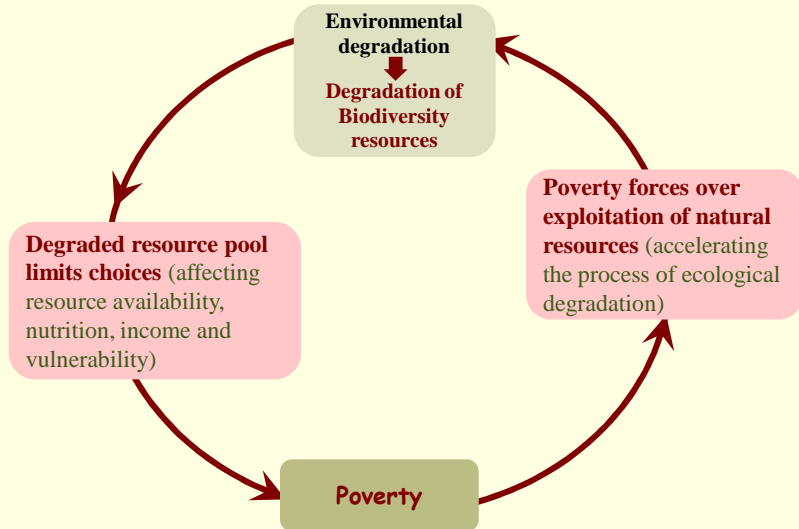


Effectiveness of EIA in Decision making

Constraints and challenges

- Inter-disciplinary approach lacking in EIA
- Limited quality control mechanisms and capacity building options
- Limited options for integrating public views in decision-making
- Lack of clarity about linkages between biodiversity and socio economic impacts
- Social impacts difficult to mitigate, leading to more complex risk landscapes

Links between biodiversity and poverty



Prospects

- Public perceptions becoming powerful means of steering decisions
- Well recognised role of civil society organisations in promoting accountability and transparency in decision-making
- Accreditation of EIA/SIA experts made mandatory for ensuring quality of EIAs
- Public views are being increasingly supported by environmental courts (National Appellate Authority) and judicial interventions of the highest court (Hon'ble Supreme Court)

Thank you all

**Incorporation of public concerns in EIA report
(existing process)**

