

Issues in Public Hearing Process: Resolving & Redressal Mechanism at Jharkhand

Review Article

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Abstract

The aim of this article is to give an overview of the concerns of stakeholders by public hearing (PH) process in India and exploring the regional variation amongst different categories along with developing a model for resolving issues. In India process of PH are in practice for more than 28 yrs since 1997 when the law related to PH became effective, with emphasis on those aspects not sufficiently touched upon by most researchers so far. This article focused on the issues raised by stakeholders during the PH Process in different mining sectors in Jharkhand State. Altogether 55 nos. of PH process covering 48 nos. of coal mining projects and 22 nos. of non-coal mining projects of the state have been analysed. Based on a literature review, exchanges with EIA practitioners and the author's daily work on EIA, the issues were categorized and were found that most of issues are related to socio-economic (62%- 79%) in nature followed by land/soil issues (5%-10%) and air pollution (3%- 14%). A model were developed for resolving PH issues for the coal mining projects. This model will also help the environment planners engaged in making EIA studies and EMP formulation as per the desire and wishes of the people residing in and around the project.

Keywords: EIA; Public Hearing/consultation; Stakeholders; PH process

Introduction

EIA notifications detailing the public hearing/ consultations has been an exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986. The EP act, 1986 has its mandate in Environmental Impact Assessment (EIA) notifications 1994, 2006 and amended thereon. It ensure compliance in planning and execution of all development activities with the EIA Procedures in order to promote environmentally sound and sustainable development in the country. This led to implementation of the EIA Procedures in 1994 in India. It was an amendment made

in 1997 which Public hearing was introduced for the first time in India.

This was among other objectives, seeking to provide an avenue for the involvement of the public, private proponents and agencies in the assessment and review of proposed undertakings. This is to ensure that the concerns and needs of the affected population are considered and addressed. The various actors involved in Public hearing (PH) process (Figure 1) Project Proponent, State pollution control Board, Public, Environment Consultant and Impact assessment agency.

Project Proponent (PP): The PP gets EIA study done and EMP prepared by on its own or by consultant on the basis of approved Project report. The PP has to approach the concerned SPCB for No

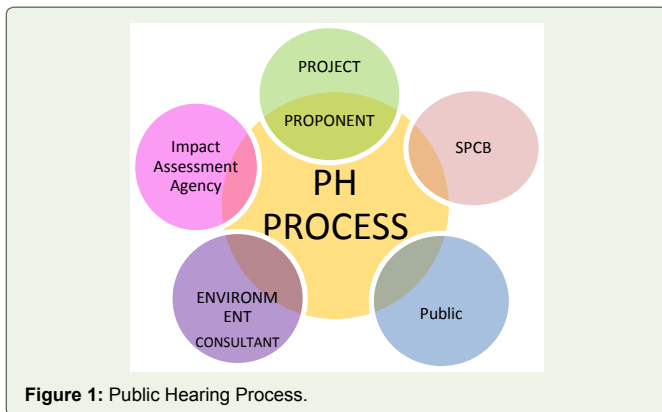


Figure 1: Public Hearing Process.

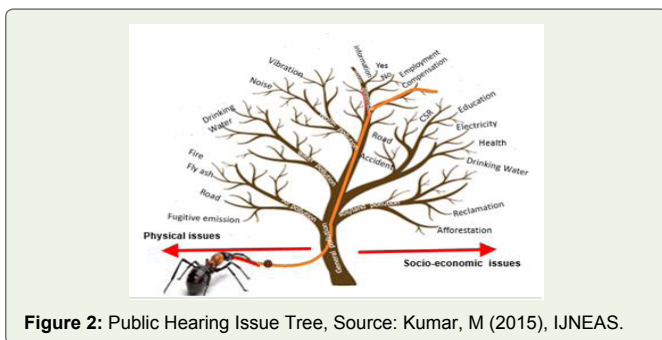


Figure 2: Public Hearing Issue Tree, Source: Kumar, M (2015), IJNEAS.

Objection Certificate (NOC) and holding the public hearing.

Public/stakeholder: Public/Stakeholder puts on their stake/concern over the upcoming projects through PH process by attending PH venue. They can submit their concerns directly to SPCB by various communicating means in writing. Nowadays their concerns are also taken seriously by EAC, an expert committee constituted by MoEF.

Environmental consultant: The Environment consultant prepares EMP on the basis of existing legal and procedural requirements for the project proponent and does all technical quarry on behalf of PP. The IAA (Ministry of Environment & Forest and SEIA) accepts consultant to be accredited with NABET.

State pollution control board: SPCB's hold public hearing as per the provisions of EIA Notification and forward its details to IAA.

Impact assessment agency: The IAA through its EAC/SEAC will evaluate and assess the PH issues during evaluation of the EIA report.

Thus Public Hearing provides a legal space for people of an area to come face-to-face with the project proponent and government and express their concerns.

Scope of this study

In India process of PH are in practice for about 29 yrs since 1997. The different aspects in the PH process have not been sufficiently touched upon by most researchers so far. This paper attempts to analyse the issues raised in 55 nos. of PH process covering 48nos. of coal mining projects and 22 nos. of non coal mining projects of Jharkhand state. Based on a literature review, exchanges with EIA

practitioners and the author's regular work on EIA, analysis have been made for the issues raised in PH process for brown as well as green field projects, UG as well as opencast project, mining and non-mining projects and coal mining and non coal mining projects. Analysis has been made on the basis of issues categorizing developed and framed in the study made by Kumar, M (2015). The various issues raised during public hearing or public consultations have been categorized and classified as Physical and socioeconomic issues. These issues have been broadly classified into Issues related to General, Air, Water, Noise/Vibration, Land/Soil and Socio-economic (V 2).

Case Study

The PH issues covered are from the mining projects related to Bauxite, Laterite, CBM, Coal, China clay, Copper, Graphite, Iron, Lime stone, Manganese, Sand, Sand stone, Steel, Stone mines/quarry falling in 13 districts of Jharkhand.

Mining and Non-Mining Sectors

On analyzing the issues from mining and non-mining sectors socioeconomic issues seems to vary between 62%- 79%. Figure 3 shows the graphical relationship of different issues.

The Coal resources of Jharkhand are available in older Gondwana Formations of peninsular India The coalmining sectors in Jharkhand are spread over Jharia coalfields, East Bokro Coalfields, West Bokato coalfields, Giridih or Karharbari Coalfield, North Karanpura Coalfield, South Karanpura Coalfield, Ramgarh Coalfield, Hutar Coalfield, Daltenganj Coalfield, Deoghar Coalfields, Mugma coalfield, Hura Coalfields. Analysis for the mining projects falling in different coalfields are presented in figures

District Wise Analysis

The different issues raised during different PH processes held in different time for different industries were grouped into three categories depending upon availability of data and ease of analysis. The different groups are:

1. Districts involving PH issues related to both coal and non-coal mining industries.
2. Districts involving PH issues related to Coal mining industries only.
3. Districts related to non-coal mining industries.

Coal and Non-Coal Mining Industries

On the basis of available PH issues Bokaro, Dhanbad, Hazaribagh

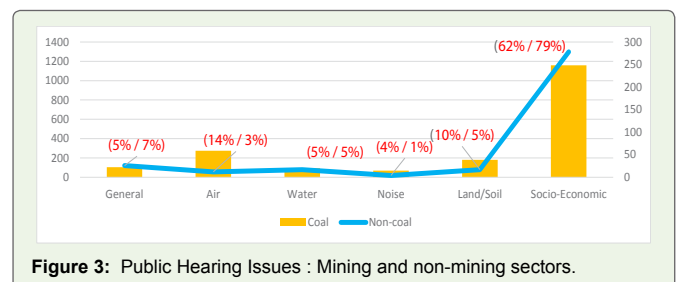


Figure 3: Public Hearing Issues : Mining and non-mining sectors.

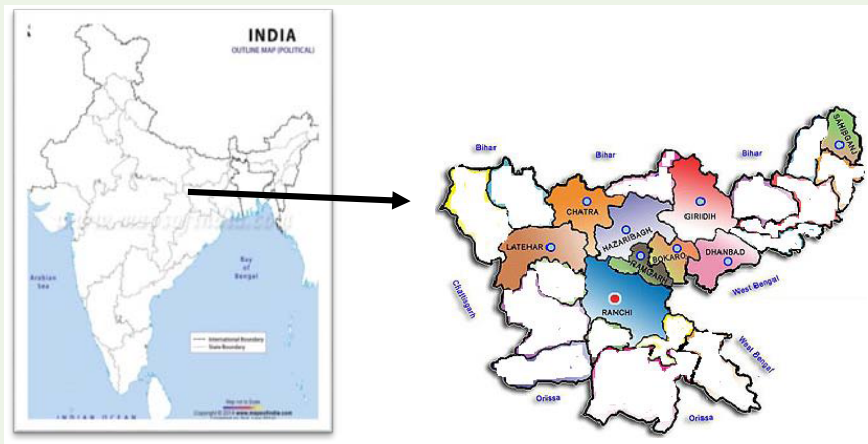
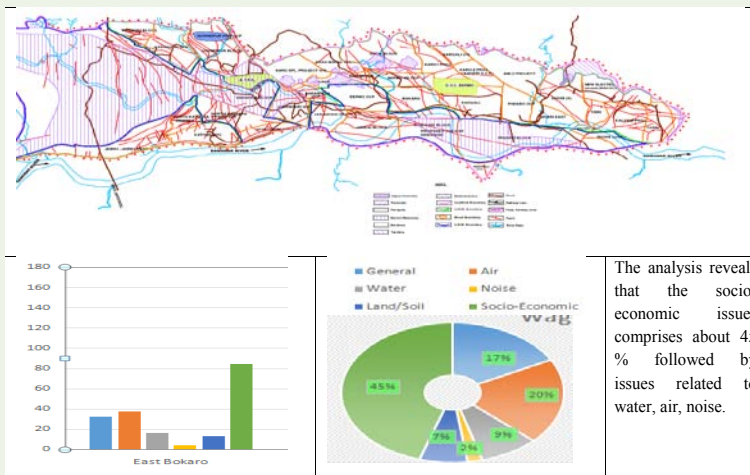
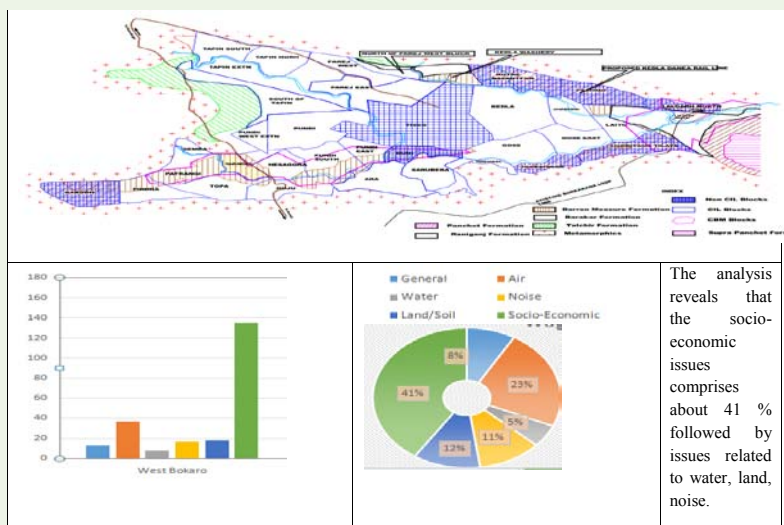


Figure 4: Location Map of Jharkhand.



The analysis reveals that the socio-economic issues comprises about 45 % followed by issues related to water, air, noise.

Figure 5: Public Hearing Issues : East Bokaro Coalfields.



The analysis reveals that the socio-economic issues comprises about 41 % followed by issues related to water, land, noise.

Figure 6: Public Hearing Issues : West Bokaro Coalfields.

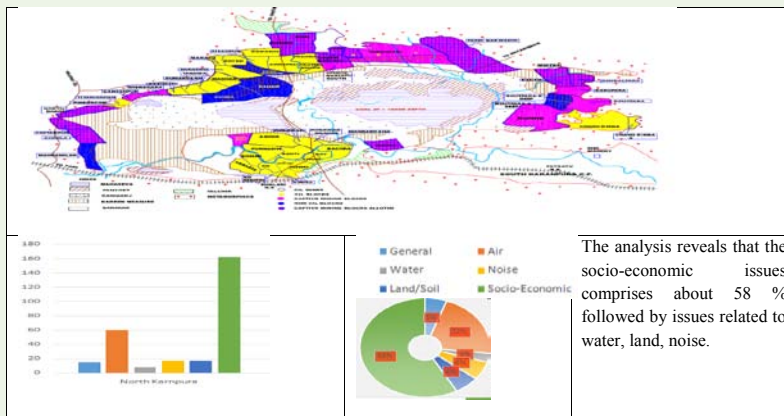


Figure 7: Public Hearing Issues : North Karnpura Coalfields.

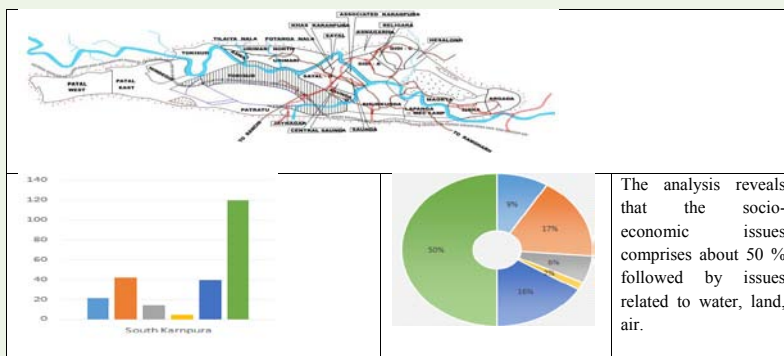


Figure 8: Public Hearing Issues : South Karnpura Coalfields.

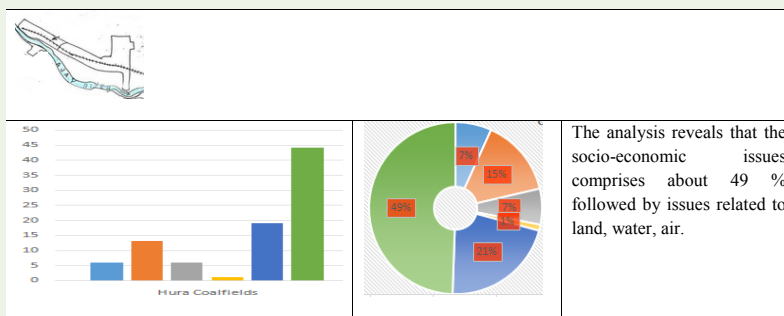


Figure 9: Public Hearing Issuesv: Hura Coalfields.

and Ranchi districts of Jharkhand falls under this category. The pattern of issues varies slightly from district to district.

The issues related to air, water after socio economics were prominent in Bokaro district (Figure 11). The socio-economic issues vary between 52% - 84% in coal mining when compared to non coal mining cases with over all of 56%.

75% of issues of coal mining areas were related to socio-economics with an overall values of 73%. But the pattern in non-coal mining areas seems to different at Dhanbad districts (Figure 12). The issues related to air, water, land and socio-economics were 21%, 14, 18% &

43% respectively.

The issues related to air, noise after socio economics were prominent in Hazribagh district (Figure 13) for both coal and non-coal mining areas. Most of the issues were related to socio-economic issues (58%). All the issues like employment, compensation, drinking water, electricity, health, CSR, fly-ash & education are having equal contribution.

The issues at Ranchi districts have similar pattern as of Bokaro district (Figure 14).

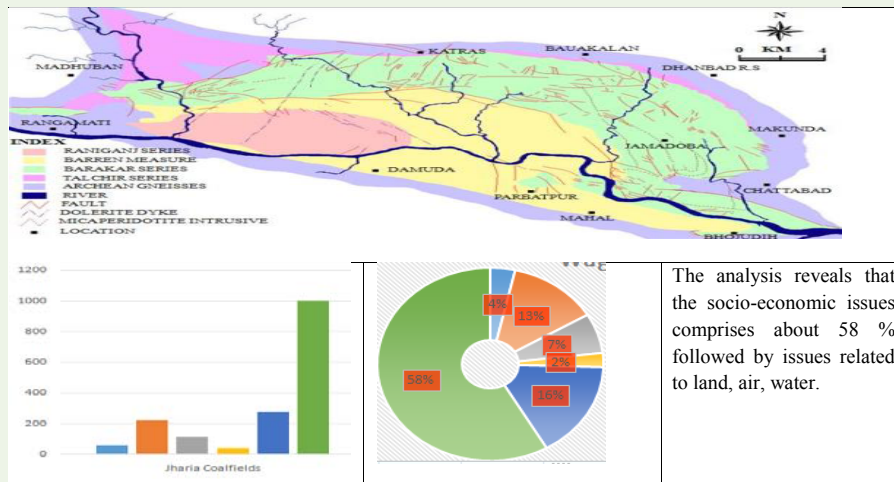


Figure 10: Public Hearing Issues : Jharia Coalfields.

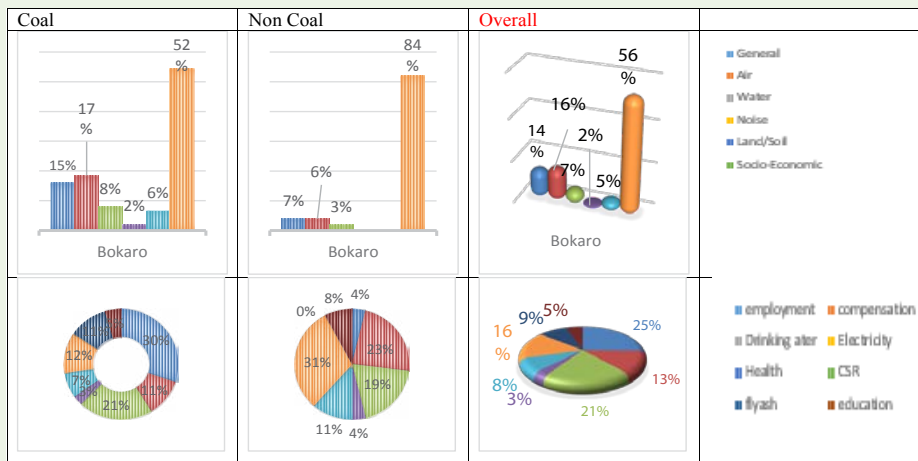


Figure 11: Public Hearing Issues : Bokaro district of Jharkhand.

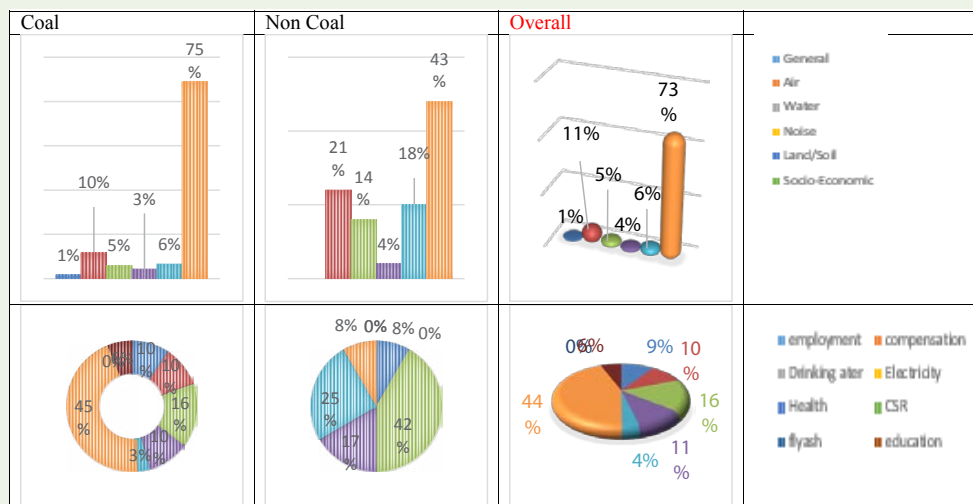


Figure 12: Public Hearing Issues : Dhanbad district of Jharkhand.

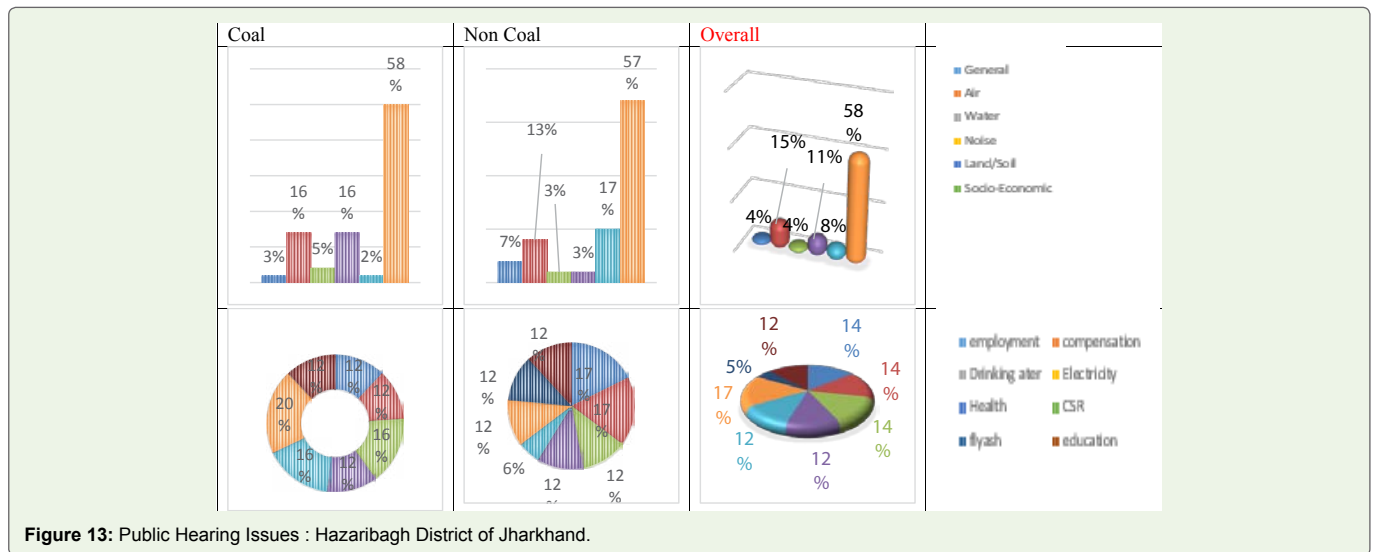


Figure 13: Public Hearing Issues : Hazaribagh District of Jharkhand.

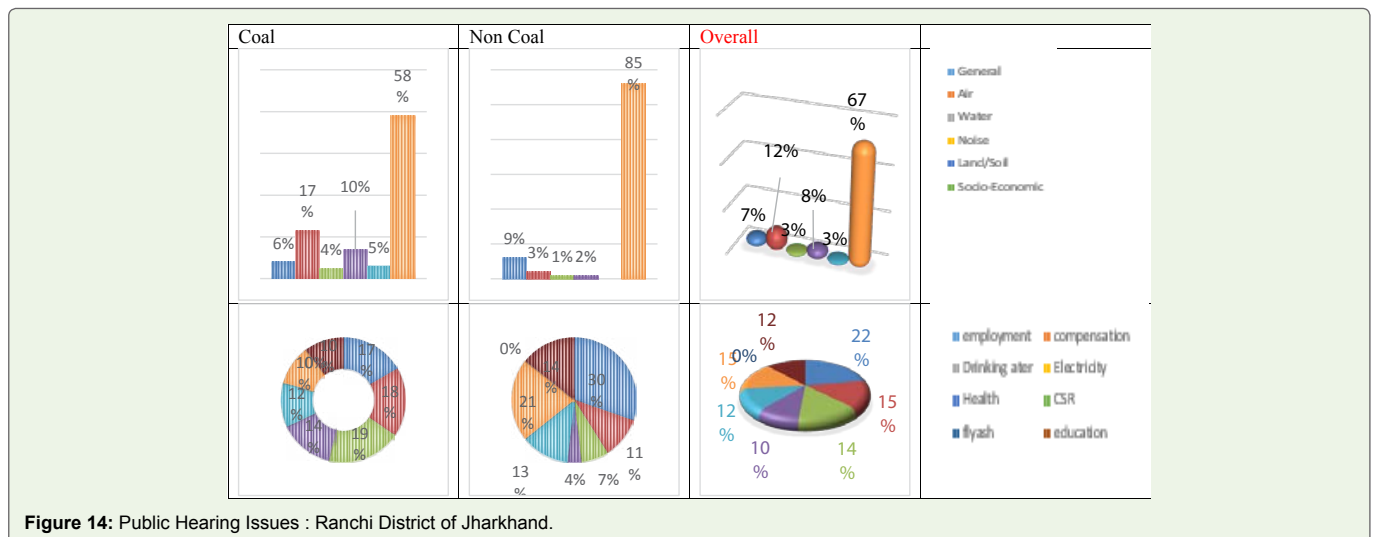


Figure 14: Public Hearing Issues : Ranchi District of Jharkhand.

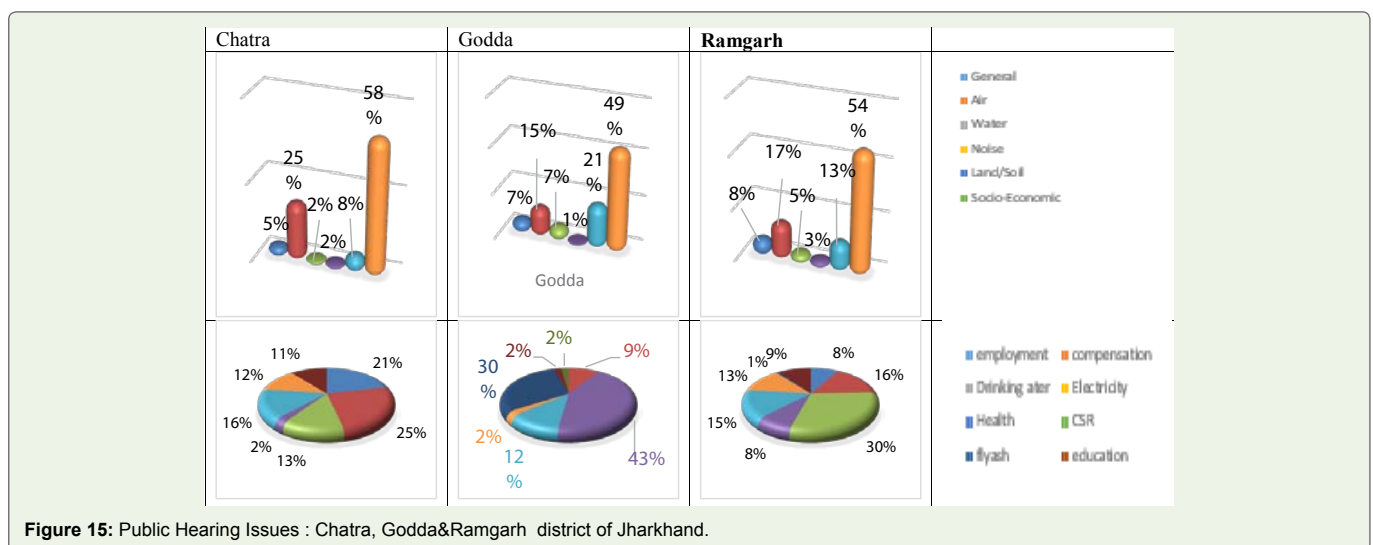


Figure 15: Public Hearing Issues : Chatra, Godda&Ramgarh district of Jharkhand.

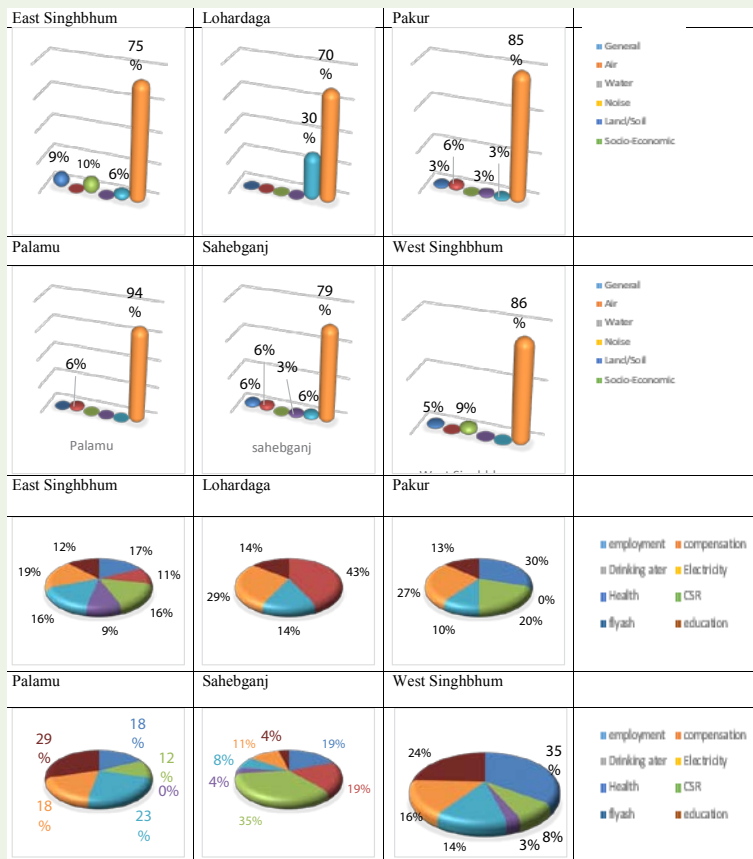


Figure 16: Public Hearing Issues: East Singhbhum, West Singhbhum, Lohardaga, Pakur, Palamu, Sahebganj district of Jharkhand.

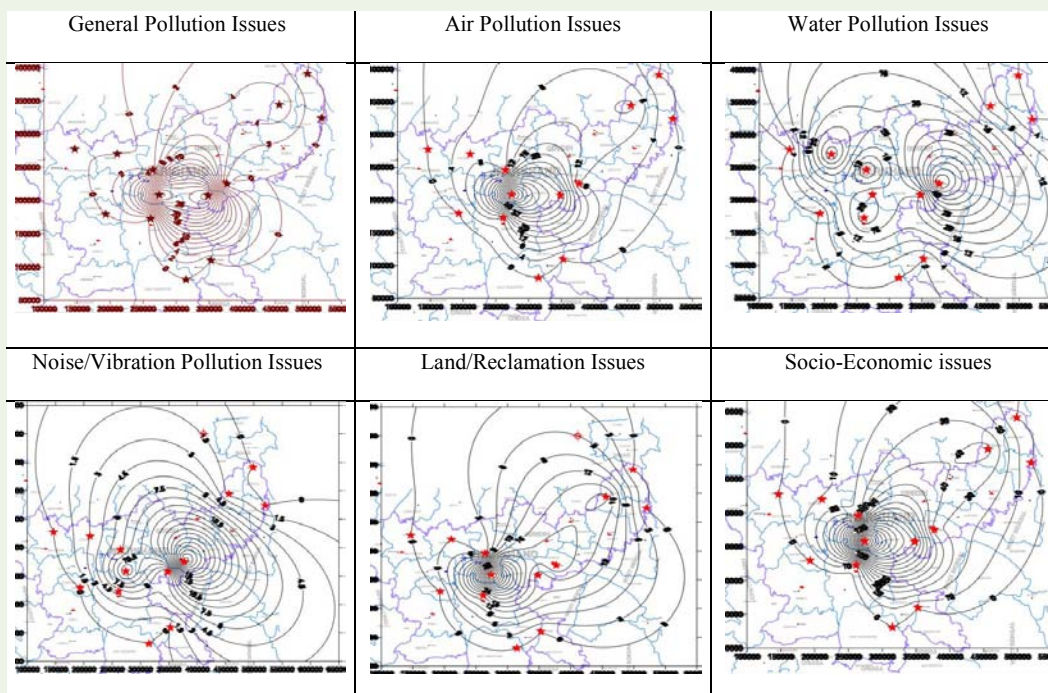
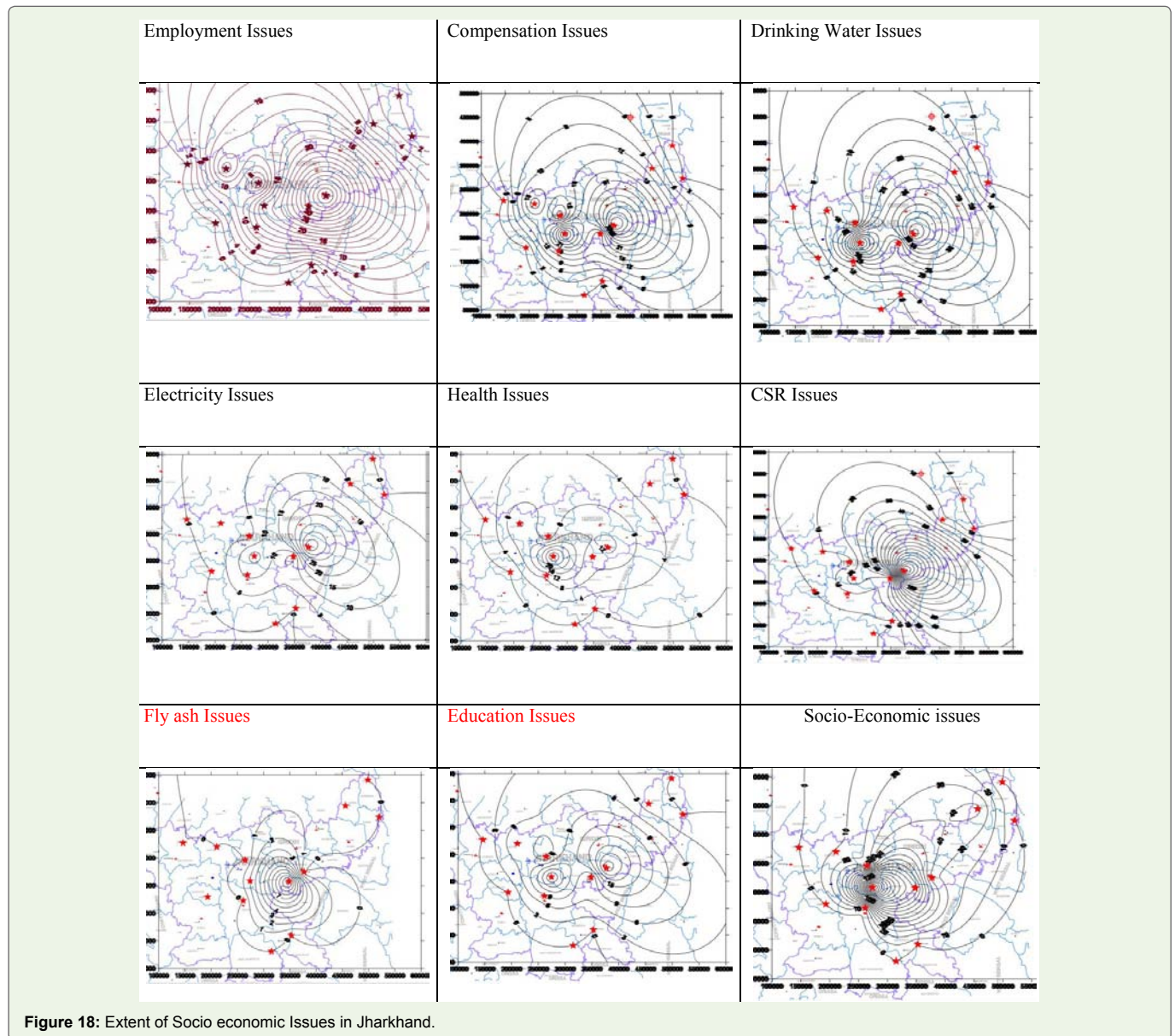


Figure 17: Extent of Physical Issues in Jharkhand.



Coal mining industries Only

Due to non-availability of non-coalmining data PH proceedings analysis for Chatra, Godda and Ramgarh districts of Jharkhand (Figure 15) were made for coal mining areas only. In all the three districts falling under in this category the socio-economic issues varies from 49%-58%. Apart from these issues related to air pollution and land reclamation was prominent contributing to the extent of 21%. The people of Godda were more concerned of electricity and raising their voice for health contributing to 43% & 30% respectively. Employment, compensation and drinking water were other prominent issues.

Non Coal mining industries Only

There are some districts where there is no coal mining activity or

due to the non-availability coal mines PH proceedings analysis for non coal mining areas were made. The different districts falling under this category were East Singhbhum, Lohardaga, Pakur, Palamu, west singhbhum and sahebganj (Figure 16). The socio-economic issues ranges from 70% to 94%. Amongst the socio-economic issues employment, health and drinking water issues were prominent. The issues related to CSR were of main concern in each of the district with 16%, 14%, 10%, 23%, 8% & 14% for East Singhbhum, Lohardaga, Pakur, Palamu, Sahebganjand West Singhbhum districts respectively.

Extent of Issues in Different Districts

Analysis for the issues pertaining to PH process for coal mines were conducted in order to find their extent in different districts of Jharkhand state. Study were restricted to the PH conducted in coal mines of different coal companies falling in different districts of

Jharkhand, In this study the issues raised were mapped over the state and associated district.

The contour maps shown at Figures 17&18 represents the extent and spreading different issues raised in the PH conducted in coal mining areas clearly reveals the area of intervention for the coal mines manager.

The issues related to air, water, noise, land/soil, socio-economic are maximum at Ramgarh, Dhanbad, Dhanbad, Ramgarh, Ramgarh districts respectively. On analyzing the socio-economic issues in details, it were found that the issues related to employment, compensation, drinking water, Electricity, health, CSR, fly-ash, education were maximum in Dhanbad, Ramgarh-Dhanbad, Dhanbad, Dhanbad, Ramgarh, Ramgarh, Dhanbad, Bokaro, Dhanbad districts respectively. The redressal activities will depend upon the concentration of contour and its extent for different activities related to certain issues. This will certainly help them in solving the PH issues raised.

Conclusion

The model so developed will help in understanding the sentiments of the people residing in and around the project and concentrating the areas of intervention they requires in solving their issues. This model also depicts the location and area of intervention Jharkhand district issues wise. This will help the mines manager in making strategic planning before the PH process. This model will also save the environment planners engaged in making EIA studies and EMP formulation as per the desire and wishes of the people residing in and around the project. This will not only help the project proponent in early submission of EMP after incorporating the issues raised in PH process, but also help the EAC/SEAC. This in turn will help Impact Assessment Agency (MoEF/ SEIAA), in evaluating the PH issues while considering the proposals in efficient manner. This will further enhance the efficiency of the agency responsible (SPCB / any other agency entrusted by IAA) for arranging and conducting PH process. Above all if the PH process is completed smoothly, it saves time & money for all actors involved in PH process. The analysis under various spectrum will aid the management in resolving the issues in sustainable manner as the issues has roots in its own people, culture, soil and heritage rather than the glamour of the others.

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