INDERSCIENCE PUBLISHERS
Linking academia, business and industry through research




**International Journal of Public Policy**

ISSN online: 1740-0619 - ISSN print: 1740-0600
https://www.inderscience.com/ijpp

# Review of the 2020 draft environment impact assessment notification governing public hearing process under environmental impact assessment in India

Deepti Khubalkar, Karun Sanjaya

**DOI:** 10.1504/IJPP.2024.10064568

**Article History:**

| | |
|---|---|
| Received: | 09 November 2023 |
| Last revised: | 14 November 2023 |
| Accepted: | 28 February 2024 |
| Published online: | 27 January 2025 |

*Copyright © 2024 Inderscience Enterprises Ltd.*

# Review of the 2020 draft environment impact assessment notification governing public hearing process under environmental impact assessment in India

Deepti Khubalkar and Karun Sanjaya*

Symbiosis Law School, Nagpur,
Symbiosis International (Deemed University),
Pune, India
Email: deeptik@slsnagpur.edu.in
Email: karunsanjaya@gmail.com
*Corresponding author

**Abstract:** Environmental impact assessment (EIA) is a critical component in receiving approval for the establishment of various developmental projects. The projects can range from the construction of dams to the establishment of a cement factory or even mining a particular place for the extraction of a wide variety of natural resources. The very exercise of carrying out public hearings is a hugely democratic process that involves inviting people from across the political spectrum and across socio-economic profiles to review and share their concerns about the project. Such participation gives an opportunity for the project planners and implementers to hear the concerns of people and respond in a proactive manner, thus lending democratic strength to the development initiative. This article aims to critically review the legal framework in India relating to public participation and hearing, especially in the context of social, economic, and environmental issues and recent modifications to the law in India.

**Keywords:** public participation; public hearing; environmental impact assessment; EIA; environmental justice; sustainable development.

**Reference** to this paper should be made as follows: Khubalkar, D. and Sanjaya, K. (2024) 'Review of the 2020 draft environment impact assessment notification governing public hearing process under environmental impact assessment in India', *Int. J. Public Policy*, Vol. 17, Nos. 5/6, pp.337–349.

**Biographical notes:** Deepti Khubalkar is presently working as an Assistant Professor at Symbiosis Law School, Nagpur Campus, Symbiosis International Deemed University, Pune. Her specialisation is in the information technology law and environmental law. She has a rich experience of more than 18yrs in teaching graduate and post-graduate students, as well as guiding them in their research projects.

Karun Sanjaya is an Assistant Professor at Symbiosis Law School, Nagpur. His areas of interest include cyber laws, intellectual property laws, artificial intelligence and allied laws. He is a recipient of the Justice Krishna Iyer Memorial Merit Award, 2019 and 2022, Adv. P.F., Thomas Memorial Gold Medal, 2019, and Dr. K.N. Chandrashekharan Pillai Gold Medal 2022. He has authored over 20 book chapters and fourteen research articles in diverse areas of law. He had also qualified UGC NET with JRF (Law) and is presently pursuing his PhD from VIT School of Law, Vellore Institute of Technology, Chennai, India.

Copyright © 2024 Inderscience Enterprises Ltd.

## 1 Introduction

Development is an ongoing process that allows society to make progress, create new ideas, solve issues that humankind faces, and ultimately improve living conditions. Development should not come at the cost of the environment. Developing a pattern that balances financial, social, and environmental issues requires substantial citizen involvement in public affairs. Public participation is crucial for achieving sustainable development goals. Environment impact assessment (EIA) is a methodical procedure that evaluates the effects of each development project on the environment. The Central Government has the jurisdiction, under the Environmental Protection Act of 1986, to take actions to safeguard the environment as per the EIA notification. The Central Government issued EIA notifications in 1986 under its authorisation from the EPA. EIA is a process that aims to anticipate, evaluate, and take into account the social and economic changes in relation to the environment that might arise from a proposed project in development. If the advantages significantly outweigh the expenses, the project might be considered ecologically justifiable (Mitra, 2021).

A public hearing is a process used to address conflicts of interest and organise group efforts for the common good, which includes the well-being of future generations. The concept highlights the need to offer equitable listening opportunities to all possible stakeholders to ensure sound decision-making and adhere to the precautionary principle (Tickner, 2004). A public hearing is a gathering of individuals who participate in the formal process of reviewing and providing feedback on a proposed project. Hearing embodies the principles of natural justice. Any action is considered 'just' only if the other person is provided with the chance to be heard, regardless of whether it is in their favour or against them. One fulfils the obligation of social justice by sharing their opinion on an action that may affect them. Public hearings on social or public issues need significant involvement from important players. It enables project-impacted citizens to voice their complaints and seek resolution, which is fundamental in any democratic society (Mohan and Pabreja, 2016). Social impact assessment (SIA) is a procedure used to examine the social effects of infrastructure projects and other development initiatives. EIA is a process used to evaluate the effects of development projects on the environment to assess their sustainability in the long term, reflecting social concerns. The government requires and conducts SIAs in tandem with EIAs. Public consultation is the process where community members' concerns about a project's adverse impacts are recognised and taken into account during the EIA study.

Public involvement entails actively engaging the public in the decision-making process and considering the feedback provided by the public about the choices to be made. Public engagement is an ongoing process, not a singular event. The sponsoring organisation completes many duties and efforts during a project to educate and involve the public. Public involvement empowers stakeholders to make choices that might directly affect their lives. Citizens have the right to participate, and the project proponent has the obligation to guarantee that a public hearing is held in compliance with the law for the benefit of society. Public engagement leads to improved judgements by offering decision-makers extensive knowledge, including additional facts, beliefs, and perspectives that may be used to guide their considerations. Subsequently, the most relevant data and subject-matter expertise from all parties may be included (Van Treeck, 2022). This enhances the fairness and long-term viability of the judgements made.

Active participation of citizens in the decision-making process is a fundamental trait of a democratic country like India. The process of involving the public in influencing significant decisions demonstrates this. Public engagement acts as a channel that successfully connects the populace with governing authorities on important social issues. It is essential to develop a balanced relationship between environmental preservation and socio-economic prosperity. Public hearings are crucial in environmental decision-making since they play a significant role in providing accurate information about the impacts of major projects on people and the environment. When respected members of the public share their well-informed comments on a well-designed project, it enables the consideration of other viewpoints that may otherwise go unnoticed. This allows the decision-making organisation to demonstrate precision in its analysis, resulting in conclusions of high quality and objectivity. This academic paper aims to conduct a detailed assessment of the EIA Notice 2020 within the context of the legislative history of EIA in environmental situations in India and globally. Three significant dilutions in the Draft Notification 2020 have weakened the effectiveness of the Draft EIA Notification. These dilutions relate to the retroactive approval, public discussion, and exemption granted to cross-border projects. Therefore, it emphasises the crucial need to reassess the notification.

## 2 Right to participate: the global perspective

The rapid growth of industries after the two world wars, along with the resulting environmental damage, led the international community to implement measures to conserve and safeguard the environment. After the Stockholm conference, countries worldwide implemented laws and regulations to oversee the environmental decision-making process. Initially, the environmental decision-making process was primarily influenced by the government, government agencies, and industries, while civil society and the public were considered outsiders. There has been a shift in perspective regarding the impact of environmental policies on the public, highlighting the importance of including their voices in the decision-making process (Du Pisani, 2006).

The Aarhus Convention of 1998 stands as a significant milestone in the realm of public engagement. The UNECE Convention on Access to Information was officially adopted on June 25, 1998 (Divan and Rosencranz, 2002). According to the convention, it is essential for individuals to have access to information that allows them to engage in environmental decision-making in order to assert their environmental rights and fulfil their responsibilities. The convention emphasises the government's duty to maintain transparency and accountability when addressing environmental concerns. This document bestows public rights on citizens and outlines the responsibilities of parties and public authorities in the areas of information access, civic participation, and access to resources. In addition, the Aarhus Convention outlined the process for involving the public in the negotiation and execution of international agreements (Bekhoven, 2016). The Aarhus Convention places a strong emphasis on public participation, while other global environmental agreements incorporate it as a key element.

The 1948 Universal Declaration of Human Rights includes the right to be informed as one of the basic rights, coupled with the right to seek justice if this right is infringed upon (United Nations, 1948). It also grants the right to a public hearing. Both the Rio Declaration of 1992 and the Stockholm Conference of 1972 acknowledged the need to

include the general public when addressing environmental challenges through public engagement (Handl, 2012). The 1966 International Covenant on Civil and Political Rights, namely in Articles 19 and 25, confirms people's freedom to engage in public affairs (United Nations, 1966).

## 3 Laws governing public participation and environment impact assessment across the world

Most countries worldwide have implemented a policy requiring an assessment before every infrastructure project with potential environmental effects. This evaluation process is now considered essential for each development project. The notion of EIA was first codified in the USA with the National Environmental Policy Act of 1970, which included provisions for public participation in environmental matters (Achieng Ogola, 2009). The EIA process consists of steps including screening, scoping, evaluation, reporting, review, and compliance; however, the laws and legal framework may differ across states.

In the USA, both state and federal requirements require the creation of a preliminary environmental impact statement (EIS) using the project's environmental analysis and evaluation of several alternatives. This document must be distributed to the public, federal, state, and local authorities for review and debate. The individuals impacted by the initiative, together with federal and local authorities, will be the main evaluators of the preliminary proposal. Before the final EIS, the Council for Environmental Quality addresses all reviewers' concerns and comments (Chatzimikes, 1982).

The EIA directives (85/337/EEC) have been effective in EU nations since 1985. The instructions were revised three times in 1997, 2003, and 2009. The regulation applies to a broad spectrum of commercial and governmental activities and undertakings. The activities are categorised under Annexures I and II of the directive. The EIA procedure is compulsory for all projects mentioned in Annexure I.

The directive was changed again in 2014. The revised guidelines allow the proponent to request the necessary information during the scoping process. The proponent must give information about the planned activity to the authority and the affected public as required. Comments on the project are welcome from the impacted public. The authority must make a final judgement by documenting the feedback from the impacted public as required by the guidelines. The ultimate judgement may be contested by the public. The national government of the member state has the authority to determine whether an EIA is required for the Annexure II project via a screening process (NEESDAC, 2006).

Effective EIA applications in nations like Canada and New Zealand prioritise robust public involvement. The Canadian Impact Assessment Act 2019 allows for public involvement in environmental assessments in Canada at all stages of the assessment process (Impact Assessment Agency of Canada, 2019). Section 19 of the Act requests public comments on the proposed project. Responses must be received within 20 days after the notice's publication. Furthermore, a public hearing opportunity is offered at the time of screening in accordance with Section 10 of the Act. The screening procedure takes into account the public's comments on the project. Public engagement is emphasised in Section 19 of Canadian legislation. It is crucial to emphasise that the comments of individuals and other interested parties should be documented.

According to Section 24 of the Canadian Impact Assessment Act, the entity in charge of conducting assessments is required to include public engagement. A specific clause

allows the National Energy Board to engage in public engagement during environmental assessment hearings. Additionally, Section 46 mandates that the review panel hold a public hearing. The document is titled 'Public Hearing Procedures (2019)'

New Zealand rules mandate the posting of a notice on both a website and in a newspaper in the affected region, including information and a brief overview of the planned project (Makmor, 2020). In New Zealand, the assessment of environmental effects (AEE) procedure requires a detailed explanation of the proposed activity and its possible impact on the environment and people. The plan allows for identifying the individuals impacted and mandates consultation to consider any feedback received from those surveyed. A debate is needed on how to control the impact and if monitoring is necessary (Ministry for the Environment, 1999).

## 4 Comparison with Indian laws

The EIA procedure is clearly defined in developed countries. EU laws in the USA provide adequate opportunity for public hearings with respect to projects provided under Annexure I; however, public hearings for Annexure II projects are at the complete discretion of the government. Authorities decide whether a project requires an EIA and prepare a report that must be published based on input from the proposer, NGOs, and statutory authorities during screening. The screening process is also recorded in Canada and Japan (Sarma, 2020). In India, public opinion is not taken into consideration at the early stage of the EIA process. Therefore, many times people are not aware of the project or the importance of public hearings. Further, in India, there is no check on the wide publicity of the publication of notices of public hearing. Further in the scoping process, in Canada and other developing countries, the concerns of affected stakeholders and the public are recorded through comprehensive consultation. It is mandatory to make the project appraisal report available to the public. The provisions for the two types of environmental evaluations were divided into various categories in the Canadian Impact Assessment Act 2019. For collecting the information by public participation, 20 days' time is given in their laws, which resembles the new 2020 EIA notification issued by the government in India. Moreover, the Canadian laws make it mandatory to submit the draft report of the administrative agency that conducted the EIA process for the further comment of the people. The Act provides for facilitating public comment on the draft report. The legislation governing environmental assessments carried out in the nation encourages public engagement in EIA, which is obviously ingrained in EIA procedures. EIA law in India permits public consultation before granting NOC by SPCB; the public is not involved at the time of the final preparation of the EIA. Thus, as compared to India and EU laws on environmental clearance and public hearings, Canadian laws are more equitable and provide adequate opportunity for the public to participate in the environmental clearance process right from the time of the proposal and scoping.

## 5 EIA process in India: origin and progress

In the 1970s and 1980s, public demand from groups like Chipko Andolan and Jangal Bachao Andolan forced the government to implement measures to protect the environment. The public hearing in the Sardar Sarovar dam case in 1987 was the first

significant hearing about the government's development project, focusing on the resettlement and rehabilitation of many displaced individuals (Sahoo, 2014). The procedure for conducting EIA in India is outlined in the EIA 2019 notice published by the Ministry of Environment, Forestry, and Climate Change (MoEF). The Ministry of Environment and Forest, via the designated person, conducts site inspections, interacts with investors, and holds talks with specialists. They form the group responsible for organising public hearings for the projects. Therefore, stakeholders and proponents are convened in a public hearing as part of the engagement process. Public hearings were not previously included in the decision-making process for legislative or executive expansion. In 1994, the Ministry of Environment and Forests released an EIA notice (Ministry of Environment and Forest, 1994). The first step was taken towards achieving long-term sustainability in the development process.

Public hearings may be categorised into two types: those mandated by law as a prerequisite for project approval and those where individuals protest to compel authorities to prioritise their social concerns before proceeding with the project by expressing opposition. It is allowed in both situations based on the principle of freedom of speech and expression. The constitutional principle upholds the right to protest as part of the basic right to freedom of speech and expression. During the Sardar Sarovar project issue, people protested against developmental operations and relocation of people since there were no existing EIA rules at that time (The Wire Staff, 2020).

In accordance with the Environment Protection Act of 1986, the Union Ministry of Environment and Forests published a notice establishing the EIA process in India in the official gazette in 1994. In 1994, the EIA grouped projects into two categories: A and B. Category A projects need approval from the central government, whereas Category B projects need approval from the state government. Category B projects were subdivided into B1 and B2 projects. Only the Category A and B1 projects were mandated to undergo the EIA procedure. The Central Government and the State Government both screened, reviewed, and appraised the project for category A and category B. According to the 1994 notification, a public hearing was not required. The 1994 notice did not adequately address several developmental projects that impact the environment, and it did not require public hearings as necessary. Public hearings were established under the EIA notice in India in 1997. This notice was later amended in 2004.

The EIA Notification of 1994, adopted in 1997, mandated public involvement in environmental clearance procedures by conducting public hearings. Thayyil (2014) states that one element affecting the results of the impact assessment authority is the information gathered from the public inquiry. The state pollution control board (SPCB) must publicise information about the impending hearing in two local newspapers to comply with statutory requirements. According to the criteria, one of these newspapers must publish in the local tongue. The notice should provide precise information about the public hearing, including the date, time, and place. Individuals are urged to provide pertinent information within 30 days after the notification is published. The 1994 Notification, amended in 1997, was revised in 2002 to include an exemption for enterprises from the EIA procedure if their investment was less than 100 crore. In 2003, the notice was amended four times, leading to an expansion of the EIA scope. The expansion included adding new sectors such as river valley projects, national parks, and sanctuaries. Public hearings for offshore projects were not required unless inhabitants living more than 10 km away were affected or the project was planned for environmentally sensitive areas.

In 2006, the Ministry of Environment, Forests, and Climate Change (MoEFCC) released updated EIA laws, as announced in the formal announcement printed in the Gazette of India. Various projects such as mining, thermal power plants, river valleys, infrastructure (roads, highways, ports, harbours, and airports), and businesses like small-scale electroplating or foundry units were required to acquire environmental clearance. The EIA Notification of 2006 decentralised the environmental clearance process by categorising clearances into two groups: Category A for national-level appraisals and Category B for local or state-level appraisals.

In 2006, a notice was published to classify projects and activities with the capacity to affect human health or natural and man-made resources as either category A or B. Projects categorised as Category A must get permission from the Ministry of Environment and Forests based on the recommendations of an Expert Appraisal Committee. Category B activities need environmental clearance from the state or union territory EIA body, following the proposal of the state or union territory-level expert evaluation committee. The Expert Appraisal Committees at both the central government and state or union level are in charge of evaluating, defining the scope, and assessing projects categorised as A and B. The committee members must thoroughly examine the site to carry out screening, scoping, or evaluation operations. This approach requires giving the applicant a notice period of at least seven days. The procedure consists of four specific stages: screening, scoping, public consultation, and assessment. Screening is a required stage for category B projects, followed by scoping, public engagement, and evaluation as later stages. However, undertakings categorised as B2 were not required to undergo an EIA assessment. Public consultation is required for all activities falling under categories A and B1, except for irrigation projects, building or construction projects, expansion of roads and highways, and activities related to national defence and security. The project proponent must get consent from the Pollution Board to hold a public hearing. The State Pollution Control Board, or Union Territory Pollution Control Committee, was given the role of holding public hearings to evaluate the complaints of local residents impacted by the issue. Furthermore, additional stakeholders were provided with the possibility of providing their comments in writing. The assessment of projects that did not have public consultation will be undertaken according to the approved manner. In 2006, the EIA Notification was modified on January 16, 2020, leading to the discontinuation of community interaction, as reported by Parivesh (2020). The Ministry of the Environment and Forestry has enacted legislation exempting hydrocarbon exploration operations from the need to undertake an EIA and organise a public hearing. A multinational company's proposal led to the amendment's adoption. As per Kulkarni (2021), in 2006, the notice was significantly revised, leading to the categorisation of projects into two different groups: A and B. B1 and B2 are subcategories of Category B. The diverse range of natural habitats includes marshes, forests, grasslands, and other ecosystems. Category A is designated for initiatives that may lead to substantial negative environmental effects, especially on sensitive, diversified, or rare ecosystems. The Ministry of Environment and Forests (MOEF) grants environmental clearance for Category A projects, whereas Category B projects need permission from the State EIA Authority (Kukreti and Sahu, 2019).

## 6 EIA notification 2020 – an analysis

The EIA draft notice was published in 2020. The main points of the draft notification for 2020 are: shortening the time frame from 30 days to 20 days; granting the government authority to address reports without public reporting for non-compliance; retroactive approval for projects operating without an EIA process; and excluding numerous projects from the mandatory EIA process, including onshore and offshore projects and road widening through forests (Ananthakrishnan, 2020). The EIA 2020 notice aims to combine changes made to the 2006 notice, simplify and organise procedures, and enforce court rulings.

### *6.1 Reclassification of projects and normalisation of ex-post facto clearance*

The EIA 2020 Notification categorises projects into B1 and B2, with EIA being mandatory only for B1 projects. Projects categorised under 'B2' are specifically excluded from requiring an EIA (Ministry of Environment, Forestry, and Climate Change, 2020). Projects falling under these exempt categories may include deforestation, which is overlooked and therefore not subject to the EIA procedure. This exclusion goes against the widely acknowledged precautionary principle, as stated by Gullett (1998). Projects categorised under B2 of the EIA Notification 2020 do not include public engagement in decision-making. Violations are only addressed by a report by the government, the project developer, or the authorities themselves. Access data on multilateral environmental agreements from 2013.

The Draft Notification standardises retroactive permission under paragraph 22, permitting the construction or operation of a project without previous environmental clearance. The section states that the state expert appraisal committee will make decisions based on the project's relevance (Jolly and Singh, 2021). The Supreme Court of India has ruled in various cases that ex-post clearance should only be granted in exceptional cases as it goes against legal principles and practices, the precautionary principle, and is harmful to the environment. The Supreme Court observed that ex post facto clearance should not be awarded frequently, but only in rare instances when the institution complies with the necessary environmental rules, in the case of Pahwa Plastics Pvt. Ltd. The distribution shall adhere strictly to the law and the relevant norms, as stated in the case of Pahwa Plastics Pvt. Ltd. versus Dastak Ngo, 2022. The clause considerably limits public input and involvement by establishing several project exclusions under category B2 (Thapliyal et al., 2022). For example, offshore and onshore oil extraction, irrigation projects, and cement mills. Moreover, the notice does not address the project's cross-border effects and excludes developments located within 100 km of the border. Thus breaching environmental law standards set by national and international regulations by restricting thorough project examination.

### *6.2 Reductions in the consultation period*

The 2020 draft EIA Notification has shortened the public hearing period from 30 days to 20. The decision to shorten the consultation time to 20 days is unwarranted considering the socio-economic circumstances of the local people who may be impacted by the planned project. Additionally, the clause exempts several organisations from the consultation obligation. Individuals who are uneducated or impoverished are unable to

promptly access the website or its content. Environmentalists and academics have carefully examined the current 30-day timeframe and found it to be insufficient (Narsaria, 2020). Countries in the global north, including New Zealand and Canada, have legislation permitting a 20-day term. Many of these countries provide many chances for public hearings. In a developing nation like India, due to the structural nature of poverty and socio-economic circumstances, a time frame of 20 or 30 days is usually inadequate for adequate public involvement in environmental decision-making. The court has often interfered in matters of public concern. The Delhi High Court, in the case of Vikrant Tongad v. UOI, extended the duration for public hearings during the COVID lockdown from 20 days to 60 days by a ruling in June 2020 (Rana and Co, 2020).

In today's technological era, governments may disseminate information about any proposed project using the internet. Poverty hinders internet connectivity in rural places, including India (Seretse et al., 2018). An ICUBE survey states that just 43% of India's total population, including both urban and rural areas, used the internet at least once in the last month (Ministry of Communication, 2020–2021). The rise in mobile phone use has led to a corresponding increase in the number of active internet users. Research shows that 67% of the urban population and 31% of rural individuals are active internet users (KANTAR, 2021).

The 2006 Notification mandated authorities to extensively publicise the project to facilitate meaningful public engagement, a provision that has been eliminated in the 2020 Notification (James and Udayashankar, 2020). Clause 14 of the EIA Notification allows states to hold public hearings using any suitable method. Furthermore, the notice does not specify the modes. Public hearings conducted via video conference and the internet may restrict the involvement of those living in rural areas and from disadvantaged backgrounds. Nagpur Municipal Corporation's initiatives, which announced a public hearing about tree removal for metro development in various areas of the city in 2021, may help demonstrate the impact (Narsaria, 2020).

## 7 Publication of EIA notification in only Hindi and English

The first version of the EIA 2020 was released in Hindi and English alone. The Constitution of India acknowledges 22 languages spoken by the people of India. According to the 2011 Census of India, over 43.63% of the people in India do not speak Hindi or English. It would lead to the exclusion of those who are not proficient in Hindi and/or English. The project's repercussions may lead to pollution spreading beyond the state's boundaries, perhaps silencing those who are unable to read or comprehend the EIA warning. The matter was contested in both the Karnataka High Court and the Delhi High Court. The courts resolved to review the suspension of the draft notification for 2022 due to its non-publication in the local language (Plumber, 2020). The court believed that extensive exposure of the EIA should be provided to the public, particularly when the law is subordinate legislation and not enacted by the parliament.

The Indian government addressed this problem after a court intervention. A draft notice was released in 22 languages and shared on the Ministry's official websites for public feedback until December 2021 (Parivesh, 2021). Furthermore, only impacted persons were permitted to take part in a public hearing, according to the 2006 notice. By restricting the public hearing process to those directly impacted by the project, the involvement of non-governmental organisations (NGOs) is limited. Furthermore, those

who feel wronged have the option to contest the planned plan under the National Environmental Appellate Act, 1997, which includes procedures for contesting a project's approval. The participation technique was mandated by the EIA Notification of 2006 and the Forest Rights Act of 2006. The text discusses how two laws enable public involvement and assesses the efficacy of participatory methods and the possible influence of public issues on regulatory results (Notification, 2006). The announcement lacks clear evidence of public involvement. It does not provide specific guidance on how to conduct the public hearing (Sandhu and Kaur, 2020).

## 8 Conclusions

India has distinctive problems as a developing nation in managing development goals and requirements via the utilisation of natural resources while simultaneously preserving and safeguarding the environment. The Indian court has upheld the notion of sustainable development in several cases, with EIA serving as a mechanism to support this objective. Public engagement is crucial for attaining sustainable and equitable development goals. The participation agenda in developing nations aims to increase local community involvement in development planning and alleviate poverty, particularly during development assistance programmes (Aycrigg, 1998).

Engaging the people in intricate decisions, particularly in a varied country like India, is a challenging problem. One crucial element for promoting successful involvement is the distribution of accurate information in a way that is readily comprehensible to individuals. Insufficient or too complex information might hinder significant public involvement. People need to be informed about how their involvement influences the decision-making process. Insufficient efforts in these areas contribute to a lack of public involvement and may result in heightened scepticism, or 'participation lethargy.' Public hearings with a minimum quorum requirement should be obligatory in all development procedures. The public hearing in the EIA process is a crucial element that safeguards the public's interests and enables them to express their opinions. Adhering to the public hearing process thoroughly, both in form and substance, rather than only fulfilling procedural obligations, would help garner more support from the public for the development project and promote a sustainable and fair development process.

## References

Achieng Ogola, P. (2009) *Environmental Impact Assessment General Procedures* [online] https://gogn.orkustofnun.is/unu-gtp-sc/UNU-GTP-SC-10-0801.pdf (accessed 14 July 2020).

Ananthakrishnan, G. (2020) *What are the key changes in the Environment Impact Assessment Notification 2020?*, The Hindu [online] https://www.thehindu.com/sci-tech/energy-and-environment/the-hindu-explains-what-are-the-key-changes-in-the-environment-impact-assessment-notification-2020/article32249807.ece (accessed 1 August 2020).

Aycrigg, M. (1998) 'Participation and the world bank: successes, constraints and responses', *Prepared for the International Conference on Upscaling and Mainstreaming Participation of Primary Stakeholders: Lessons Learned and Ways Forward*, Social Development Paper No. 29, Washington, DC, World Bank [online] http://wbln0018.worldbank. org/Networks/ESSD/icdb.nsf/D4856F112 E805DF4852566C9007 C27A6/7752CD32ED8 575308525676D006 9A68C/$FILE/sdp-29.pdf (accessed 1 August 2020).

Bekhoven, J.V. (2016) 'Public participation as a general principle in international environmental law: its current status and real impact', *National Taiwan University Law Review*, pp.248–254.

Chatzimikes, F. (1982) 'The environmental impact assessment in the United States', *Ekistics*, pp.119–124.

Divan, S. and Rosencranz, A. (2002) *Environmental Law and Policy in India*, Oxford University Press.

Du Pisani, J.A. (2006) 'Sustainable development – historical roots of the concept', *Environmental Sciences*, Vol. 3, No. 2, pp.83–96, https://doi.org/10.1080/15693430600688831 (accessed 3 January 2023).

Gullett, W. (1998) 'Environmental impact assessment and the precautionary principle: legislating caution in environmental protection', *Australian Journal of Environmental Management*, pp.146–158, University of Wollongong.

Handl, G. (2012) *Declaration of the United Nations Conference on the Human Environment – Main Page* [online] https://legal.un.org/avl/ha/dunche/dunche.html (accessed 20 July 2021).

Impact Assessment Agency of Canada (2019) *Impact Assessment Agency of Canada - Canada.ca* [online] https://www.canada.ca/en/impact-assessment-agency.html (accessed 1 August 2020).

James, S. and Udayashankar, N. (2020) 'From 2006 to 2020: the ongoing problems of the EIA', *Socio-Legal Review* [online] https://www.sociolegalreview.com/post/from-2006-to-2020-the-ongoing-problems-of-the-eia (accessed 1 August 2020).

Jolly, S. and Singh, S. (2021) 'Environmental impact assessment draft notification 2020, India: a critique', *Chinese Journal of Environmental Law*, Vol. 5, No. 1, pp.11–36, https://doi.org/10.1163/24686042-12340062

KANTAR (2021) *Internet Adoption in India* [online] https://images.assettype.com/afaqs/2021-06/b9a3220f-ae2f-43db-a0b4-36a372b243c4/KANTAR_ICUBE_2020_Report_C1.pdf (accessed 3 January 2023).

Kukreti, I. (2021) *News,* Down to Earth [online] https://www.downtoearth.org.in/news/governance/andhra-holds-public-hearing-on-vedanta-gas-project-amid-surging-covid-19-graph-76523 (accessed 16 April 2021).

Kukreti, I. and Sahu, P. (2019) 'Forest Rights Act: are state govts the real land mafias?' [online] https://www.downtoearth.org.in/news/forests/forest-rights-act-are-state-govts-the-real-land-mafias--63664.

Kulkarni, S.G. (2021) 'A critical analysis of environmental impact assessment (EIA) draft notification', *2020 International Journal of Law Management and Humanities*, pp.896–902.

Makmor, M. (2020) 'public participation assessment for environmental impact assessment in Malaysia, Canada and New Zealand', *Journal of Architecture, Planning and Construction Management*, Vol. 10, No. 1, https://doi.org/10.31436/japcm.v10i1.386.

Ministry for the Environment (1999) *Government of New Zealand a Guide to Preparing a Basic Assessment of Environmental Effects an Essential Reference for People Preparing an AEE* [online] https://environment.govt.nz/assets/Publications/Files/aee-guide-aug06.pdf (accessed 3 January 2023).

Ministry of Communication, G.O. (2020–2021) Annual Report-2020-2021, New Delhi, https://dot.gov.in/sites/default/files/Annual%20Report%202020- 21%20English%20Version.pdf.

Ministry of Environment and Forest (1994) *Government of IEnvironment Impact Assessment Notification.*

Ministry of Environment and Forests (2006) [online] http://www.environmentwb.gov.in/pdf/EIA%20Notification,%202006.pdf.. (2020) (accessed 3 January 2023).

Ministry of Environment, F.A. (2021) Government of India [online] http://environmentclearance.nic.in/writereaddata/Form-1A/TOR/26032021X3PW72O1TORLetter.PDF (accessed 3 January 2023).

Ministry of Environment, Forest and Climate (2020) [online] http://%20Environmental%20Justice%20in%20India.pdf.

Mitra, P.P. (2021) 'Environmental impact assessment in India: origin and towards sustainable future', *Indian Bar Review*, pp.101–107.

Mohan, M.P.R. and Pabreja, H. (2016) 'Public hearings in environmental clearance process', *Economic and Political Weekly*, 9 December [online] https://www.epw.in/journal/2016/50/special-articles/public-hearings-environmental-clearance-process.html (accessed on 14 July 2020).

Narmada Bachao Andolan v. Union of India (2000) 10 SCC 664 (Supreme Court 2000).

Narsaria, P. (2020) *EIA 2020: Public Consultation Without Informing the Public?,* August 19 [online] https://www.downtoearth.org.in/blog/environment/eia-2020-public-consultation-without-informing-the-public--72919.

Network of European Environment and Sustainable Development Advisory Council (2006) Retrieved from EEAC VG GOV [online] https://www.oecd.org/greengrowth/40033017.pdf (accessed 28 April 2006).

Parivesh (2020) Retrieved from Ministry of Environment, Forest and Climate Change [online] http://environmentclearance.nic.in/report/translated_drafteia_2020.aspx (accessed 14 July 2020).

Parivesh (2021) Retrieved from Ministry of Environment, Forest and Climate Change [online] https://parivesh.nic.in/Notifications.aspx?id=EC (accessed 3 January 2023).

Plumber, M. (2020) *Karnataka HC Says It Will Stay Draft EIA Notification 2020 If Centre Does Not Publish It In Regional Languages* [online] https://www.livelaw.in. https://www.livelaw.in/environment/karnataka-hc-may-stay-the-draft-eia-notification-as-central-govt-refuses-to-publish-notification-in-regional-languages-160389 (accessed 23 July 2020).

Rana, S.S. & Co. (2020) 'Draft EIA notification 2020 – deadline to file objections extended till August 11, 2020', *Lexology*, 20 July [online] https://www.lexology.com/library/detail.aspx?g=6efb1422-5ed5-49ec-99e8-1df9edf83657.

Sahoo, T. (2014) 'Sardar Sarovar Dam controversy- a case study', *Global Journal of Finance and Management*, pp.888–891.

Sandhu, B. and Kaur, V. (2020) 'Expedition of environment impact assessment', *International Journal of Law Management and Humanities* [online] https://ijlmh.com/expedition-of-environment-impact-assessment-in-india-where-do-we-stand-in-2020/ (accessed 14 October 2021).

Sarma, J. (2020) 'Strengthening environmental assessment process of projects in India', *International Journal for Research in Applied Science and Engineering Technology*, Vol. 8, No. 6, pp.2561–2564, https://doi.org/10.22214/ijraset.2020.6412.

Seretse, M., Chukwuere, J., Lubbe, S. and Klopper, R. (2018) 'Problems around accessing information in rural communities', *Interdisciplinary Journal for the Study of the Arts and Humanities in Southern Africa*, Vol. 25, No. 1, pp.214–244, https://doi.org/10.29086/2519-5476/2018/v25n1a10.

Thapliyal, S., Kapoor, M. and Dinesh, K. (2022) *The Road Ahead for Environmental Impact Assessment in India*, Vol. 57, No. 12 [online] https://www.epw.in/journal/2022/12/special-articles/road-ahead-environmental-impact-assessment-india.html (accessed 3 December 2023).

Thayyil, N. (2014) 'Public participation in environmental clearances in India: prospects for democratic decision-making', *Journal of The Environment (Protection) Act*, Vol. 1986, No. 3, The Indian Law Institute.

The Wire Staff (2020) 'Bombay HC says peaceful CAA protesters cannot be called traitors, 'anti-national', *The Wire* [online] https://thewire.in/law/bombay-high-court-caa-protests (accessed 5 July 2020).

Tickner, M.M. (2004) *The Precautionary Principle: Protecting Public Health, the Environment And the Future of Our Children*, World Health Organization, Europe.

United Nations (1948) *Universal Declaration of Human Rights*, United Nations [online] https://www.un.org/en/about-us/universal-declaration-of-human-rights#:~:text=The%20UDHR%20is%20widely%20recognized.

United Nations (1966) *International Covenant on Civil and Political Rights*, United Nations, OHCHR [online] https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (accessed 16 December 1966).

Van Treeck, R.C.W. (2022) *Novel Developments for Sustainable Hydropower*, July 7.