

F. No. 22-28/2020-IA.III
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
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Dated: 12th November, 2020

OFFICE MEMORANDUM

Sub.: Requirement of Public Hearing for Violation cases – clarification – reg.

The Ministry vide OM dated 16.03.2018 directed that the projects/activities which are in violation, pertaining to all sectors, shall be considered as per the directions of Hon'ble High of Judicature at Madras vide Order dated 14th March, 2018 in WMP Nos.3361 and 3362 of 2018, and WMP No.3721 of 2018 in WP No.11189 of 2017.

2. It has been now brought to notice that pursuant to the Ministry's OM dated 16.03.2018, the EAC (Violation Sector) and certain SEACs are stipulating Public Hearing to projects and activities which are in violation across all sectors except for Building and Construction projects covered under Schedule 8 (a) of the EIA Notification and as amended thereof.

3. The Ministry is in receipt of representations from various stakeholders requesting the Ministry to clarify that Public hearing shall be undertaken only in respect of those cases of violation, where the EIA Notification, 2006, as amended from time to time, so mandates.

4. After due consideration of the spirit of the Hon'ble Court's directions, the Ministry hereby clarifies that the purpose behind conduct of public hearing is not to determine the violation but only to assess the impact that the project may have on local environment and living. Therefore, if in the first place nature of the project does not call for public hearing, violation does not cast additional requirement of public hearing. Wherever, public hearing is required, it should be undertaken bringing out all facts before the public.

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5. In this regard, while considering the applications for Environmental Clearance under the violation category as per the provisions of S.O. 804(E) dated 14.03.2017, the EACs/SEACs may insist upon public hearing to be conducted only for those categories of projects for which the EIA Notification, 2006 itself requires public hearing to be conducted.

6. This issues with the approval of the competent authority.



(Sharath Kumar Palleria)
Scientist 'F'/Director
IA (Policy)

To

1. Chairman of all the Expert Appraisal Committees
2. Chairperson/Member secretaries of all the SEIAAs/SEACs
3. Chairpersons/ Member Secretaries of all SPCBs/UTPCCs
4. Chairman, Central Pollution Control Board (CPCB)
5. All the Officers of IA Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. Ps to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS (RSP)/AS (RA)
5. PPS to JS (GM)/JS (SKB)/JS (AKN)
6. Website, MoEF&CC
7. Guard file.


(Sharath Kumar Palleria)
Scientist 'F'/Director
IA (Policy)