

By Speed Post

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Government of India
Ministry of Environment & Forests

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Dated the 28th September, 2011

Office Memorandum

Sub: Adherence to the procedure for conduct of Public Hearing as prescribed in the EIA Notification, 2006 – Regarding.

The EIA Notification, 2006 as amended on 1st December, 2009 has prescribed the procedure for conduct of public hearing. The EIA Notification reads as under:

"The District Magistrate / District Collector / Deputy Commissioner or his or her representative not below the rank of an Additional District Magistrate assisted by a representative of SPCB or UTPCC shall supervise and preside over the entire public hearing process."

Further, it is also stated as under:

"3.3 No postponement of the date, time, venue of the public hearing shall be undertaken, unless some untoward emergency situation occurs and then only on the recommendation of the concerned District Magistrate/District Collector/Deputy Commissioner, the postponement shall be notified to the public through the same National and Regional vernacular dailies and also prominently displayed at all the identified offices by the concerned SPCB or Union Territory Pollution Control Committee;

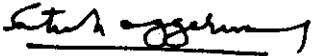
3.4 In the above exceptional circumstances, fresh date, time and venue for the public consultation shall be decided by the Member Secretary of the concerned SPCB or UTPCC only in consultation with the District Magistrate/District Collector/Deputy Commissioner and notified afresh as per procedure under 3.1 above."

Instances have, however, come to the notice of this Ministry wherein the Public Hearing Proceedings have apparently not been chaired by the prescribed level of Officer as also the dates of the Public Hearing have been postponed. The Public Hearing Proceedings do not specify the status of the Officer who had chaired the public hearing vis-à-vis the level of Officer prescribed in the EIA Notification, 2006. The public hearing proceedings also do not specify the reasons, if any, for postponement / change of venue of the meeting. It also does not specify how the adequate publicity regarding change of date / venue was made to ensure adequate participation of all the

stakeholders. A lot of time is consumed in seeking clarifications from respective SPCBs / UTPCCs in such matters which delays in taking decision on projects.

In the light of the foregoing, it is to reiterate that all the State Pollution Control Boards / UTPCCs, during conduct of public hearing, should ensure that the provisions of the EIA Notification, 2006, as amended subsequently, are adhered to in letter and spirit.

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

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