

PUBLIC HEARINGS OR FORMALITIES: THE ILLUSION OF PARTICIPATION IN ENVIRONMENTAL IMPACT ASSESSMENTS IN INDIA

The Promise That Was Made

Many projects, such as coal mines, dams, and factories are planned across the country, and the most affected are the people living closest to them. They bear the harm that follows. Before such harmful projects receive clearance, the communities likely to be affected need a chance to voice their concerns. They receive this opportunity through public hearing held under India's Environmental Impact Assessment (EIA) process.

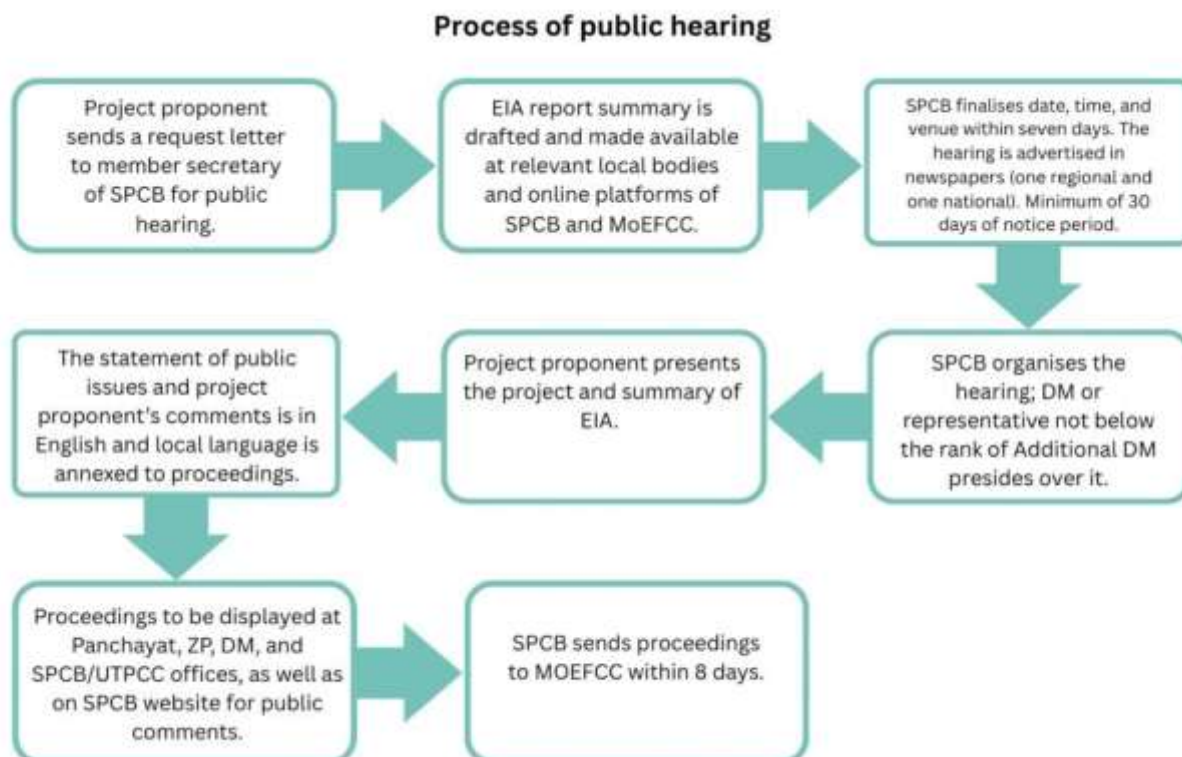
It was made mandatory that every project requires [public consultation](#) and a formal hearing conducted by the [State Pollution Control Board](#). All the affected communities receive notice, they have access to the EIA report, and they can raise objections. This regulation, introduced by the government, is considered under [environmental governance](#), and is a participatory democracy. But there is a difference between what the exercise is meant to be and what it actually looks like in practice.

What the Law Promises

The 2006 notification, which mandates public consultation, consists of four stages. It involves Screening, Scoping, Public Consultation, and Appraisal. The public hearings are mandatory for all [Category A and B1 projects](#), including mining operations, thermal plants, dams, highways, and more. There is a mandatory requirement of deposit of the full EIA report in the district collectorate and forwarding of all objections to the Expert Appraisal Committee (EAC) before any clearance is granted, for the procedural guarantees a 30-day notice period, mandated by the EIA notification of 1994, further affirmed by 2006 notification.

India's commitment also aligns with the international standards and commitments. [Principle 10 of the Rio Declaration, 1992](#), states that every citizen has the right to participate in decision-making for all citizens. India is a signatory to the declaration. The [Aarhus Convention](#) has not been ratified by India, but it sets a globally recognised standard of environmental governance. It has been built on [three pillars](#) that involve

access to information, public participation, and access to justice, which is also replicated by the 2006 framework.



The process of public hearing under the EIA process. Source: India Development Review (IDR)

The Gap Between Law and Practice

Executive Summary of EIA

A typical EIA report consists of pages with the most difficult and technical language. The reality is that very few people read the entire report. Many decision-makers and members of the public use the executive summary for an easier understanding. But these summaries cannot be fully relied upon. A study of [34 executive summaries](#) found that many were incomplete, lengthy, and lacked the information needed to properly understand the project and its impacts.

Summary Standards and their Limitations

While there exists clear [standards](#) for what an executive summary should look like, the standards are considered as suggestions not rules. It includes keeping the language plain and easy to understand, including project's impacts, alternatives, and leftover risks, everything confined in a short document. There is a need to make certain changes that would make these summaries effective. EIA should avoid the use of complex figures and

instead prefer using tables, charts, and maps to explain impacts easily. The summary should be limited to a certain page limit.

Hearings Without Impact

The public hearings do not hold influence on final decisions. One of the best examples is the experience of the [Chhabra Thermal Power Plant](#) hearing in Rajasthan in 2025. Researchers documenting the hearing found that important documents, including EIA executive summary were not made available in Hindi, even though it was the local language. The pollution control board also failed to upload the summary on its website 30 days before the hearing, as required. When residents raised concerns about air and water pollution, the project authorities gave vague responses. The hearing ended after two hours and residents were asked to submit their remaining concerns in writing, and several submissions from workers and local residents have not received a response yet. A similar problem arose in Chhattisgarh's coal-mining areas. In 2017, the government allowed mine expansions of up to 40% of their capacity without a public hearing. At the [Dipka coal mine](#), where villagers raised concerned about pollution, the situation had serious consequences. Even after multiple complains and objections, the Ministry of Environment approved a 30-year extension of the mine's environmental clearance without properly addressing the concerns raised by the community. Public hearings are made to serve, so that the people to be affected are heard, but they sometimes become only a formal procedure which is followed without considering the communities it was meant to serve.

Exclusion of Affected Communities

The rights of the tribal communities, over land and resources, are recognised by the [Forest Rights Act, 2006](#) and in [PESA, 1996](#) under Section 4(e)(i) and Section 4(k). But they don't include them in EIA hearings. In the landmark judgment [Niyamgiri judgment \(2013\)](#), the Supreme Court held that Gram Sabhas of the Dongria Kondh should be responsible for making decisions regarding bauxite mining. The judgment remains an exception as it is very rare. Some cases such as the controversy regarding the [POSCO Act in Odisha](#), where the steel project in Jagatsinghpur continued its destruction despite of local Gram Sabhas rejecting it under Forest Rights Act and the National Green Tribunal later suspended its environmental clearance, and [Hasdeo Arand forest dispute](#), where a state tribal commission found that consent records with Gram Sabha were forged and the mining approvals were still granted despite villagers objection show how EIA processes can be brought into use to neglect the voice of the communities instead of engaging with them.

The Draft Taking Backwards

The [Draft EIA Notification, 2020](#), proposed [environmental clearances](#) for the projects that started the construction illegally, moved beyond the exemptions from public consultation, reduced notice periods, and allowed project proponents to self-certify compliance. The [Vidhi Centre for Legal Policy](#) reveals how these changes would weaken the framework for participation rather than strengthen it. It is also clear that public consultation has become a secondary concern rather than a real safeguard, which weakens how the [EIA process](#) actually functions on the ground.

Why This Is Not Just Procedural

In [Vanashakti v. Union of India \(2025\)](#), the Supreme Court struck down the ex-post facto environmental clearances and held that they violate the right to pollution free environment under Article 21 of the Constitution. This shows how EIA processes meant to prevent harm before occurring can instead lead to violation of fundamental rights. The [UN Special Rapporteur on Human Rights and the Environment](#) has noted that environmental rights to information, participation, and justice are preconditions for substantive rights to be meaningful. And the [UNEP's EIA training resource](#) reveals that actual participation produces better environmental outcomes by using the local knowledge and identifying unforeseen impacts. Projects that bypass this tend to face protests, delays, and litigation, which costs everyone. For example, in [Tuticorin](#), years of protest against Vedanta's Sterlite Copper plant turned violent in 2018, which led to death of 13 people, when police opened fire on people protesting against pollution concerns, which later resulted in shut down of the plant. The exclusion from decision-making and participation causes economic loss as well.



The protest against Vedanta's Sterlite Copper Plant in Tuticorin. Source: BBC

What Genuine Reform Requires

There is a need for reforms which would bring the positive outcomes into this matter. For projects that face serious public opposition, the hearings can be conducted by independent bodies which include representatives from civil society, and not the people who are only interested in approval of the project. This would reduce the risk of hearings become formalities. Moreover, the EIA reports should be available in languages that affected communities actually understand. The EAC must provide a written and point-by-point reply to every objection. The Right to Information Act should be used actively by communities to demand these. [Section 6](#) of the Act allows any person to formally request such information from the concerned public authority. For the projects related to Schedule Areas, [Gram Sabha consent under Section 4\(k\) of PESA](#) and provisions of [Section 3](#) of the Forest Rights Act, must be a mandatory precondition for the clearance as both provisions require consent of the communities related to forest-dwelling before using their land and resources. [Vidhi's recommendation](#) of the planned independent panel provides a solution in the right direction.

The Larger Question

India has worked on environmental protection through frameworks such as EIA Notification, the Forest Rights Act, and the Environment (Protection) Act, 1986. But the problem lies in the effectiveness more than implementation. In the case of EIA, there is a need not only to make the language of reports easier to understand, but a bigger concern is that same authorities involved in regulating projects may also be responsible to decide whether the project moves forward or not. There is a need for an independent body which remains neutral and makes regulations. The public hearings may take place, but the concerns raised by local communities do not always have a meaningful impact on the final decision. This can make participation feel more like a formality than a genuine part of decision-making. The reports, executive summaries are required to be provided in concise and easy manner, and EAC should provide the communities to be able to seek the responses through the Right to Information Act. It is required that India's environmental laws give affected communities a real voice and not just a chance to be heard, only then, the existing frameworks will move towards effectiveness.

[This post has been authored by Avart Vivek Pole, second-year student at JGLS]