



By ALBERTINA ALMEIDA

Public Hearings: How the Coal is sought to be tempered

Public hearings under the Environment Protection Act, were lobbied for by people, as a space to articulate their concerns about any proposed project and also to seek clarifications. But from the State's point of view they seem to have been envisaged to contain and co-opt people's views within the frameworks of the project proponent by saying they considered people's concerns and finalised the environment impact assessment report.

The uneasy tug of war on the role of public hearings was evident in the public hearings on the three projects (actually fragments of one project designed for expansion of coal handling) in the Mormugao Port Town of Goa and beyond, which smacked of a managerial state with the aid of Mormugao Port Trust privileging mega corporates, such as Jindal Steel (JSW) and others in the preline and the pipeline such as Adani and Vedanta. These hearings come at a time when Goa is already reeling under the impact of mining, coastal erosion, mega gated real estate projects that most Goans cannot afford. These projects are promoted without considering the state of the existing resources.

The public hearings were conducted per force. The fisher people's associations, that is the Old Cross Fishing Canoe Owners Cooperative Society Ltd, and Baina Ramponkar and Fishing Canoe Owners Society had approached the National Green Tribunal (NGT) since the Public Consultation mandated under the Environment Protection Act had not been conducted by the project proponents, who were exempted from doing so by the Ministry of Environment and Forests (MoEF), Government of India.

The fisher people's associations were successful in getting the environmental clearance quashed, for being issued without conducting a public hearing, but the MoEF challenged this order in the Supreme Court. However, realizing that it would not achieve its ulterior motives, the MoEF then undertook to abide by the NGT's direction to hold a public hearing. "We are dealing with a case relating to adverse severe impacts on environment as a consequence of illegality in process of grant of environmental clearance, which has emboldened the project proponent to indulge in capital dredging which has undoubtedly changed the very geomorphology of the sea bed", the NGT West Zone Bench had observed.



There are numerous maladies that beset such public hearings. The project proponents in their bid to thrust their projects make a deliberate attempt to inflect the discourse: whether by casting aspersions on the locus standi of the participants, whether in arraigning people as nay-sayers, whether in fragmenting the project into parts to diffuse the extent of environmental and social impact, whether in not providing or setting the detailed ground rules at the commencement of the meeting and abiding by them.

Organisations opposed to the project, which included the above two fishing canoe owners societies, the *Goemchea Ramponkarancho Ekvott*, the Federation of Rainbow Warriors, Bharat Mukti Morcha, and Human Rights Monitoring Society, pointed out that, the NGT Judgement had not been considered in calling for cumulative objections to the three seemingly disconnected projects of Jindal and Mormugao Port Trust, which encompass dredging, redevelopment of berths as well as rail and road connectivity primarily for coal.

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At any public hearing, the project proponents need to present a comprehensive picture of the ecological profile of the area within 10 kms radius of the proposed project, and its possible environmental and social costs, and people need to be able to give their informed opinion based on this. But, in the draft EIA Reports, even the demographic profile of the listed fishing community areas was misrepresented, and there was concealment of the fact that the Forest (Conservation) Act, 1980, the Wildlife Protection Act, 1972, were attracted by the proposed project. The proposed double tracking of railway line and creation of road connectivity would together fragment the Western Ghats in Goa, the habitat of tigers and other vulnerable species, Rainbow Warriors pointed out. Terra Conscious, another civil society organization, drew attention to the documented evidence of the presence of scheduled species under the Wildlife Protection Act, such as corals, humpback dolphins, whale shark, humpback whale, finless porpoise, green turtle, corals, killer whales.

The chief mischief, these organisations alleged, was played in the presentation of the layout, and to an extent, glaring omissions in the layout of areas encompassed within the 10 kms radius, misprojection of the nature of areas. They did not present or make available to the public basic information by which the public could give their informed opinion or share their concerns at the Public Hearing. The absences include baseline data about the existing quality of air, water, soil, and features of land, and demographic profile within most of the prescribed radius, bathymetric data that would indicate the rock types, texture, structure and amount of rock to be cut, hydrographic charts, additional highway construction work necessary on National Highway 17B and 4A between Vasco and Belgaum in Karnataka.

This led citizens to repeatedly call out that the public hearing was being manoeuvred to seem like people's concerns were being considered and would be factored in seemingly by redesigning the project or the environment impact assessment report, which would then be presented as a fait accompli without again bringing it to the people. This is by now, a known modus operandi of a managerial state working in tandem with mega corporates.

To add to this, the Report was not even provided in the vernacular language to some of the panchayats within the 10 kms radius. What lay people were expressing therefore at the public hearings were their experiences with transportation of coal. The Project as a whole, is supposed to add 20 million tons, on a conservative measure, to the volume of coal being handled. The residents of the port town, and those who live along railway tracks, have already undergone problems including pulmonary problems due to existing volume of coal handling and transportation. Therefore, it is but natural that they should strike an autobiographical note, with personal experiences of cancer, especially lung cancer, besieging their families, raising questions about the import this project has for the environment and consequently people's health. Narrating such experiences also does consume some time both because of the emotional investment required to be summoned and the sheer depth of experience to be transmitted. The District Magistrate or his representative, who have the onus of chairing such public consultations, find themselves wanting in actually taking on board such participation, apart from the pressures on them to meet the imperatives of the ruling dispensation's injunctions as regards the project.

In a small State such as Goa, where its people feel overwhelmed by the presence of a population not of Goan origin which is the size of its own, and which limits the access to the

existing resources and opportunities, it is easy to stir up feelings by the use of the expression 'outsider'. This was taken to its heights when the chairman of the project proponent, which is the Mormugao Port Trust, went to the extent of saying, at an independent press conference, that those who are opposing the projects are outsiders, meaning that they are not residents of the port town, completely missing the point, both of the presence of port town residents, as well as environmental concerns that are not contained by political delimitation boundaries. Predictably, it attracted the ire of participants who are residents of different parts of Goa, which in turn provided the justification to the establishment to bring a posse of police. This posse, by its sheer presence and location, meant not only to intimidate the people seeking to voice their opinions, but even deftly positioned to cover the many posters that the opponents to the project had adorned the hearing site with.

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The institutionalized mega-corporate arrogance and the complicity of the State in manoeuvring the hearings, was demonstrated in multiple ways. There was the absolute dismissal of responsibility to respond to questions that could easily have been anticipated, stating that they did not have the information with them there, as those aspects were not discussed in the draft EIA. The project proponents' repertoire of answers included: information is not available with them then; they cannot respond to questions about Constitutional compliances or compliance with national policies such as the National Coal Policy, or India's commitments under the Intended Nationally Determined Contribution with regard to climate change, and can only give answers regarding what is written in the EIA. With repeated silences to queries to the project proponents, and consequent visible anger from the participants, the Chair (deputed by the District Magistrate) was propelled to state that silence should be presumed to mean consent to the critique – a point not noted in the initial draft minutes.

The provision of false information in the draft EIA report or omission to provide requisite pertinent information to stakeholders and appraisers, this made for serious breaching of the obligation of the project proponent to enable the people to provide an informed opinion and expression of their concerns at a public hearing.



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There was arbitrary changing of rules, including in the matter of the amount of time given to various people present to express their opinions, reproducing certain social inequalities of caste and class already prevalent in Goan society in the process, which lead to the sociologist John Fernandes questioning the validity of the entire hearing. The final nail was the signing of minutes of the hearing for the project of Jindal SW by the District Magistrate as the chair of the proceedings, even before they were agreed to, contrary to the rules prescribed, and even as the draft minutes did not contain the fact that the project proponents did not answer most of the very pertinent questions. Various civil society organizations have meticulously edited and submitted the minutes, to preempt any cooption of their voices via the minutes.

Given the institutionalized arrogance, and the obvious pretence of preparing a final EIA by taking on board the views expressed at the public hearing, the prevailing mood at the hearings was: we do not want these fake development projects, no to coal; above all, a thumping reverberation that a managerial State in cahoots with the mega corporates cannot be allowed to stage a farcical public hearing where peoples' views and language are (mis)appropriated or selectively grafted with the agendas of vested project proponents. It is quite another thing that people by their articulate and studied presentations set new boundaries and designs for public hearings.

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