

April 1 2010

To,

**Shri Jairam Ramesh
Union Minister of State for Environment and Forests (Independent Charge)
Ministry of Environment and Forests
Paryavarn Bhavan, CGO Complex,
Lodhi Road,
New Delhi 110 003
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Subject: FLAWED Accreditation of EIA Consultants through the QCI initiative

Dear Sir,

This is with reference to the Office Memorandum from your ministry dated March 18, 2010 (F. No. J-11013/77/2004- IA II (I)) making the accreditation of the EIA-EMP consultants by the National Accreditation Board of Education and Training/Quality Council of India (NABET/QCI) compulsory and declaring, **“No final EIA/EMP from any Project Proponent prepared by the Non-accredited Consultant will be entertained after 1st July, 2010.”**

In this regard we would like to bring to you attention some of the basic flaws in this process.

This move to register EIA Consultants will have serious repercussions of legitimizing the very factors enumerated as problematic with the current system of writing EIA reports, considering the way this process has happened so far. The QCI documents themselves point to the complete inadequacy of the EIA reports and the role of EIA consultant being questionable. However, we are a bit surprised MoEF continues to render faith in what is essentially a developers' body like the QCI, backed by industries associations,¹ when it comes to accreditation. There is a basic conflict of interest here as a body backed by the association of developers has been assigned the task to certify the appropriateness of EIA agency!! And on top of it, there is no role in that process for the people and groups concerned and affected by the environment impacts!!!

In April 2007, some of us had written to MoEF pointing to some fundamental concerns with the manner in which QCI was designed and entrusted the role of accreditation. Despite our repeated concerns, no effort was made to make the process inclusive in such a way where inputs of all those who had been raising issues regarding faulty EIAs and EIA consultants could be core to any accreditation process. We attach with this letter, the previous submissions along with a list of faulty EIAs for your submission.

¹ As QCI website (<http://qcin.org/about.php>, accessed on April 1, 2010) states, “QCI was set up in 1997 as an autonomous body by the Government of India jointly with the Indian industry to establish and operate the National Accreditation Structure for conformity assessment bodies. Indian industry is represented in QCI by three premier industry associations ASSOCHAM, CII and FICCI”.

It is deeply disappointing that when the Ministry is making mandatory registration of the same EIA consultants who have delivered seriously flawed EIAs in the past, there is yet again no space or scope for public inputs and there is no attempt to actively engage people, concerned groups and interested citizens in the process of either developing this scheme or in the process of registration of EIA consultants itself. We also find that:

- Currently the QCI process has no requirement that the EIA consultant need to be INDEPENDENT of the developer. Without such a requirement, the EIA is not likely to be credible since one of the possible conclusions of the EIA is that the project is non viable and the EIA is also supposed to assess the non project options and also the unacceptable project impacts. Today, it seems even a developer can also do the EIA of its own project. Or the developer can get the EIA done by another linked or in house organization. For example, WAPCOS is one of the EIA consultants and it is an organization under the Union Water Resources Ministry. Is it ok if WAPCOS were to do an EIA for a MWR project?
- Currently, the QCI process has no clear definition of what is conflict of interest, though the QCI document does mention that EIA consultants are “to avoid and/ or declare any conflict of interest that may affect the works to be carried out”. However, what is the definition of conflict of interest? If the business model of a consultant includes survey, feasibility studies, development and such other works for kind of projects for which it also does EIA, will it be considered conflict of interest?
- Currently, the QCI process has no way of assessing the track record of the consultants it is registering. Hence the consultants who have done flawed work in the past would also get registered and they may continue to do the flawed EIA work.
- The MoEF could have also made provision for a mandatory open peer review of EIA reports before accepting it; and accordingly assess the quality of the report based on this review.

Hence, we, the undersigned strongly question this scheme and its implementation in its current form and urge the MoEF to put an immediate stop to this process until the issues raised here are addressed in a credible way. An accreditation process in which peoples’ groups and project affected communities have no say either in the design, implementation or monitoring is unacceptable, when in actuality such consulting assignments have produced faulty EIAs that have destroyed pristine habitats, local environments and the livelihoods of thousands of the urban and rural poor, adivasi, fisher-folks and other communities.

In this context, our demands include:

- Public testimonies of the experiences of project affected communities be part of the basis of any registration process
- There should be clearly defined norms of independence and conflict of interest for the EIA consultants
- The registration process must take cognizance past performance of the applicant consultants and those that have delivered flawed EIAs in the past must not be registered. In fact a parallel process of blacklisting consultants who have been compulsive defaulters must be initiated.

- A mandatory open peer review of EIA reports before accepting it for consideration
- Registration should exclude all companies and consultants who have been charged with authoring faulty and substandard reports in the past.
- A credible, independent committee with an equal representation of civil society, which is given the power to de-register, revoke certification and blacklist EIA Consultants who may still submit shoddy reports. This committee should be entrusted with the task of reviewing EIA consultants in a free, transparent and fair manner keeping in mind principles of social and environmental justice.

We will look forward to your early response on these issues.

Sincerely,

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