





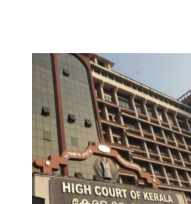
ENVIRONMENT GOVERNANCE AND POLICY


Has the time come for a dedicated Indian Environment Services within the civil services

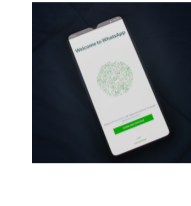
HARSH MAHASETH AND GAURI GOEL · MARCH 19, 2022

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There is need of an active bureaucracy for the implementation of environment policy. These administrators need to be aware of their responsibility, which can be made effective if a service dedicated to the environment is created.

THE discourse that arose in the Supreme Court in January this year about the creation of an Indian Environment Services has its origins in a report by a high-level committee that was headed by former Cabinet Secretary T.S.R. Subramanian. The committee was established in August 2014 to suggest amendments to six laws related to the environment. The committee in its report tried to balance the imperatives of development that cause the least damage to the environment. To formulate the report, the committee had consulted with related stakeholders.

The report recommended another leg of the All India Service relating to environment management for approval of environmental projects, one at the union level and the other at the state level. The National Green Tribunal was given the role of judicial review over them.

There were a lot of concerns on the report, but the intention of the report was to create an instrument for remove the crutches given to corrupt administrators through the environment laws.

A parliament standing committee on July 2015 in Rajya Sabha rejected the recommendation of the report on the grounds that the present legal framework and architecture that was created to protect the environment would be weakened through its implementation. Even though it was rejected, it brought to light the grave scenario of environmental governance, and the need for better implementation on the ground of laws that seemingly just exist on paper. The union government did not constitute another committee, as suggested by the standing committee, for the laws. However, it did in time implement a few suggestions of the committee that were related to specific laws, but not the ones that change the whole administration and management relating to the implementation of environment laws. It has since been simplifying laws which were under a lot of scrutiny from environmental groups, showing that the government was not entirely opposed to the recommendations.

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Why the current bureaucratic system needs reform

The criticisms of the Indian bureaucracy as echoed by the Indian Prime Minister (PM) in his speech to the Lok Sabha in 2021 supports the suggestion of a specialised service for environment in the Indian Administrative Service [IAS]. The IAS is generalised to do all the tasks relating to even niche branches of administrations, wherein a graduate can take policy decisions related to subjects such as defence and aerospace. The IAS were founded on the colonial government's Council of India's law member T.B. Macaulay's notion of generalised work done by one official; however the modern era, based on a socio-economic model of high specialisation, cannot survive on this.

“ **The IAS were founded on Macaulay's notion of generalised work done by one official; however the modern era, based on a socio-economic model of high specialisation, cannot survive on this.** ”

The IAS is filled with people without the requisite specialized skills and qualifications to successfully accomplish their tasks. The exam for recruitment, even though highly difficult, is generalised by the choice of two subject and one common general knowledge section. The best officers sometimes end up doing jobs that they are not trained in. This does not mean that we do not find good administrators, but that it is not the norm of the industry. This was lamented by the PM when he posed the question “Can babus do everything?” (babu is a euphemism for bureaucrats). There was a proposed functional field for specialisation that was recommended in 1970 by India's first Administrative Reforms Commission, but like the Subramaniam Committee suggestions, it was never implemented in its full.

There is need of an active bureaucracy for the implementation of environment policy. These administrators need to be aware of their responsibility, which can be made effective if a service dedicated to the environment is created. The challenge of climate change would then be able to be effectively approached through the bureaucracy.

“ **The PIL wants the recommendation of the Subramanian committee to be implemented into the law. His argument relates to the problem of effective coordination amongst the ministries, and the lack of trained personnel in the administration regarding the policies of the environment.** ”


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PIL presently before the Supreme Court

The discourse on the possibility of a new environment service has restarted again after the public interest litigation filed by advocate Samar Vijay Singh before the Supreme Court. He wants the recommendation of the Subramanian committee to be implemented into the law. His argument relates to the problem of effective coordination amongst the ministries, and the lack of trained personnel in the administration regarding the policies of the environment. His petition further stated that even though India possesses a comprehensive policy framework, its implementation has not come to fruition. Moreover, it has sought for a set up of an academy to train officers for the administration.

However, the new Indian Environment Service may overlap with the existing Indian Forest Service, and could challenge the federal structure of the civil services. The Supreme Court expressed that such a policy decision is out of the hands of the judiciary, and needed to be handled by the government. It did send an inquiry on the issue of whether the government is proposing to go with the recommendations of the committee or not. It remains to be seen how and when the union government responds to the same.

(The views expressed are personal.)



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