

The Role of Environmental Laws in Curbing the Environmental Crime in India: A Critical Analysis

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ABSTRACT

Environmental crime has arisen as a transnational governance obstacle that undermines ecological integrity, human health, and sustainable development, especially in developing economies such as India. Apart from a comprehensive statutory law comprising constitutional provisions, institutional specific environmental legislation, and specialised dispute adjudication like environment tribunal and courts, the offence against environment continues to rise. This article critically examines the enforcement robustness of environmental legal framework, moving beyond statutory analysis to examine why compliance deficient persevere. By adopting a doctrinal and analytical methodology, the study outlines the environmental governance theory, regulatory compliance literature and review, and environmental offences to assess the systematic, institutional, and sociolegal barriers to effective enforcement. It is assumed that India's environmental governance regulation suffers from segmented authority, poor deterrence mechanism, lack of public participation, and extreme dependence on judicial intervention. By situating Indian environmental law within wide theoretical debates on enforcement, compliance, and environmental rule of law, this article contributes to conceptual discussions important to transnational environmental governance. The study also proposing a preventive, participatory and compliance-oriented implementation model lined up with sustainable development goals and environmental governance standards

Keywords: - Environmental Offences, Environmental Laws Enforcement, Institutional Governance, Sustainable Development Goals

INTRODUCTION

Environmental offences have grown up as one of the major significant global governance challenges of the 21st century. It harms to ecological sustainability, underscore regulatory authority, and puts potential socio-economic harm to both developed and underdeveloped countries. Environment crimes grab a wide area of illegal activities which includes wildlife trafficking, illegal logging, unlawful mining, hazardous waste dumping, and industrial hazard. (Nellemann C. H., 2016) These crimes not merely destruct the ecosystem but also make non-resilient environmental governance framework and deteriorate the progress towards sustainable development. (UNEP, 2018). India, is one of the biggest growing countries in economic affairs, faces environmental difficulties in governance challenges drained by rapid industrialisation, urban expansion, and increasing consumption of natural resources. These developments have emancipated environmental degradation and involved to the rise of environmental crime. In response India has constituted a significant legal framework including constitutional provisions, statutory laws, regulatory framework and specialised environmental offence adjudication bodies like National Green Tribunal. (Divan S. &., Environmental law and policy in India, 2021)

The term 'Environment' is borrowed from the French word which means 'to surround' in literal sense a word Environment means surroundings. (Deshpande, 2019) hence environment includes air, water, land, space, sunlight, temperature, wind, electricity, energy, heat, sound, ionic radiation etc. it also includes Ecology, Ecosystem and Biosphere. Environmental crimes, noncompliance and risks create the potential harms to the human health and their property. the present definition of environmental crime level from criminal violations of

environmental law to any act that creates the disruption on ecosystem. (Carole Gibbs, 2010) Environmental crime is applicable to behaviours that intervene statutory provisions enforced to secure the ecological and physical environment. (Routhe, 2005) In today's world, environmental crime is Fastly growing day by day which is endangering not only ecosystem but entire wildlife populations, sustainable livelihoods and revenue to the governments. Environmental crime includes corporate crime in the forest sector, illegal trading and sale of goods, exploitation of earths minerals, illegal fishing. (Maitra, 2020)

The matter of environmental protection is as longstanding a concept as the emergence of Homo sapiens on this planet. With the rise of technological advancements and the continuously growing global population, significant alterations in the human environment have occurred. Consequently, it is essential to govern human conduct and societal changes through the implementation of new legislation. (Leelakrishnan, 2021)

DEVELOPMENT OF ENVIRONMENTAL LAW IN INDIA

The evolution of Environment governance in the nation indicating gradual changes from fragmented resource mechanism to cooperate and constitutional approach to the environmental protection. In beginning, environmental subject were defined indirectly through various legal wings like The Forest Act, 1927, and the Indian Penal Code, 1860, which inculcated the provisions against public nuisance and pollutions. (Leelakrishnan P. , 2021) However, a significant framework originated after the United Nation (UN) Conference on the Environment held on Stockholm in 1972, where India was participated and introduced the 42nd Constitutional Amendment in 1976. Through this amendment Article 48A, gives the direction to the state government to secure and reform the nature, and provision of article 51A(g), enforcing a basics duty of individual to secure the environment under the Indian Constitution.

The implementation of the Water (Prevention and Control of Pollution) Act, 1974, marked the beginning of specialized environmental legislation, which has succeeded by the Air (Prevention and Control of Pollution) Act, 1981, the significant Act of Environment Protection of 1986. This legislation empowers the Central Government to adopt measures for controlling environmental pollution. (Divan, 2001) Furthermore, judicial activism has played a significant role to shaping the framework of environmental laws. In various cases, the Apex Court has expanded the interpretation of Article 21 of the Indian Constitution to encompass the right to a healthy environment as a fundamental right. This was established in the case of Subhash Kumar v. State of Bihar (1991) and further reinterpreted in M.C. Mehta v. Union of India (1987), thus laying the groundwork for environmental jurisprudence. (Shastri, 2019)

Environmental law comprises a collection of regulations established by both the Central Government and State Governments aimed at safeguarding the environment, wildlife, and the aesthetic value of land. It seeks to prevent pollution, excessive deforestation, protect endangered species, conserve water resources, develop and adhere to comprehensive plans, and avert harmful practices. These laws frequently empower individuals and organizations to initiate legal proceedings or request court orders to enforce environmental protection or to demand modifications to private and public activities that may adversely impact the environment. (R., 2021) Furthermore, the Indian Government has created the National Green Tribunal under the NGT Act of 2010, which specializes in environmental adjudication and ensures the swift resolution of environmental disputes. (Dhanda, 2018)

ENFORCEMENT OF ENVIRONMENTAL LAWS

Planning and implementation of action and programs are necessary to control and cope the hazards of pollution. Planning may include both long term and short-term programs for pollution control. If the contemplated planned actions are to be enforced it is necessary to have administrative authorities and enforcement mechanism. (Sengar, 2012)

The Environment Protection Act, 1986

The Environment Protection Act, 1986 was enacted due in wake of Bhopal Gas Tragedy, describe as India's umbrella statute for environment governance. This legislation provides the central government with empowering

to regulate the industrial operations, control pollution, and protect environmental quality. (Divan, Environmental Law and Policy in India: Cases, Materials and Statutes, 2001) The very significant scope of this legislation is to covering air, water, land and gives the power to government to set a standards, shutting down the pollution industries, and issue the direction under section five of the Act. This law has faced a criticism for its over centralized framework, which limits state autonomy and community participation. (Sharma, 2021) however the lack of accountability, poor mechanism and weak enforcement have undermines its enforcement, as lot of violations go unpunished due to official inefficiency and lack of coordination between agencies. (Kumar, 2019) Judiciary intervention, especially through public interest litigation, have played a pivotal role in giving life to the Act, with interpretation of principles like polluter pay principle and precautionary principle. Despite the judicial activism, Environment Protection Act remains reactive rather than mitigative in nature, necessitating reforms to strengthen institutional framework, encourage transparency, and integrate community-based invigilation for sustainable enforcement.

The Forest Acts 1927

The Indian Forest Act. 1923, plays a pivotal role having legal framework aimed at managing and preserving forest resources in India. Forest is vital for maintain ecological balance, providing industrial resources, and assisting to tribal livelihoods. However apart from its objective of protection and regulation, the Act has been widely criticized for its colonial procedure and centralized governance structure, which prioritized state control and revenue growth over the public rights and ecological sustainability. (Guha, 1993) consequently, the Act contributed to alienation and clashes between forest dependent public and state authorities. However, the policy intention to conserve forest was commendable, its implementation measures often poor in participatory elements, indicating a top-down conservation model. Apart from India's constitutional commitment to increase forest cover to 33% to current area left significant lower, explaining the enforcement failures and policy inertia. (Rahate, 2022) The 76th Constitutional amendment, which shifted forest to the concurrent list, was a step towards collaboration federalism, yet the existence.

The Wildlife Protection Act, 1972

The Wildlife Protection Act, 1972 is the most relevant legislation in India for protection biodiversity and environment. it was made for growing concern about loss of animals, bird, and planta due to hunting and habitat destruction. This legislation empowers to both central and state Governments to provide protection to places like national parks, wildlife sanctuaries and tiger reserve. It also makes a check over hunting, illegal trade and possession of wildlife products. Moreover, this Act had a good intention, it has faced many challenges in its working, such as lack of implementation and poor administration. (Ramesh, 2020)

One of the major concerns about this legislation that it has a centralized approach. this means that decision is majorly taken by the government without involving the local and tribal who resides near forest. These people are mostly familiar to the wildlife and nature, but the Act does not give them a role in conservation. (Kothari, 2000) Many people of these areas feel excluded and sometimes come into clashes with forest authorities due to this unfamiliarity. In the various cases this has led to resistance and even illegal use of forest land. (Rangarajan, 2006) on the other side the big issue is the enforcement of this legislation is weak. The Act defines about appointing wildlife wardens and constitute wildlife advisory boards, but in practical sense these offices often lack in staff, training, and resources. (Divan, Environmental law and policy in India, 2021) The punishments for wildlife and related crimes like poaching illegal trade are also very much fewer to stop offenders. ((UNEP)., 2018) Therefore, the Wildlife Protection Act, 1972 required to place beyond its traditional way of protecting wildlife and get a more balanced, eco-friendly, and community based management. This law should include robust punishment for wildlife crimes, empowers and aware to the local people, ensure that officers are more efficient for proper enforcement. Most importantly, the law has to make balance in environmental protection with human needs so that conservation having done with the help of people who live familiar to nature, not at their cost. (Kumar A. &., 2022)

The Water (Prevention and Control of Pollution) Act, 1974

The Water (Prevention and Control of Pollution) Act, 197, represented one the first the statute aimed at mitigating

and regulating water pollution, as well as managing or restoring the purity of water. This legislation was enacted in response to growing concerns regarding the contamination of rivers and other water bodies resulting from industrialization and urbanization. The Act facilitates the creation of Central Pollution Control Boards and State Pollution Control Boards, which are authorized to check water quality, establish quality for effluents, and take decisive action against offenders. (Divan S. &, Environmental law and policy in India, 2021) Apart from the robust objectives, the enforcement of this Act faced various challenges. One major concern that this Act primarily focuses on regulatory rather than prevention. The Act's provisions widely punitive and reactive, explaining pollution after it occurs instead of defining pollution prevention through cleaner advancement technologies and sustainable practices. (Sharma S. , 2016) However the integrated nature of the environmental regulation has further weakened the enforcement of the water Act. The overlapping the duties and responsibilities between state departments, local bodies and pollution control boards lead to less cooperation and duplication of efforts. (Kumar A. &, 2022) For instance municipalities are responsible for sewage treatment, while State Pollution Control Board supervise and manage industrial discharge, often resulting in fragmented data and accountability gaps. This organisation structure has made it difficult to implement basin level water management, which is required for sustainable pollution control.

The Air (Prevention and Control of Pollution) Act, 1981

The statute was enacted for prevention, control, mitigate and reduce air pollution in India. Specially after the Stockholm Conference 1972 on human environment. This Legislation provides establishment of the Centre and State Pollution Control Boards to monitor air quality and manage emissions from industries and vehicles. Although it was a progressive step, its implementation has been weak due to lack of its enforcement, poor equipment for monitoring, and poor technical capacity in pollution control boards. (Divan S. &, 2021) Air pollution growing continuously in Indian city, indicating that the Act impact has been limited (Bank, 2022). This legislation is criticised for focusing mainly on industrial sources while ignoring pollution from vehicles, construction, and crops burning (Gupta, 2019) However the punishments for violators are too small and coordination between Centre and State agencies remains inadequate. (Narain, 2005) Judicial Interpretation such as in M.C. Mehta V. Union of India (1998) have assisted to enforce emission norms and encourage clean fuels, but dependence on courts indicated weak administration action (Muralidhar, 2010). Therefore, it is most necessary to make this legislation more effective, India must update its air quality standards, robust institutional resiliency, and to promote general awareness to ensure cleaner air for future generation.

The National Green Tribunal (NGT) Act, 2010

The Act has made to provide a specialised forum of adjudication process for the effective and speedy resolution of Environmental disputes and to enforce India's environmental laws. The NGT has exercised a pivotal role in robust environment governance by ensuring the responsibilities of industries and government agencies, promoting polluter pays and precautionary principle and making environment justice accessible to the individual. (Dhawan, 2021)

SDGS AND ITS ACTUAL PROGRESS

The data of literature reflects a significant gap between the vision of the Sustainable Goals (SDGs) and their real progress nearly a decade after their adoption. Apart from global manifestation to create a sustainable and equitable world, the 2023 united nations SDG report shows that only 16% of the targets are advancing as planned, while overall half 48% are seriously off track and 37% have highlighted fewer to no progress. (Suprayogi, 2025) This data outlined the universal struggle in explaining the sustainability objectives into relevant outcomes. A key factor contributing to this shortcoming is the persistent rise of environmental crimes which undermine conservation efforts, resource management, and sustainable development policies. The review of current literature indicates the significant economic and environmental consequences of environmental crimes, which are projected to yield illicit revenues between USD 91 and 259 billion each year, consequently depriving governments of vital tax revenue. (Andersen, 2021) Nellemann et al. (2016), in partnership with the United Nations Environment Programme (UNEP), investigated several major categories of environmental crime, such as illegal logging, unregulated fishing, illegal mining, the unlawful trade and disposal of hazardous waste, and illegal wildlife trafficking. Together, these activities led to an estimated loss of around USD 70 to 213 billion in

2014, with this amount rising by nearly 20% by 2016, underscoring the pervasive and systemic nature of environmental crime. Consequently, there is a pressing need for enhanced global governance preparedness and more robust enforcement frameworks. Previous studies have focused on specific aspects of environmental crime, such as the challenges associated with eliminating illegal gold mining. (Ampaw, 2024), Wildlife exploitation like trafficking through online network (Demeau, 2019), and organised animal crime (van Uhm, 2021). Hence this analysis aims to integrate these categories delineated by UNEP. This literature identifying the key thematic trends and formulates recommendation for encouraging future innovation and policy development in the field of environmental criminology.

CHALLENGES FOR IMPLEMENTATION OF ENVIRONMENTAL LAWS

1. Poor enforcement procedures

In India despite the significant legislation, but enforcement of these laws left due to administrative inefficiency, corruption, and lack of cooperation between central, state and local authorities. A lot of violations have unregistered, unreported and unpunished expressed the undermining the deterrent value of laws. (Kumar A. , 2019)

2. Conflicting Jurisdiction and Authorities fragmentation

The integration of authorities like Central and State Pollution Control Boards, forest departments and Local bodies having overlapping roles and uncertain responsibilities and accountability. This division hinders effective policy execution and creates duplication of efforts. (Sharma S. , 2016)

3. Poor Knowledge

Environmental laws are weakly understood by the public. Poor knowledge in the general public and local stakeholder follows to weak participation and contribution in conservation efforts and monitoring activities. (Ramesh S. , 2020)

4. Inadequate punishments mechanism

The punishments described in these laws like the Environment, Water and Air Acts are too fewer to acts as an effective deterrent against violators. this inefficiency permitted to pollution industries and individuals to continue violation with little fear of consequence. (Narain S. , 2005)

5. Transitional Challenges and Environmental Crime

Illegal trade in wild life, hazardous waste dumping, and unplanned mining have transitional dimensions that has existing domestic laws struggle to express effectively, requiring cross border cooperation. (Nellemann, 2016)

Suggestions for resilient environmental governance

1. Expand the involvement of local communities, Panchayati Rat institutions, and Tribal population can reform environmental monitoring and encourage shared responsibility in conservation efforts. A top to bottom approach ensures inclusivity and practical enforcement.
2. Improve the environmental literacy at school and university levels, encourage individual participation through awareness campaign and door to door reaching, enhance the role of civil society and NGOs in environmental monitoring.
3. Locate focus from punitive measures to preventive mechanism by encouraging cleaner production technologies, green business incentives and circular economy principles.

4. Make resilient the collaboration with global agencies like UNEP and Interpol for cope up the cross boarder environmental crimes, ensuring alignment with the Sustainable Development Goals.
5. Increase the powers and resources of NGTs to reduce delays, ensure environmental disputes are handled efficiently, and reform access to environmental justice

CONCLUSION

To effectively express the challenges of environmental crimes, India needs a multi-dimensional approach that multiple legal, administrative, technological, and community-based approach and reforms. Make resilient institutional mechanism, decentralizing decision making, to align as per the international framework with sustainable development goals will be crucial in getting the vision of cleaner, safer, and sustainable environment for future generation.

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