

The background of the journal cover features a top-down view of a desk. On the left, there is a pair of black leather brogue shoes. In the center, an open notebook with lined pages and a silver pen lies on a light-colored wooden surface. To the right, a black leather bag is partially visible, and a black leather watch with a silver dial is placed on the desk. A large, semi-transparent white rectangular box is centered over the image, containing the journal's title and ISSN information.

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AN OVERVIEW OF GREEN CRIMINOLOGY IN INDIA

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ABSTRACT

Green criminology represents a domain of inquiry within environmental law that concentrates on offenses perpetrated against the environment. This discipline investigates how human actions can result in environmental degradation, consequently causing harm to living beings as well. This paper carefully explores the repercussions and legal avenues available, encompassing both constitutional and criminal remedies, with a specific emphasis on environmental infractions. It provides an in-depth analysis of the extensive impacts of environmental crimes on biodiversity, ecological equilibrium, deforestation, and the pollution of air and water resources. Furthermore, the paper delves into the complexities of legal challenges and enforcement mechanisms, offering a thorough overview of the legal framework, obstacles, and India's role in international treaties and agreements related to environmental protection.

Key words: Green Criminology, Environmental Crimes, Criminal Justice System, Administrative Mechanisms.

INTRODUCTION

The study of crimes against the environment is the primary focus of the developing academic discipline known as "green criminology." Due to the increase in environmental violations, the notion of "green criminology" has gained significant traction in India recently. In this nation, environmental offenses include actions such as illegal wildlife trafficking, unpermitted mining, deforestation, and pollution. Besides their harmful effects on the environment and public health, these actions also lead to considerable economic and social consequences.

Now in its twentieth year, green criminology - which examines environmental harm, crime, law, regulation, victimization, and justice - is becoming increasingly pertinent to current issues at local, national, and international scales. This series is timely as societies and governments around the globe are exploring innovative methods to mitigate and address the repercussions of diverse environmental harms affecting humans, non-human animals, plant species, and the

ecosystem along with its elements. Green criminology provides a distinctive theoretical framework for understanding how human actions contribute to and worsen environmental conditions that jeopardize the planet's sustainability¹.

CONCEPT OF GREEN CRIMINOLOGY

The term 'environment' encompasses a vast realm in itself. Consequently, to explore criminology within this context, one must first interpret the environment. The definition and management of environmental damage are shaped by various factors, such as human interaction with the environment, the interconnectedness of ecosystem elements, and the economic and political framework adopted by a country.

Certain experts in green criminology assert that our attention ought to be directed towards individuals and organizations that breach environmental regulations set forth by both national and international governing bodies. Primary Green Crimes are those offenses that explicitly contravene these regulations. In addition, there exist Secondary Green Crimes, which are violations perpetrated by individuals against laws designed to safeguard the environment.

The focus is placed on eco-justice and adopting an ecocentric perspective, which acknowledges our interdependence with the natural environment. Green criminology poses the question of why climate change continues to occur despite our awareness of its existence and human-induced causes. It introduces concepts such as ecocide, which denotes the destruction of the environment, and categorizes certain corporations and individuals as "carbon criminals."

KINDS OF ENVIRONMENTAL CRIMES

'Environmental Crimes' encompass a broad spectrum of unlawful activities, such as the trafficking of wildlife, the smuggling of substances detrimental to the ozone layer, the illegal trade of hazardous waste, unregulated and unreported fishing, along with the illegal logging and trade of timber². Legally, an action or failure to act is classified as an 'environmental crime' only if it inflicts direct or indirect damage to the environment, and is expressly forbidden by law.

¹ QUANTITATIVE STUDIES IN GREEN AND CONSERVATIVE CRIMINOLOGY: THE MEASUREMENT OF ENVIRONMENTAL HARM AND CRIME 2 (Michael J Lynch and Stephen F Pires, eds., Routledge Publishers, London, 1st ed. 2021).

² Outlined by the United Nations Crime and Justice Research Institute.

Environmental crime includes a wide range of violations that result in harmful effects on the environment and human health. Rapid industrialization and urbanization fuel these offences, with major cases often managed through public interest litigation. These offenses range from administrative errors or failures in record-keeping to the unlawful release of pollutants into the environment. Different types of environmental crimes consist of, but are not limited to, the following: Oil spills; Unreported fishing; Poaching; Destruction of wetlands; etc.

1) Illegal Wildlife Trade

Ranked as the third-largest illegal trade in the world, after drug and arms trafficking, the illegal wildlife trade represents a considerable danger to the preservation of global biodiversity. Although various participants are involved in this crime, buyers hold a crucial position, and the termination of supply along with inflated prices in the black market would result in the elimination of this offense. Interestingly, the more endangered a species becomes, the greater its market value. Species that are in high demand include tropical birds (such as parrots and macaws), arachnids (certain species of tarantulas), primates (including capuchins, chimpanzees, and lemurs), among others³. In addition to marketing these animals as pets, there are cases of more serious offenses, including the trafficking of elephant or rhinoceros ivory for decorative uses or for traditional Chinese medicine.

2) Illegal Deforestation

Both lawful and unlawful mining operations may take place alongside illegal deforestation and unauthorized logging. Research has revealed a significant correlation between deforestation and mining activities, regardless of their legal status, and the growing demand for various mineral resources could heighten the risk of deforestation and forest degradation as a result of mining. Nevertheless, the absence of a universally recognized definition of illegal mining presents difficulties in evaluating the relationship between illegal deforestation and unlawful mining operations⁴.

3) Unregulated Logging

The main driver of deforestation, unregulated logging for timber, furniture, or agricultural activities, presents a significant danger to the environment. The devastation of the Amazon, the

³ [Amitabh Vikram Dwivedi](#), The Green Mafia: Environmental Governance and the Criminalization of Care, ISSJ 2026.

⁴chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.unodc.org/documents/data-and-analysis/ Crimes%20on%20Environment/ECR25_P2a_Deforestation.pdf, last visited May 21, 2026.

largest rainforest on the planet, intensified in 2013, with a reported 29% increase in deforestation by the Brazilian government. The indiscriminate cutting down of trees for multiple uses constitutes a serious environmental offense.

4) Pollution and toxic waste

Pollution and toxic waste are severe and interconnected environmental crisis. They degrade ecosystems, threaten biodiversity and pose major public health risks. Human activities, such as industrial manufacturing, fossil fuel burning and mass consumerism, introduce hazardous chemicals and non-biodegradable materials into nature faster than the environment can process them. Pollution offenses pertain to the discharge of detrimental materials into the atmosphere, aquatic environments, or terrestrial soil, which adversely impacts human well-being and ecological systems.

5) Mismanagement of Electronic Waste

In what are referred to as developed countries, approximately 50 million tonnes of electronic waste, which encompasses computers, televisions, mobile devices, and household appliances, are produced each year. Disturbingly, it is estimated that as much as 75% of this electronic waste does not go through official disposal channels, with a considerable amount being illegally sent to areas such as Africa, China, or India. Significantly, sites like the waste dump in Ghana are receiving large shipments of electronic waste from Western nations, underscoring a troubling pattern.

6) Illegal fishing

It includes over fishing and use of banned equipment in marine ecosystems. Illegal fishing activities are also classified as environmental offenses, involving actions like overfishing, employing prohibited gear, and targeting at-risk marine species. Such practices jeopardize fish populations, disturb marine ecosystems, and pose a risk to food security for communities reliant on fishing. Specifically, overfishing exhausts fish stocks more rapidly than they can replenish, resulting in enduring ecological and economic repercussions.

7) Finning

Specialized vessels capture around one hundred million sharks each year, with as many as 70 million falling victim to the cruel practice of finning. In this industry, the fins are severed from live sharks aboard the vessel, and a kilogram of shark fin can command a price of 600 euros in

the Asian market. Beyond the financial implications, sharks, which are essential to the oceanic food chain, encounter considerable dangers as a result of this practice.

8) Wildlife trafficking

It includes the poaching and trafficking of protected species. This illegal trade specifically targets endangered animals and plants, jeopardizing global biodiversity and driving numerous species toward extinction. The extraction of vital species from their natural environments disturbs ecological equilibrium and results in a decline in biodiversity, which is crucial for the stability of ecosystems⁵.

9) Hazardous waste Dumping

Frequently associated with corporations, manufacturing plants, and governmental bodies, this environmental violation pertains to the improper disposal of hazardous waste into bodies of water such as rivers, lakes, and aquifers. Although certain waste is handled in a regulated fashion, there are occurrences of uncontrolled discharge into the environment, which results in pollution and harm to local wildlife. This offense not only leads to the mortality or illness of local animal species but also pollutes the adjacent plant life through the infiltration of contaminated water into the soil, thereby impacting the entire food chain.

IMPACT OF ENVIRONMENTAL CRIMES

Environmental crime refers to violations of laws established to protect the environment and human health. These laws regulate air and water quality and outline the legally acceptable practices for the disposal of waste and hazardous materials. Environmental crime represents a serious danger not only to the present generation but also to the health of future generations, including humans, animals, and plants.

The range of unlawful activities that make up environmental crime carries significant consequences, jeopardizing resource depletion, ecosystem destruction, species extinction, human health, loss of revenues, livelihoods, and climate stability. In addition to the detrimental impacts on the environment and ecosystems, these crimes have a profound effect on human society. They disturb peace by providing advantages to armed groups and intensifying armed conflicts, threaten security by destabilizing nations, and obstruct development by worsening

⁵ Kartikey Bhardwaj, Environmental Crimes And Legal Provisions, 2(1) JLRA (2026).

poverty and inequality⁶.

Environmental offenses create a cascading impact on the expenses borne by communities and nations. They not only disrupt the intricate equilibrium of the planet's flora, fauna, and microbial communities that constitute a unified whole but also obstruct socio-economic progress. Furthermore, they threaten ecosystem services, which refer to the advantages and contributions of ecosystems to human quality of life and well-being⁷.

LEGAL AND ENFORCEMENT FRAMEWORK

The worldwide scope of environmental offenses has made it essential to create extensive legal structures at both the international and national tiers. These structures aim to combat and avert environmental deterioration through synchronized policies, treaties, and regulations. On the international front, numerous agreements and conventions have been formulated to address different facets of environmental crimes⁸.

National legislation offers additional layers of protection, often customized to tackle specific environmental issues within a nation. In India, the Environmental Protection Act acts as a fundamental law, enabling the government to implement measures for environmental safeguarding and to oversee activities that inflict ecological damage⁹. The Water (Prevention and Control of Pollution) Act and the Air (Prevention and Control of Pollution) Act are two critical statutes that govern pollution control strategies and delineate processes for penalizing infractions, thereby preserving the quality of air and water resources¹⁰.

The Wildlife Protection Act prohibits illegal hunting, poaching, and the trade of endangered

⁶ <https://earth.org/explainer-what-is-environmental-crime/>, last visited May 20, 2026.

⁷ Ibid.

⁸ The United Nations Framework Convention on Climate Change (UNFCCC) serves as a vital treaty focused on alleviating climate-related offenses by establishing global climate action objectives and curtailing greenhouse gas emissions (UNFCCC, 1992). Furthermore, the Montreal Protocol governs substances that harm the ozone layer, significantly contributing to the preservation of atmospheric health (UNEP, 1987). The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) aims to combat wildlife trafficking by regulating the international trade of protected species, thereby ensuring their survival in their natural habitats (CITES, 1975). Another vital treaty, the Convention on Biological Diversity (CBD), advocates for the protection of biodiversity, urging countries to safeguard their ecosystems and manage invasive species that pose a threat to local biodiversity (CBD, 1993). In addition, the Basel Convention tackles hazardous waste by overseeing its transboundary movement, preventing illegal disposal in developing countries, and fostering environmentally responsible waste management practices (Basel Convention, 1989).

⁹ Ministry of Environment, 1986.

¹⁰ Central Pollution Control Board, 1974; 1981.

species, while establishing protected areas and schedules that classify species according to the level of protection they necessitate¹¹. To combat deforestation, the Forest Conservation Act emphasizes sustainable forest management, ensuring that forestland is not utilized for non-forest purposes without prior authorization¹².

A governmental organization referred to as the National Green Tribunal has been created in India to address these issues. The tribunal functions as a specialized court aimed at tackling environmental matters and enforcing environmental laws. Additionally, various advocacy groups and non-governmental organizations in India are actively involved in promoting public awareness regarding environmental violations and their effects. The tribunal is integral to India's environmental legal framework, offering prompt remedies for environmental disputes and enforcing environmental legislation. It is dedicated to addressing cases concerning environmental protection and conservation, simplifying legal processes and guaranteeing timely justice¹³. The presence of such a specialized tribunal highlights the significance of maintaining environmental laws and allows the judiciary to respond effectively to violations.

Besides the above, the steps encompass the Acts that have been enacted, which include the the Air (Prevention and Control of Pollution) Act of 1981, the Hazardous Wastes (Management, Handling and Trans-boundary) Rules of 2008, the Forest Conservation Act of 1980, the Public Liability Insurance Act of 1991, the Biological Diversity Act of 2002, and the Noise Pollution (Regulation and Control) Act of 2000¹⁴. That is, a robust legislative framework is essential to promote, support, and take into account restorative justice within the realm of environmental offenses.

CONVICTION MECHANISM

Analyzing real-world instances of environmental offenses underscores the intricacies of enforcement, the evolution of environmental law, and the necessity for international collaboration. One of the most devastating environmental catastrophes, the Bhopal Gas Tragedy¹⁵, resulted in thousands of fatalities and long-lasting health repercussions for those who survived. From a legal perspective, the tragedy led to prolonged litigation, bringing to

¹¹ Wildlife Protection Act, 1972.

¹² Forest Conservation Act, 1980.

¹³ National Green Tribunal Act, 2010.

¹⁴ Mansi Dagrass, "Crime Against Environmental Law in India" (2021).

¹⁵ Took place in 1984 when a hazardous gas leak from a pesticide facility in Bhopal, India.

light concerns regarding corporate responsibility and the imperative for robust environmental regulations. This incident spurred significant advancements in Indian environmental law, including the enactment of the Environment Protection Act of 1986 and the creation of the National Green Tribunal to more effectively resolve environmental conflicts¹⁶.

Narrow definitions of victimhood in the context of environmental offenses are gradually being replaced by broader interpretations. This expanded view of victimhood encompasses individuals, both current and future generations, communities, including Indigenous and non-Indigenous groups, the environment itself and commercial entities. The prosecution and conventional court systems do not adequately address the needs of these victims, resulting in the unaddressed harm caused by environmental offenses.

Restorative justice, as a comprehensive approach, provides a promising solution to this issue and can be integrated into court processes¹⁷. Most cases result in environmental compensation rather than imprisonment. Restorative justice serves as a method for addressing criminal behavior by reconciling the needs of the community, victims, and offenders. However, restorative justice has been utilized only sporadically by the courts when addressing environmental crimes.

CHALLENGES

The implementation of environmental regulations is beset by various challenges that impede the effective safeguarding of ecosystems and public health. One of the main hurdles is related to jurisdictional matters, as environmental offenses often transcend national boundaries, complicating enforcement and collaboration among nations¹⁸.

Another major challenge is the insufficient allocation of resources for environmental monitoring and law enforcement. Numerous regulatory bodies encounter a lack of funding and personnel, which restricts their capacity to perform regular inspections, monitor environmental

¹⁶ [Michael J. Lynch](#) and [Michael A. Long](#), Green Criminology: Capitalism, Green Crime and Justice, and Environmental Destruction, 5 Annual Rev. Of Criminol. (2022).

¹⁷ Mark Hamilton, Restorative justice conferencing in an environmental offending context: the role of legislation, 25(1) Elgaronline, 51-76 (2022).

¹⁸ Smith, 2021.; For example, the illegal trade of wildlife and the trafficking of waste frequently involve several countries, each possessing different legal frameworks and enforcement capabilities, which complicates the coordination of efforts and the accountability of offenders. (Jones & Miller, 2020).

infractions, and impose sanctions on violators. This deficiency undermines the agencies' ability to take proactive measures, often resulting in violations going unnoticed until significant damage has been inflicted¹⁹.

Corruption represents a significant danger to the enforcement of environmental laws, as it may result in the granting of unlawful permits, inconsistent enforcement, and an overall absence of accountability. At different tiers of governance, corruption can promote environmentally detrimental activities by enabling corporations and individuals to evade legal obligations, thereby eroding the integrity of environmental legislation²⁰.

Technological constraints further hinder enforcement efforts, especially in monitoring and managing environmental crimes in remote or hard-to-reach locations. In the absence of sophisticated surveillance systems and detection tools, agencies find it difficult to oversee vast areas for illegal activities such as logging, poaching, and waste disposal, which frequently take place in secluded regions²¹. This technological deficiency allows for criminal activities to remain unnoticed and unaddressed.

Moreover, public awareness and education are essential in bolstering environmental law enforcement; however, low awareness levels often impede effective reporting and community engagement. Frequently, communities lack knowledge of the legal avenues available for reporting environmental infractions or may fail to recognize the detrimental effects of certain actions. This deficiency in understanding diminishes public involvement in environmental conservation, undermining a crucial aspect of effective enforcement²².

Utilizing criminal law through retributive justice to tackle environmental issues has failed to meet the pressing need for the restoration of Nature. In contrast, restorative justice may offer a more effective approach to addressing environmental crises. However, there are numerous challenges, including definitional ambiguity and the absence of a suitable methodology for determining environmental compensation necessary for the establishment of a restorative

¹⁹ QUANTITATIVE STUDIES IN GREEN AND CONSERVATIVE CRIMINOLOGY: THE MEASUREMENT OF ENVIRONMENTAL HARM AND CRIME 3 (Michael J Lynch and Stephen F Pires, eds., Routledge Publishers, London, 1st ed. 2021).

²⁰ Brown & Lee, 2022.

²¹ Muhamam Pelangkahu, Green Criminology: Evolution, Typology and Legal Framework for Environmental Protection, 6(1) IUS PoeNale 37, 47, (2025).

²² Thompson & Black, 2021.

justice framework, which should be complemented by compensation. Furthermore, insights from the Compensatory Afforestation Fund Management and Planning Authority raise the question of whether restoration can be accomplished solely through environmental compensation²³.

Tackling these issues necessitates a comprehensive strategy that includes enhanced funding, international collaboration, technological advancements, anti-corruption initiatives, and public education to establish a more robust and effective framework for environmental law enforcement.

SUGGESTIONS

In response to numerous environmental challenges and concerns, the nation has implemented several measures aimed at producing initiatives that assist in mitigating these issues. To effectively address environmental crimes, it is imperative to implement several enhancements to the current legal frameworks. Firstly, the establishment of more stringent penalties and fines for corporate and organized environmental offenses is essential. At present, many penalties fail to adequately reflect the serious ecological and public health consequences of these violations. Raising fines and enforcing tougher sanctions for repeat offenders would act as a more substantial deterrent and demonstrate a commitment to holding wrongdoers accountable²⁴. By ensuring that penalties correspond to the damage inflicted, governments can discourage environmentally detrimental practices, especially by large corporations.

Furthermore, enhanced global collaboration is vital, as numerous environmental crimes, including wildlife trafficking and waste dumping, frequently cross national boundaries. Reinforcing the role of international organizations and promoting cross-border cooperation can facilitate more coordinated efforts and improved information exchange, allowing for quicker and more thorough responses to environmental crimes. This strategy involves augmenting the capabilities of international entities such as INTERPOL and boosting collaborative initiatives among nations through treaties and joint operations²⁵.

²³ Bhat, S., & K. K., G. (2025). Restorative Justice and Environmental Compensation: A Critical Evaluation of Law and Policy. *Christ University Law Journal*, 14(Special Issue 1), 1 - 24.

²⁴ Johnson & Lee, 2022.

²⁵ Muhamam Pelangkahu, *Green Criminology: Evolution, Typology and Legal Framework for Environmental Protection*, 6(1) *IUS PoeNale* 37, 41 (2025).

Enhancing community engagement and raising public awareness represent another vital aspect of a strong legal framework. By informing the public about the indicators and consequences of environmental offenses, governments can motivate citizens to report infractions and actively participate in prevention initiatives. Community reporting mechanisms and awareness campaigns empower local residents to take action, establishing an additional layer of oversight that supports official law enforcement activities²⁶.

Ultimately, ongoing training for enforcement personnel is crucial to provide them with the most current legal and technical expertise necessary for effective intervention. Environmental crimes are increasingly sophisticated, with perpetrators employing advanced technology and intricate schemes. Law enforcement officials must remain informed about these advancements through continuous training on subjects such as digital tracking, international law, and forensic methods tailored to environmental offenses. Well-prepared officers are more capable of identifying, investigating, and prosecuting offenders, thereby enhancing the overall efficacy of environmental law enforcement²⁷.

These suggestions highlight the necessity for a comprehensive strategy to enhance legal measures against environmental offenses. By integrating harsher penalties, international collaboration, community involvement, and ongoing education, governments can establish a more robust and efficient framework to safeguard the environment and public health²⁸.

CONCLUSION

Environmental law has undergone significant evolution over the last few decades, driven by various international and national initiatives as well as social activism focused on strategic environmental measures. However, despite these efforts, environmental crimes remain largely unregulated, with reports indicating that it ranks as the fourth largest area of crime globally. The gravity of the situation is more severe than commonly perceived.

In India, incidents related to pollution and other environmental issues are classified as criminal acts, yet there is a lack of proactive measures to address these crimes and protect the

²⁶ [Michael J. Lynch](#) and [Michael A. Long](#), Green Criminology: Capitalism, Green Crime and Justice, and Environmental Destruction, 5 Annual Rev. Of Criminol. (2022).

²⁷ Brown & Miller, 2023.

²⁸ [Kartikey Bhardwaj](#), Environmental Crimes And Legal Provisions, 2(1) JLRA (2026).

environment. Tackling environmental offenses through strong legal structures is crucial for safeguarding ecosystems, public health, and the global climate. As environmental crimes grow more intricate and harmful, the demand for rigorous legislation and efficient enforcement strategies has reached an unprecedented level²⁹.

While laws have been established to combat such offenses in India, their implementation is inconsistent across the nation. Illegal activities continue to persist. There is an urgent need for systemic change, and the laws addressing environmental crimes must be strengthened. It is imperative to classify actions that harm the environment as criminal offenses, as they impact not just specific communities but humanity as a whole. Governments must recognize the significance of ensuring a safe and clean environment for their citizens, and those who compromise the integrity of the environment must face consequences. Nature deserves protection, and it is essential that those who violate its sanctity are held accountable. Nevertheless, India's judiciary has played a crucial role in the development of environmental law.

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²⁹ Dr. Mamta Mishra and Ashish Hasan Usmani, Environmental Crimes and Its Implications on the Indian Legal Systems, 10(3) IJRAR 316, 324 (2023).