

“Green Crimes and Constitutional Environmentalism: A Public Interest Litigation Approach to Strengthening India’s Environmental Criminal Justice Framework.”

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Abstract

India's environmental law is a structured system yet criminal accountability for serious environmental offences is almost non-existent, which results in country's environmental degradation. Over the past few decades rising incidents of air and water pollution, illegal mining, hazardous waste dumping, deforestation, and wildlife crime have increased concerns. These actions are commonly known as green crimes, and they harm nature and also human health, public safety, and future generations. Although India possesses one of the world's most comprehensive environmental governance frameworks—strengthened by constitutional guarantees under Articles 21, 48-A and 51-A(g)—the enforcement of environmental law remains fragmented and largely ineffective. The widespread use of Public Interest Litigation (PIL) has enabled courts to address institutional failures, as demonstrated in many landmark decisions, yet, despite judicial intervention, criminal sanction for serious environmental harm remains weak, slow, and almost absent in practice.

This research paper explores the evolution and the current state of India's environmental criminal justice by combining constitutional rights, PIL, strict criminal sanctions and judicial approaches. The paper also explains the present laws in India that deal with green crimes and assesses their effectiveness in addressing contemporary environmental harms. The paper also compares India's system with countries such as the United States, the United Kingdom, and Brazil, which have stronger models of environmental crime investigation, prosecution, and sentencing. The study highlights major gaps in India's current system, such as weak investigation, poor coordination among agencies, outdated penalties, low conviction rates, and minimal use of scientific evidence.

Finally, the paper suggests key reforms for India's future, for building a strong, fair, and people-friendly environmental justice system that protects the right of healthy environment.

Keywords- Environmental Law, Green Crimes, Criminal liability, PIL & Constitutional environmentalism.

Introduction

Environmental governance in India has undergone a significant transformation over the past five decades, shaped by constitutional developments, legislative interventions, judicial activism, and global environmental discourse. India has comprehensive environmental laws and constitutional protections, but pollution remains rampant because enforcement is weak. Over decades the Supreme Court expanded the right to a clean environment (Article 21) and developed principles like Precautionary Principle and Polluter Pays, yet regulatory agencies lack the authority, staff, and expertise to criminally prosecute violators. Consequently, serious violations are treated as regulatory infractions (permitted or fined administratively) rather than crimes, and convictions are rare. Public Interest Litigation has filled some gaps by forcing action where agencies fail, but it cannot substitute for a robust enforcement system.

As we go deep in the status of environmental jurisprudence and a wide range of statutes, the escalation of green crimes raises an important question- Why does environmental law fail to deter environmental offenders? This question is central to understanding India's environmental crisis, because it forces our shift in focus from mere policy or regulatory shortcomings to deeper structural weakness embedded within the environmental criminal

justice system—who investigates, who prosecutes, what tools they have, and how the system treats environmental harm.¹

In effect, India's crisis is not a shortage of laws but an enforcement deficit. Recent changes (like decriminalizing certain offences)² risk further weakening deterrence. As a result, environmental violations that should be treated as serious crimes often end up being managed through notices, hearings, and administrative penalties rather than criminal prosecution.³ The disconnect between legal expectations and institutional capability forms the core weakness of India's environmental criminal justice framework. The reasons for this failure—ranging from outdated penalties to weak evidence, political interference, and institutional fragmentation—demonstrate that India's problem is not a

lack of laws but an absence of meaningful enforcement.⁴ By contrast, countries such as the U.S. and U.K. use specialized environmental police, scientific forensics, and strict penalties to treat pollution as serious crime.⁵ Our research therefore examines the institutional causes of weak enforcement. We review India's constitutional and statutory framework, assess the impact of PIL and new laws on enforcement, and compare India's criminal enforcement model with those abroad. Finally, we propose reforms (stronger investigative agencies, modern penalties, dedicated courts, etc.) to build a credible, deterrence-based environmental criminal justice system.

Constitutional Framework For Environmental Protection In India

India's Constitution, though originally silent on environmental protection, has evolved into a significant normative foundation for ecological governance through judicial interpretation, constitutional amendments, and growing public consciousness. This transformation reflects an understanding that environmental degradation directly affects human dignity, health, and overall well-being. Consequently, the Constitution now integrates fundamental rights, directive principles, and fundamental duties to support environmental protection.

This evolution, however, is largely a product of judicial innovation rather than original constitutional design. The absence of explicit environmental provisions compelled courts to progressively interpret existing guarantees in response to administrative failures and increasing environmental harm. This development underscores both the flexibility of constitutional interpretation and the persistent inadequacies of regulatory institutions.

Article 21 has been central to this transformation. Judicial interpretation has expanded the right to life to include the right to a clean and healthy environment, most notably in *Subhash Kumar v. State of Bihar*. This shift elevated environmental harm from a policy concern to a constitutional violation, enabling judicial intervention where statutory enforcement proved ineffective. The expansion of Article 21 emerged in response to governance failures, including industrial disasters and severe pollution, highlighting the necessity of environmental protection for meaningful realization of fundamental rights.

The 42nd Constitutional Amendment further strengthened this framework through Articles 48-A and 51-A(g), which impose obligations on the State and citizens to protect the environment. Although non-justiciable, these provisions guide judicial interpretation and reinforce environmental responsibility. At the same time, their non-enforceable nature reveals a structural limitation, increasing reliance on judicial intervention.

Ultimately, India's constitutional environmentalism is normatively robust but operationally constrained. While it provides a strong legal foundation, effective environmental protection requires institutional capacity, scientific expertise, and credible enforcement mechanisms. Without these, constitutional guarantees risk remaining aspirational rather than transformative. Yet it also highlights the fragility of a system that depends too heavily on

¹ S. Dutta & S. Ghosh, *Environmental Crimes and the Criminal Justice System in India: A Critical Study*, 10(3) *NUJS L. Rev.* 311 (2017).

² Swaniti Initiative, *Background Note on the Jan Vishwas (Amendment of Provisions) Bill, 2022* (2022).

³ S. Dutta & S. Ghosh, *supra* note 1.

⁴ D. Amitesh Ashok, K. D. Shinde, A. R. M. Raj & N. Vishe, *Environmental Crimes in India: A Comprehensive Review*, 14(8) *Int'l J. Latest Tech. Eng'g, Mgmt. & Applied Sci.* 924 (2025).

⁵ Jeffrey A. Mintz, *Enforcement at the EPA: High Stakes and Hard Choices*, 42 *Env't L. Rep.* 10136 (2012).

courts for basic governance functions. Without effective enforcement agencies, scientific infrastructure, updated environmental laws, and credible mechanisms for criminal accountability, constitutional guarantees risk becoming symbolic rather than transformative. The Constitution sets the vision—it is now for the State to build the institutions capable of realizing it.

Public Interest Litigation And Judicial Intervention

Public Interest Litigation (PIL) has played a crucial role in shaping India's environmental jurisprudence. Unlike traditional litigation, which requires direct standing, PIL allows any public-spirited individual or organization to seek judicial intervention in matters affecting environmental health and public welfare. This procedural innovation, emerging in the late 1970s, has enabled courts to address widespread ecological degradation, regulatory inaction, and institutional failures. Over time, PIL has become a crucial mechanism for enforcing constitutional environmental rights under Articles 21, 48-A, and 51-A(g).

The concept of PIL in India was evolved and developed by some activist judges of the Apex Court notable among them are Justice Krishna Iyer and Justice P. N. Bhagwati. They realized that certain deficiencies in our legal system are becoming a hurdle in providing justice to poor and disadvantaged persons. In pursuance of this, they started disregarding the strict rules of procedure related to “standing before the court” and

liberalized the rule of locus standi to “provide access to justice to the poor and disadvantaged sections of the society.”⁶

In *Janata Dal v. H. S. Chowdhury*,⁷ the Supreme Court defined PIL and stated that “*Lexically the expression PIL means a legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.*” Therefore, PIL means “*legal action initiated in a court of law for the enforcement of public interest or general interest in which the public or a class of the community have pecuniary interest or some interest by which their legal rights or liabilities are affected.*”⁸ Since the 1980s the concept of PIL has brought revolutionary change in ensuring “social justice to the people”.

Environmental harm as discussed affects large communities rather than isolated individuals. Issues such as river contamination, deforestation, industrial pollution, and illegal mining have distributive impacts that are often felt by vulnerable populations lacking access to justice. PIL thus provides a remedial platform through which courts can intervene preventively and remedially, monitor executive action, and articulate environmental standards. It bridges gaps arising from weak regulatory oversight and has emerged as a distinctive form of environmental adjudication in India.

PIL's transformative potential lies in its ability to facilitate judicial review of administrative inaction, mandate compliance with statutory obligations, and impose liability upon polluters. However, while PIL has been essential for environmental protection, its role in initiating or sustaining criminal prosecution remains constrained by procedural limitations and the judiciary's reluctance to intrude upon investigative prerogatives.

The expressions “right to life,” “personal liberty,” and “procedure established by law,” as contained in Article 21 of the Constitution, were not given an expansive or progressive interpretation for a long time and later Hon'ble Supreme Court's interpretation strengthened procedural safeguards and simultaneously broadened the substantive

⁶ Brown vs Board of Education (Brown II), 349 U.S. 294, 299 (1955).

⁷ Janta dal vs HS. Chowdhury, A.I.R. 1993 S.C. 892.

⁸ P. M. Baxi, Public Interest Litigation, 3 (Ashoka Law House, New Delhi, 2nd edition, 2004).

understanding of the “right to life.” The Court clarified that this right extends far beyond mere animal existence and encompasses the right to live with dignity.

Although the Court did not expressly acknowledge at that stage that these expanded dimensions also include the right to health, hygienic surroundings, open spaces, and a clean natural environment, a careful reading of a series of subsequent cases concerning environmental degradation clearly indicated that the judiciary was moving in the direction of recognizing that the “right to life” in Article 21 also incorporates the right to a healthy environment. Judicially crafted environmental principles further deepen the constitutional framework.

In *Rural Litigation Entitlement Kendra v. State of U.P.*,⁹ The petitioners contended that unregulated and excessive limestone quarrying had disturbed the ecological balance of the Doon Valley. The Supreme Court took the issue seriously and ordered the closure of mining operations. The Court acknowledged that although the lessees would face hardship, such inconvenience was a necessary cost for protecting the public’s right to live in a healthy environment with minimal disruption to ecological equilibrium. Although the Court established the principle that people have a right to live in a healthy environment, it did not explicitly identify the constitutional source of this right. This case marked one of the earliest recognitions that ecological balance is integral to the right to life under Article 21, emphasizing that economic activity cannot come at the cost of irreversible harm.

Subsequently, in several *M.C. Mehta* cases,¹⁰ The Supreme Court recapitulated its support for the right to a healthy environment, though again without explicitly declaring it as a part of Article 21. In the *Sriram Gas Leak case*,¹¹ The Court observed that the dispute raised significant issues concerning the scope of Articles 21 and 32. This observation implicitly referred to the right to life and the mechanism for enforcing it under Article 32. Also, it is in this case the Supreme Court articulated the doctrine of Absolute Liability, holding that enterprises engaged in hazardous activities are strictly liable for harm irrespective of negligence. The Court awarded compensation and mandated stringent safety mechanisms. This judgment marked a shift from fault-based liability to a no-exception liability standard, significantly influencing subsequent environmental disaster jurisprudence.

In *M.C. Mehta v. Union of India*,¹² The Court discussed the development of a new liability framework for industries engaging in hazardous and inherently dangerous activities. Yet, even here, it refrained from explicitly stating that the right to a clean and healthy environment falls within Article 21. In another *M.C. Mehta v. Union of India*,¹³ *azs*case, the Court noted that pollution of the Ganga River adversely affected the health and lives of people and the ecology of the Indo-Gangetic plains. It directed tanneries to install effluent treatment plants within six months, failing which they would be shut down, emphasizing that although closures may lead to unemployment and economic loss, protection of life, health, and ecology must take precedence.

In yet another *M.C. Mehta v. Union of India* ¹⁴ matter, the Supreme Court made wide-ranging directions addressing urban environmental degradation, including relocation of polluting activities, expansion of sanitation infrastructure, and prevention of river contamination. These interventions reflect the Court’s proactive role in strengthening environmental protection under Article 21, even before explicitly recognizing the right to a clean environment as a fundamental right.

The decision in *Vellore Citizens Welfare Forum v. Union of India*¹⁵ marked a significant doctrinal shift by formally incorporating the Precautionary Principle and Polluter Pays Principle into Indian law. Addressing severe ecological

⁹*Rural Litig. & Entitlement Kendra v. State of U.P.*, A.I.R. 1985 S.C. 652.

¹⁰ A.I.R. 1987 S.C. 965; A.I.R. 1987 S.C. 982; A.I.R. 1987 S.C. 1086; A.I.R. 1988 S.C. 1037; A.I.R. 1988 S.C. 1115.

¹¹ *M.C. Mehta v. Union of India*, A.I.R. 1987 S.C. 965.

¹² A.I.R. 1987 S.C. 1086.

¹³ A.I.R. 1988 S.C. 1037.

¹⁴ A.I.R. 1988 S.C. 1115.

¹⁵ *Vellore Citizens’ Welfare Forum v. Union of India*, (1996) 5 S.C.C. 647.

damage caused by tanneries, the Court mandated compensation and adoption of cleaner technologies, thereby establishing a framework for preventive and remedial environmental governance.

The Precautionary Principle places the burden on those undertaking potentially harmful activities to demonstrate safety, emphasizing that scientific uncertainty cannot justify regulatory inaction. In doing so, it challenges the traditionally reactive nature of India's environmental regime. Complementing this, the Polluter Pays Principle imposes financial liability on violators for both environmental harm and restoration, as illustrated in *Indian Council for Enviro-Legal Action*¹⁶. Together, these principles shift environmental governance towards accountability and deterrence.

Similarly, the Polluter Pays Principle obligates polluters to compensate not only victims but also the environment itself. This doctrine pushes environmental governance from mere compliance to restorative justice. When applied in cases like *Indian Council for Enviro-Legal Action*, the principle forced industries to pay for environmental remediation, thereby integrating economic accountability into constitutional governance. The significance of these principles goes beyond case outcomes—they create constitutional expectations that the State must internalize environmental protection as a governance priority.

The Public Trust Doctrine further strengthens this framework by conceptualizing the State as a trustee of natural resources. In *M.C. Mehta v. Kamal Nath*¹⁷, the Court restricted the State's ability to transfer or exploit ecological resources for private interests, affirming that such resources must be preserved for public and intergenerational use. This doctrine imposes constitutional limits on administrative discretion.

Sustainable development has also emerged as a central yet contested principle. Consequently, its application reflects an ongoing tension between environmental protection and economic priorities, with outcomes frequently dependent on judicial interpretation rather than clear legislative standards.

Despite these doctrines, the constitutional framework reveals an uncomfortable truth: environmental protection in India relies excessively on judicial intervention. While courts have transformed the Constitution into a powerful environmental document, this transformation highlights the failure of institutions that should have been responsible for preventing ecological harm in the first place. The judiciary can issue directions, but it cannot replace environmental regulators, conduct criminal investigations, or maintain long-term monitoring. Courts cannot serve as scientific bodies, enforcement agencies, or policy architects—yet they have been forced into these roles because enforcement institutions lack capacity or independence.

In conclusion, India's constitutional environmentalism is both a remarkable achievement and a warning. It demonstrates how judicial innovation can transform constitutional meaning and protect ecological resources, but it also exposes the fragility of relying too heavily on courts. A constitutional right without criminal enforcement is merely symbolic. For environmental protection to become a lived reality, the constitutional framework must be supported by specialized enforcement agencies, scientific institutions, updated legislation, and criminal accountability mechanisms. The Constitution provides the vision; the State must build the machinery.

Comparative Analysis — Usa, Uk, And Brazil

India's challenges in enforcing environmental crimes become more apparent when compared with countries that have built strong, deterrence-oriented environmental governance systems. Examining the approaches of the United States, the United Kingdom, and Brazil shows that effective enforcement is not achieved by legislation alone. It depends on specialized agencies, trained investigators, scientific infrastructure, and judicial bodies capable of understanding complex environmental harm. Each of these jurisdictions demonstrates how criminal law can be meaningfully integrated into environmental governance.

¹⁶ *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 S.C.C. 212.

¹⁷ *M.C. Mehta v. Kamal Nath*, (1997) 1 S.C.C. 388.

The United States offers one of the most institutionalized models of environmental criminal enforcement.¹⁸ The Environmental Protection Agency's Criminal Investigation Division (EPA-CID) functions as a full-fledged federal law-enforcement agency with the authority to conduct field operations, execute search warrants, undertake covert surveillance, and carry out forensic-driven investigations.¹⁹ Its officers receive specialized training in environmental science and work in close collaboration with the Department of Justice and the Federal Bureau of Investigation.²⁰ Federal environmental statutes—including the Clean Air Act, the Clean Water Act, and the Resource Conservation and Recovery Act—authorize substantial penalties, including imprisonment and personal liability for senior corporate executives.²¹ India, by contrast, seldom applies such individual criminal accountability, and its Pollution Control Boards lack comparable investigative mandates.²²

The United Kingdom has adopted a blended regulatory-criminal enforcement model. The Environment Agency is empowered to conduct inspections, seize materials, issue administrative penalties, and prosecute environmental offences.²³ Judicial capacity further strengthens enforcement: specialized courts and trained magistrates are equipped to assess technical and scientific evidence. UK courts can impose unlimited fines, remediation obligations, and even ancillary orders designed to prevent repeat violations—sanctions that Indian courts either lack or rarely apply effectively.²⁴ This approach illustrates the essential role of judicial expertise in ensuring credible adjudication of environmental harm.

Brazil provides a valuable comparison from within the Global South. Environmental policing units (Policia Ambiental) operate across states to enforce laws relating to illegal deforestation, mining, wildlife trafficking, and other ecological crimes. Brazil's Ministério Público employs environmental prosecutors who enjoy statutory independence, protecting them from political involvement and enabling more assertive prosecution strategies.²⁵ The country's Environmental Crimes Law imposes stringent sanctions, including imprisonment, confiscation of machinery used in illegal activities, and destruction of equipment involved in ecological harm.²⁶ In addition, indigenous and community participation in monitoring contributes to early detection and stronger local enforcement—an aspect India has struggled to institutionalize despite constitutional support under Article 51-A(g).

Across these jurisdictions, several common elements underpin effective environmental criminal enforcement: dedicated investigative bodies, robust forensic capabilities, trained and independent prosecutors, specialized courts, meaningful sanctions, and institutional autonomy. India largely lacks these components as a coherent system. Enforcement remains dispersed across administrative agencies with limited powers, inadequate scientific support, and minimal insulation from political influence. Pollution Control Boards cannot conduct criminal investigations, forensic laboratories remain under-resourced, prosecutors receive little specialized training, and regular courts are overburdened with non-environmental cases. Unsurprisingly, conviction rates remain low, and deterrence is negligible.

Comparative experience demonstrates that India's shortcomings are institutional rather than legislative. Strengthening environmental criminal enforcement requires establishing specialized investigative bodies,

¹⁸ J. Ozymy & M. L. Jarrell, *Environmental Crime and Enforcement: A Criminological Perspective on the EPA's Criminal Investigation Division*, 77 *Crime, L. & Soc. Change* 457 (2022).

¹⁹ J. Ozymy & M. L. Jarrell, *supra* note 1.

²⁰ Jeffrey A. Mintz, *EPA Enforcement in the Twenty-First Century*, 3(1) *Geo. Wash. J. Energy & Env'tl. L.* 1 (2012).

²¹ J. Ozymy & M. L. Jarrell, *supra* note 1.

²² John C. Dernbach & Jeffrey A. Mintz, *Environmental Laws and Sustainability: An Introduction*, 3(3) *Sustainability* 531 (2011).

²³ Richard Macrory, *Regulatory Justice: Making Sanctions Effective*, 20(2) *J. Env'tl. L.* 155 (2008).

²⁴ Emma Lees, *Environmental Enforcement and the Rule of Law in the United Kingdom*, 28(2) *J. Env'tl. L.* 285 (2016).

²⁵ Chambers & Partners, *Environmental Law 2025: Brazil*, in *Global Practice Guides* (2025).

²⁶ B. Brito & P. Barreto, *The Enforcement of Environmental Law in Brazil: A Case Study of Deforestation Crimes*, 40(6) *Rev. Admin. Pública* 1095 (2006).

investing in forensic and scientific infrastructure, enhancing prosecutorial expertise, and developing judicial forums capable of addressing complex environmental evidence. Without such structural reforms, India's environmental criminal laws will continue to operate largely on paper, failing to address organized environmental crime or prevent large-scale ecological degradation.

Challenges In India's Environmental Criminal Justice System

India's environmental criminal justice system is weakened not by the absence of laws but by institutional incapacity to treat environmental harm as a serious offence. Enforcement remains fragmented, inconsistent, and susceptible to political influence. Regulatory bodies such as Pollution Control Boards are designed for monitoring and compliance rather than criminal investigation, leaving a critical gap in evidence collection, forensic analysis, and prosecution. This limitation is compounded by inadequate scientific infrastructure, where poorly equipped laboratories and weak evidence-handling practices undermine the reliability of prosecutions. Procedural requirements, including prior governmental sanction, further delay or obstruct criminal action, particularly in cases involving influential actors. As a result, serious violations frequently evade accountability.

These challenges reflect a deeper structural bias within the system, where administrative discretion is prioritized over effective enforcement. A framework that permits executive interference in prosecution inherently weakens deterrence and compromises the delivery of environmental justice.²⁷

Capacity constraints weaken enforcement as officials often lack training in environmental laws and scientific evidence, resulting in poor case-building, while overburdened courts struggle with technical issues and outdated penalties fail to deter violations, further worsened by decriminalization trends. These problems are intensified by political influence, regulatory capture, limited staffing, outdated systems, and weak technological support. Low public awareness and the absence of specialized environmental courts further delay justice, collectively reducing the effectiveness of the legal framework in ensuring real accountability for environmental harm.

In conclusion, the challenges facing India's environmental criminal justice system are diverse but interconnected. They reveal a system designed for administrative management, not criminal enforcement. Without specialized investigative agencies, strong forensic capacity, prosecutorial expertise, independent institutions, modern technology, community involvement, and dedicated courts, environmental law will continue to fail. Addressing these challenges is not optional—it is essential for ensuring ecological survival, public health, and intergenerational justice.

Conclusion

India's environmental crisis reflects a fundamental contradiction between an advanced constitutional and statutory framework and weak, ineffective enforcement. Despite a progressive vision grounded in Articles 21, 48-A, and 51-A(g), environmental degradation continues to intensify due to systemic institutional failures. The problem lies not in the absence of laws, but in the lack of capacity, coordination, and accountability within enforcement mechanisms. Regulatory bodies such as Pollution Control Boards and local authorities were designed for administrative oversight, not for investigating and prosecuting complex environmental crimes. As a result, enforcement remains fragmented, reactive, and vulnerable.

Judicial intervention has played a transformative role in expanding environmental rights and compelling administrative action. However, courts cannot substitute for a robust enforcement architecture. The reliance on judicial oversight highlights deeper governance deficiencies, particularly the absence of specialized investigators, scientific infrastructure, and trained prosecutors. Comparative experiences from jurisdictions such as the United States, the United Kingdom, and Brazil demonstrate that effective environmental protection depends on strong criminal enforcement systems supported by specialized institutions, scientific expertise, and deterrent penalties. In contrast, India's continued treatment of environmental violations as regulatory infractions allows serious offenders to operate with minimal risk.

²⁷ Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* (3d ed. 2021).

Addressing this gap requires a clear and practical restructuring of the environmental criminal justice system. A key reform is the formation of a National Environmental Crime Bureau (NECB) with authority over serious offences such as illegal mining, hazardous waste dumping, and large-scale pollution. This body should have proper investigative powers, scientific support, and intelligence systems to deal with organized environmental crimes. At the same time, state-level environmental police units should be developed to ensure effective local enforcement, with officers trained in both environmental law and basic scientific methods.

Legal reforms are equally important. Penalties should be updated to reflect the seriousness of environmental harm, including higher fines, stricter action against repeat offenders, and accountability of corporate leaders. Clear rules on strict liability for hazardous activities should also be introduced for consistent application.

Further, setting up specialized environmental courts or dedicated benches can improve the speed and quality of decisions in complex cases. Better coordination among agencies, such as pollution control boards, forest departments, police, and prosecutors is also necessary through a more unified system.

Finally, stronger whistleblower protection, increased public participation, and the use of modern technologies like real-time monitoring and satellite tracking can improve detection and enforcement. Overall, these reforms can create a more effective and responsive environmental justice system.

Ultimately, meaningful environmental protection in India requires a shift from a predominantly administrative and rights-based approach to a system grounded in criminal accountability, scientific capacity, and institutional competence. Constitutional principles provide the normative foundation, but their realization depends on effective enforcement structures. Recognizing environmental harm as a serious criminal offence—comparable to economic or organized crime—is essential to ensuring deterrence and accountability.

India stands at a critical juncture. Without decisive institutional reform, environmental governance will remain fragmented and insufficient to address the scale of ecological degradation. Aligning constitutional environmentalism with a coherent and empowered enforcement framework is therefore indispensable for safeguarding ecological integrity, public health, and intergenerational justice.

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