



# Analyzing and Unveiling the Dynamics of Green Crimes in India

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**Abstract.** In the 21st century, green crime is a cause of concern and a major challenge for environmentalists, political leaders, scientists and policymakers around the globe. It is not only a concern of the Global North but also a serious concern of the Global South as they have experienced the impact of climate change and ecological crisis. Green crimes refer to offences against the environment and are a significant concern because of their detrimental effects on both the ecosystem and human society. This paper aims to analyze the Constitutional provisions and other legislation in India that deal with environmental offences. In addition, this paper also seeks to examine the shortcomings in the application of current regulations, assess the environmental and socioeconomic consequences, and suggest efficient preventive measures. This study utilizes a systematic approach to understand and analyze the problems based on secondary sources of data. Further, an analysis is conducted to understand green crimes and explore the effects on the environment and human civilization. It analyzes the contributing factors to the rapid increase of green crimes in India. The study reveals valuable information about the difficulties encountered in tackling environmental offences in India. It highlights the urgent necessity for proactive steps, prospective modifications to legislation, and strong enforcement techniques needed to address the issues of green crimes and ensure sustainable environmental protection in India. The key conclusion encompasses the discovery of deficiencies in the legislative framework, the scrutiny of environmental and socioeconomic repercussions, and the suggestion of proactive measures.

**Keywords:** Green Crimes, Environmental Offences, Legal Framework, Environmental Impact and Sustainable Environment.

## 1 Prologue

Green crime, which encompasses a range of environmental violations, has become a significant issue worldwide, requiring thorough investigation and effective response. The importance of green crimes resides in their significant influence on the fragile balance of the environment and the wide-ranging consequences on human society. Given the intricate nature of contemporary environmental issues, States must

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acknowledge green crimes as a pressing concern. The environment, a universally shared global resource, supports and maintains life in its diverse array of forms. Green crimes, encompassing activities such as unlawful deforestation (illegal logging), wildlife trafficking, pollution, illegal fishing, and improper disposal of waste and hazardous substances, directly jeopardize the ecological integrity of the human world. It is noticed that in war conflict zones, environmental crimes are increased nowadays as oil theft and other illegal exploitation take place that provide about 38 per cent of illicit income to the engaged armed groups. The ramifications of these transgressions go well beyond simple environmental deterioration; they infiltrate the very essence of society, impacting the health, livelihoods, and overall welfare of the population.

Amidst the current period of increased awareness about the environment, it is crucial to fully comprehend the seriousness of green crimes. Although it has been noticed that environment-related crimes have decreased by 18% in 2022 in comparison to 2021 in India from 52,920 cases in 2022 to 64,741 cases in 2021 (According to Crimes in India 2022 Report), however the offences related to the environment specifically related to air, and water is still alarming. In Rajasthan, the wildlife-related crime rate has increased up to 50% in comparison to 30% at the national level. The correlation between environmental degradation and its repercussions on human civilization is indisputable. As ecosystems endure irreversible damage, the delicate equilibrium that sustains life is broken. The escalating temperatures, diminishing biodiversity, and polluted ecosystems intensify the need to methodically tackle these offences. This study undertakes a meticulous examination of the problems and difficulties associated with green crimes within the Indian environment. This study seeks to analyze the various aspects of this important issue by examining the Constitutional requirements, the lack of successful execution, and the wider ramifications. The next parts explore the legal structure, the factors contributing to the increase of green crimes, and the complex relationship between environmental sustainability and societal welfare. This paper emphasizes the urgent need for a coordinated endeavour to prevent environmentally harmful activities and protect the collective ecological legacy that supports life on our planet.

## **2 Problem of the Study**

The paper examines complex issues related to green crimes, which include various environmental offences. The challenges encompass insufficient legal frameworks, lenient enforcement, and the inability to control the increasing prevalence of green crimes. Internationally, there is a worrisome increase in such criminal acts, which indicates underlying weaknesses in the existing legal framework. The factors that contribute to this increase include more industrialization, inadequate regulatory measures, ineffective monitoring and a growing underground market for exploiting the environment. In India, these issues are evident in a multifaceted socio-economic environment. This study seeks to thoroughly analyze these concerns, offering a deep understanding of the worldwide context and the unique factors contributing to the

increased occurrence of green crimes. It is also noticed green crimes have increased in India due to the depletion of flora and fauna as an impact of global warming and climate change leading towards no space for wild species (Anagnostou et.al. 2021 and Wilson-Wilde, 2010). At the same time, with uncontrolled human activities and the destruction of the natural habitats of indigenous people those who are regarded as the protectors of the nature and natural world became helpless in controlling uncontrolled poaching and trafficking of wild species. Continuous poaching and wildlife trafficking to make a huge amount of money has resulted in threatening and wiping out a variety of endangered species which calls for attention to control this menace and how to create a conducive ecosystem for an ecologically balanced sustainable world for both animals and humans.

According to the National Crime Records Bureau (NCRB-2022, Ministry of Home Affairs, Government of India), crimes in India have increased against the environment (Environmental Protection Act, 1986), from 252 registered cases in 2021 to 329 registered cases in 2022. Similarly, crimes related to air, and water (Prevention and Control of Pollution), Act have also increased from 55 registered cases in 2021 to 78 registered cases in 2022 and 7378 registered cases in 2022 compared to 7217 registered cases in 2021 against Noise Pollution Act and 37 registered cases in 2022 under the National Green Tribunal Act, 2010 with compared to 16 registered cases in 2021. However, it is noticed that the number of cases for the protection of forests and wildlife decreased by 16% and 13% respectively at the national level. But crimes related to forests have increased in four different States namely Haryana, Karnataka, Maharashtra and Andhra Pradesh, for example, 29 forest-related crimes were registered compared to three (3) in 2021. Similarly, wildlife-related crimes increased in five (5) States in India namely in Bihar, Rajasthan, Punjab, Uttarakhand and Mizoram. It is noticed that 50 cases of wildlife-related crimes were registered in India compared to 12 cases registered in 2021.

### **3 Issues and Challenges of Green Crimes in India**

#### **3.1 The Environmental/Green Crime is a complex problem**

Green crime has increasingly drawn attention worldwide due to its impact on ecology. Its' impact is not only noticed at the local level but also at the global level. It is difficult to address green crime issues effectively due to its complex problem. It is equally difficult to find out whether it is illegal/legal/anti-social activity when we talk about this issue at the local level, national level and international level. Is it a right activity of the indigenous people as they do it for their livelihood or it is a legal activity for the local people for their survival? It is difficult to address such questions. However, looking at the same issue at the national and global level in terms of sustainable development will provide a different perspective. Some people consider it a serious problem and some call it a profitable business. Therefore, it needs scrutiny when debating on the issue of green crime.

### **3.2 Challenges in the enforcement of laws**

Enforcement of laws related to green crime is a challenging task for policymakers. It is noticed that the complexity of green crimes makes the criminal justice system and enforcement of law responses difficult. Whenever, there is an illegal, legal anti-social activity taking place in the environment, it is not only the responsibility of local people to monitor as a watchdog rather there is a need for combined efforts and collaborative response to fix the problem (Pink and White, 2016). There are law enforcement agencies may not able to address the issue directly without collaboration with the local community members. Hence, there is a need for larger consultation, interventions, and engagement of the local community, and local agencies including non-governmental organizations, civil society organizations, interest groups, and local political authorities while working in the direction of enforcement of the law to address the green crimes issues.

### **3.3 Human-wildlife conflict**

According to the Economic Survey 2022-2023, 65% of India's population (about 900 million) lives in rural areas and about 47% of people depend on agriculture for their livelihood. Some of them live in/near the protected areas (about 5% land area like wildlife sanctuaries, national parks and biosphere reserves). Sometimes the wild animals come out from their natural habitat and enter the geographical areas (agricultural fields) human habitat in search of food and the wild animals damage the crops/livestock which results in human-wildlife conflict and losses of human life. Sometimes humans attack wild animals and kill them as they damage their crops. Such conflict is a regular practice during the harvesting season and also the summer season. This scenario has created a competition between the rural local communities and wildlife for the survival of both humans and animals (Gulati et.al, 2021). Such conflicts often take place because of a lack of knowledge about wildlife and ecology, poor governance, arrangements of natural habitat for wildlife, other livelihood alternatives, lack of conservation policies, existing socio-economic inequalities and unemployment in rural communities. In this critical situation, there is a need to address the human-wildlife conflict by adopting an integral holistic community-based approach (Kiffner et al. 2020) where a wider consultation among various stakeholders is required. The government and rural community must work together for the protection of wildlife and the conservation of the environment by providing compensation to the beneficiaries. The local people must be acknowledged for the conservation of forests and wildlife with rewards for protecting the wild animals and helping to create a balance of ecology and biodiversity (Nelson et.al. 2010).

### **3.4 Unlicensed trade and unregulated market for wildlife trafficking**

It is noticed that India has an unlicensed open market system where plants, animals, and birds are sold as part of medicines, pets and food. Although there are different types of laws for the protection of the environment and wildlife there is no effective regulation mechanism in place for controlling such practices as a result such

business takes place widely across the country. Surprisingly, some endangered species are also sold in the open market as per the demand of customers (Sharma et.al. 2018). It is further noticed that several illegal wildlife activities go unnoticed and are also ignored by the concerned forest officer those who are appointed for conservation and protection of wildlife. Although India has legislated laws of the Wildlife (Protection) Act, 1972 there is no effective implementation for protection of the wildlife. It is the time to investigate the issues of wildlife trafficking and evolving an ecosystem for ecological balance and protecting wildlife for a sustainable world.

### **3.5 Failure of policy implementation**

The lack of effective implementation of Constitutional provisions and regulations aimed at environmental protection in India is a critical issue that requires scrutiny. The presence of insufficient implementation undermines the efficacy of the current legislative structure. The purpose of this analysis is to thoroughly examine these failures, investigate the underlying causes, and identify any potential deficiencies in the procedures used for enforcement. An evident factor contributing to the failure of implementation is the uneven enforcement of environmental regulations in various regions of India. Differences in the enforcement of legislation across different regions can result in discrepancies in the implementation of measures to safeguard the environment. This discrepancy weakens the intended influence of these rules, leading to a fragmented and less efficient environmental governance structure. There are several causes for the failure of policy implementation. Some of the significant causes are discussed below.

The primary cause for the failure can be attributed to the insufficient allocation of resources to environmental enforcement authorities. The authorities' capacity to properly monitor and regulate environmental compliance is hindered by insufficient funds and people. The situation is worsened by inadequate personnel training, which leads to a limited comprehension of the intricacies needed in dealing with various environmental offences. At the same time, the bureaucratic obstacles inside the legal system also play a significant role in the failure of implementation. The prompt resolution of environmental disputes is impeded by onerous administrative procedures, bureaucratic red tape, and delayed court proceedings. The prevailing bureaucratic lethargy frequently enables environmental wrongdoers to take advantage of legal gaps and evade responsibility. Furthermore, the lack of severe sanctions serves as a discouragement to the successful implementation of enforcement measures. The existing legal structure does not have sufficient deterrent mechanisms to discourage potential violators. It is crucial to readjust the consequences, such as fines and sanctions, to establish a strong deterrent and guarantee adherence to environmental regulations. In addition, the absence of public awareness and community engagement serves as an additional obstacle to the effective enforcement of environmental protection legislation. The lack of an educated and watchful public diminishes the urgency for authorities to enforce legislation, resulting in a setting where environmental wrongdoers can act without facing significant consequences.

To tackle these problems, it is necessary to implement significant reforms in the methods of enforcement. This entails increasing cash allocations, improving human training, simplifying administrative processes, and reevaluating the legal framework to enforce more stringent punishments. India can only overcome the obstacles related to implementation failure and establish a stronger and more efficient environmental protection system by adopting a comprehensive approach to the protection of the environment.

#### **4 Constitutional Provisions in India**

India, being a swiftly progressing country, acknowledges the crucial necessity for legislative structures to tackle environmental issues. The Constitutional provisions and legislation regarding green crimes highlight the country's dedication to safeguarding the environment. India's environmental jurisprudence is based on the Constitutional provisions, specifically Article 48-A of the Constitution of India. This Article requires the State to safeguard and enhance the environment. This Constitutional mandate acts as the fundamental premise that guides future legislation. The Environment (Protection) Act, of 1986 is a significant Statute that deals with green offences. This extensive legislation grants the Union Government the authority to implement essential actions to safeguard and preserve the environment. The legal framework establishes regulations for controlling actions that have the potential to cause harm to the environment and grants the authority to impose fines for any violations.

The Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, are crucial laws that deal with distinct aspects of environmental pollution. These laws grant authority to pollution control boards to oversee and prevent water and air pollution, respectively, by specifying consequences for failure to comply. Moreover, the Animals Protection Act of 1972 plays a crucial role in preserving biodiversity and addressing environmental offences relating to animals. This legislation enforces a ban on the hunting and selling of endangered animals, so supporting the overarching aim of environmental protection.

The significance of these legal instruments is in their capacity to provide a sturdy framework for environmental governance. Nevertheless, there are ongoing difficulties in successfully carrying out these measures. Although these rules exist, there are occasional cases of lenient implementation, often caused by limited resources, bureaucratic obstacles, and insufficient sanctions. India's Constitutional provisions and legislations regarding green crimes establish a strong basis for environmental protection. However, while conducting a thorough study, it becomes evident that there is a requirement for improved enforcement mechanisms and strict fines imposed to address the gaps in implementation. The interaction between Constitutional

directions and individual legislations establishes a comprehensive legal structure, however, ongoing endeavours are necessary to strengthen India's dedication to sustainable environmental practices.

## **5 Impact on Environment and Human Civilization**

The environmental and societal impacts of green crimes are extensive, presenting substantial risks to both the intricate equilibrium of ecosystems and the fundamental structure of human civilization. One of the primary consequences of these offences is the deterioration of the environment, which is evident through deforestation, pollution, and the illicit exploitation of natural resources. This deterioration disturbs the balance of the ecosystem, resulting in the decline of biodiversity, erosion of soil, and reduced quality of water. The ecological imbalances have profound consequences for the planet's sustainability and its capacity to sustain life.

Unlawful practices such as the trafficking of animals and the destruction of habitats have a direct impact on the decrease of many plant and animal species. These actions disrupt complex food chains and put the overall health of ecosystems at risk. The decline in biodiversity not only reduces the visual and inherent worth of natural ecosystems but also impairs the essential ecosystem services necessary for human survival, such as pollination, water purification, and disease control. Furthermore, green crimes worsen the negative effects of climate change. Unlawful practices like illegal logging and the discharge of toxic pollutants contribute to heightened greenhouse gas emissions, hence exacerbating global warming and its related environmental difficulties. Consequently, this amplifies the occurrence and intensity of extreme weather phenomena, thereby impacting susceptible communities and ecosystems. In addition to their impact on the environment, green crimes present imminent dangers to human civilization. Unlawfully discarding dangerous garbage, such as toxic materials, pollutes the atmosphere, water sources, and land, resulting in significant health risks for neighbouring communities. In addition, the criminal depletion of natural resources reduces the availability of vital commodities, worsening social and economic inequalities.

Green crimes have far-reaching social implications, particularly for indigenous groups and marginalized populations, who frequently experience the most severe effects of environmental deterioration. The breakdown of ecosystems endangers traditional livelihoods that rely on natural resources, resulting in the relocation and destitution of vulnerable groups. It is found that the effects of green crimes on the environment and human civilization are complex and diverse. Tackling these transgressions is not only vital for the conservation of biodiversity and ecological equilibrium but also imperative for protecting the welfare and adaptability of communities worldwide. It is crucial to implement effective policies and enforce them strictly to reduce these impacts and guarantee a sustainable future for both the environment and humanity.

## 6 Prevention Mechanisms and Suggestions

India's ecological balance is significantly endangered by environmental crimes, which underscores the need for effective prevention systems and legal deliberations. To tackle this difficulty, several proactive initiatives are needed to protect the environment and create an ecological balance for sustainable development of the environment. The study suggests the following preventive mechanism system for controlling green crimes and protecting the environment.

**Enhanced enforcement and surveillance:** Enhancing the capabilities of law enforcement agencies and refining surveillance systems is of utmost importance. This requires a greater number of personnel, cutting-edge technology, and rigorous surveillance of susceptible regions. Prioritizing collaboration between law enforcement and environmental authorities is essential to enhance the effectiveness of the response.

**Stringent penalties and deterrents:** It is crucial to revise and strengthen the punishments for environmental offences to discourage potential wrongdoers. Enforcing more stringent penalties, such as significant monetary fines and incarceration, effectively communicates the gravity of these transgressions. Moreover, the implementation of asset forfeiture rules might serve as a potent deterrent.

**Public awareness and education:** Disseminating information to the general public is essential for cultivating a feeling of environmental accountability. Educational programmes, campaigns, and community engagement projects have the potential to influence and modify attitudes and behaviours. An educated populace is more inclined to actively engage in environmental protection endeavours.

**Legislative reforms:** Given the ever-changing nature of environmental crimes, it is crucial to make periodic revisions to current legislation. By addressing gaps and including measures that consider developing difficulties, the legal framework can maintain its strength and adaptability. The involvement of legal experts, environmentalists, and lawmakers in collaborative efforts is crucial for the development of impactful legislative reforms.

**Whistleblower protection:** Implementing a comprehensive system for safeguarding whistleblower promotes the reporting of environmental offences by individuals, ensuring they are not subjected to reprisals. This approach has the potential to make a substantial impact in revealing illicit activity, enabling prompt intervention, and ensuring that those responsible are held liable. When assessing the viability of new legislation, it is important to conduct a thorough examination of the most effective approaches used internationally. This study should guide legislative deliberations. India can develop customized solutions by adopting successful ideas from nations that have well-established environmental protection laws. In addition, the involvement of stakeholders, including legal experts, environmental scientists, and impacted



communities, is essential for the development of legislation that effectively tackles the intricacies of environmental crimes within the Indian context.

**Need for support from the local political leaders:** It is noticed that green crime is increasing day by day around the world. Everywhere, there are some kinds of green crimes taking place related to the environment and wild animals. So, the world leaders and other agencies working in this field suggested making some necessary changes in the political system, for example- there is a need for strong political support, political will and active involvement of local political leaders in strong enforcement action against these crimes. Ultimately, it is crucial to adopt a comprehensive strategy that includes rigorous law enforcement, active involvement of the public, necessary changes in legislation, and safeguards for individuals who expose wrongdoing, to effectively address environmental offences in India. Through the incorporation of these preventive measures, India may make substantial progress towards achieving sustainable environmental preservation and safeguarding.

## 7 Epilogue

This research has revealed the complex nature of green crimes in India, highlighting important aspects that require immediate attention. The inquiry began by acknowledging the worldwide importance of green crimes, emphasizing their central role in causing environmental damage and the subsequent risks they pose to human society. The recognition and examination of problems and obstacles linked to environmentally harmful activities emphasized the urgent requirement for a thorough comprehension of the mechanisms propelling the swift escalation of these transgressions, both inside India and globally. The analysis of Constitutional provisions and legislation uncovered a strong and comprehensive legal structure. However, the implementation deficiencies highlighted the harsh truth of the system's limitations. The persistence and escalation of green crimes can be attributed to instances of insufficient enforcement and loopholes within the legal system.

The significant influence of green crimes on the environment and human civilization became a central topic in our debate. The consequences of these offences are evident, ranging from ecological imbalances to actual risks to the well-being of societies. This requires a shared recognition of the pressing need to immediately tackle these concerns. The results converge to strongly advocate for preemptive actions. The issues revealed in the legal system, along with the significant environmental and socioeconomic consequences, highlight the urgent necessity for a fundamental change in our approach to protecting the environment. It is crucial to reassess current measures, consider changes to legislation, and strengthen enforcement methods to successfully reduce the growing number of green crimes. Essentially, the examination of green crimes in India compels us to acknowledge our shared obligation to safeguard our environment. Finally, it is said that research emphasizes the necessity for coordinated endeavours by politicians, law enforcement

authorities, the general public and local communities. By collectively adopting proactive steps, we may effectively address the difficulties faced by green crimes and ensure a sustainable and harmonious coexistence with our environment for future generations.

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