



BLIND FOLD LEGAL JOURNAL

VOLUME-1 ISSUE-4

{March 2022-May 2022}

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Website: - www.blindfoldjournal.com

Environmental Crime and Corruption in India

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Abstract

Crimes against environment are one of the most ignored, yet one of the most important issues. Environmental crime is an illegal act which directly harms the environment. These include several activities. These activities are a serious threat to the environment. Crimes such as the practice of slash-and-burn agriculture, the wide web of illegal sand and coal mining, water pollution are all pressing issues requiring immediate attention.

These practices entail within them a saga of corruption. Corruption can be considered a catalyst of environmental crime. A weak system, plagued by corruption, even with strong laws, will not be able to protect its natural heritage.

India has stringent laws regarding environmental safety. In addition to having many domestic legislations such as environmental (protection) act, 1986, Water (prevention and control of pollution) act 1974, India is also a part of many important international treaties and conventions such as the Paris climate accord. India has also been recently elected to the world heritage committee with 142 votes.

Environmental offense is now growing into a difficult issue worldwide at various kinds, with some of them being among the most illegal activities around the globe. In this paper we will be looking on what is the truth behind these practices, the law and noting some preventive measures for the same.

Key words- Illegal Act, environmental crime, corruption, offence, laws

Introduction

Since its creation in 1984, the Environmental Investigation Agency has been exposing environmental crime around the world and advocating for increased political support for tough enforcement action. Even though environmental crime is becoming more prevalent, it is still a low priority for international law enforcement.

Environmental crimes can be broadly defined as illegal acts which directly harm the environment. Illegal sand mining, coal mining, air pollution, water pollution are all examples of environmental crimes. It frequently has a multinational component which makes it quite profitable. It endangers the eco system and contributes to poverty and food insecurity. It has the potential to weaken a state because of organized crime and corruption.

India is no exception to this acute problem. Besides being rich in several natural resources, India also suffers from high levels of corruption which makes it a perfect breeding ground for an such types of activities. Post independent-India saw a rise in organized crime in the country, especially in the provinces of Chhattisgarh, West Bengal and Bihar which have several coal mines. Sand mining is another major industry where the mafia has taken cognizance. This is prevalent in many parts of India, like Rajasthan, Himachal Pradesh, Uttarakhand, Uttar Pradesh, to name a few. These states, have a history of lawlessness, which aided in the development of organized crime.

India is one of the major air polluters of the world. It has the largest number of polluted cities in the world. 7 out of top 10 and 22 out of top 30 of the most polluted cities of the world are in India. Air pollution is a major reason for an unsafe environment and is a major reason for pollution in several major Indian cities. The Indian union has made laws in order to curb the factors responsible for air pollution, but to no effect. Water pollution is another major type of pollution that is widespread in India. Many factories dump their waste directly into the water bodies without proper

treatment. This causes hazardous waters, which are, not only unfit for drinking, but also has adverse effects on the flora and fauna, both in and around the water body in question. The Ganga Action Plan was a government led initiative to clean the holiest river of India but was able to make little or no progress.

India is witnessing an increase in environmental crime. In 2020 alone there were 61,767 reported cases with 78% more than what was seen last year - all without including pending reports that date back to before 2019.

Degradation of environment exploits the natural resources which ultimately affects the people depriving of their basic needs. Also, environmental crimes bring in many diseases as well which can be fatal too. The Bhopal Gas tragedy was one such incidents which impacted the society at large and the death toll was in hundreds.

Links between environmental crime and corruption are gaining increased recognition around the world. Neither of these crimes has received significant attention in the past, and the connection between them is frequently misconstrued. Environmental crimes aided by corruption have a wide range of consequences for society, ranging from severe environmental degradation and biodiversity loss to global health hazards and a weakened rule of law.

What is Environmental Crime?

Environmental crime is currently one of the most lucrative types of criminal activity, therefore it is no surprise that organized criminal groups are drawn to it. Environmental crime is difficult to quantify, but Interpol estimates that global environmental crime is worth billions of dollars every year. Environmental crime is at least as serious as any other crime affecting society today.

The term 'Environmental Crimes' does not have a universally accepted definition, and is in most instances defined based on the convenience to interpret. Legally speaking, for an act or omission to be categorised as an 'Environmental Crime' it should-

- a) cause direct/indirect damage to the environment; and;
- b) be prohibited by the law.

It is referred to as a 'crime' since it endangers people's health and causes irreversible environmental damage. Such long-term and severe injury will inevitably have serious effects not just for the current generation but also for future generations, undermining the concept of Sustainable Development. The act or omission's severe and far-reaching consequences necessitates the addition of criminal penalties to an environmental offence. There is no justification that outweighs the costs against advantages of such horrific crimes.

The National Crime Records Bureau (NCRB)'s latest report has shown that India's 'environment-related offences' increased by 78.1 per cent in the country in 2020.

This is one of the highest increases in cases in various crime categories, excluding the offences related to the novel coronavirus disease (COVID-19) regulations and norms in 2020.

Illegal Coal Mining

The demand for coal has surged in India, an energy-hungry country, while production has stayed relatively stable, forcing coal prices to skyrocket in recent years. The lack of reform and rising demand have spawned a seedy underbelly of "coal mafia", and a class of workers that illegally scavenge the mines for coal.

Because India's coal sector was nationalized, only the central or state governments could permit coal mining, this essentially means that coal can only be mined by government owned firms or private companies with a government issued lease. Many poor Indians, however, who have not profited from the mining industry's wealth chose to illegally excavate open pit mines.

Small shallow dug village mines on private land, mining on reopened, abandoned, or orphaned government mines, and scavenging on the leasehold land of official functioning mines are the three primary forms of illegal coal mining in eastern India. This is purely based on the source; there may not be a significant variation in the numbers produced. There are few unregistered mines, which eluded enrollment during nationalization and so became illegal.

Illegal coal mining, which has gone on unabated in India's northeastern state of Assam for decades, is wreaking havoc on one of the country's most beautiful jungles. Seizures of trucks packed with coal dug out of the forests surrounding Ledo-Margherita are a common occurrence in Assam, prompting some opposition leaders to accuse the government of being involved in the racket. Inquiries have been placed on a regular basis. The illicit action has been investigated by commissions. These commissions have also handed forth extensive reports.

The Assam government initiated an investigation into charges of illicit mining in the state's Digboi forest division in July 2020. The division, which is an administrative category, is part of India's largest rainforest, the Dehing Patkai Elephant Reserve. The report of Justice Brojendra Prasad Katakey's one-man panel was presented to the state assembly in December 2021. The study, which spans over 300 pages, exposes widespread infractions by Northeastern Coalfields, or NEC, a subsidiary of Coal India Limited, the world's largest coal miner and a Central government-owned firm.

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The fact that NEC has taken coal worth Rs 4,872 crore from regions where it does not have mining rights since 2003 is one of the most serious infractions. Any company intending to mine coal or other minerals in India must apply for mining leases and other clearances, which are given for a set period by state governments and national ministries. Even government-owned businesses must adhere to the same rules. The commission discovered that NEC's mining licences in the Digboi forest division had become null and void when the corporation neglected to renew them after they

expired in 2003. Rather, it was only in 2019 that the Assam government ordered the leases to be extended from 2003 to 2023, and a document to that effect was signed in January 2021.

The state of Meghalaya in the east of India is another state which suffers from this acute problem. For a long time, locals of the state have practiced the Rat-hole method of coal excavation for domestic purposes, as it is cheap and viable. But now it is being used in illegal coal mining. Rat-hole mining has been the most widely used mining technique in Meghalaya since the 1980s, in which deep vertical shafts with narrow horizontal tunnels of 3 to 4 feet diameter are built and miners sent down to harvest coal to depths of 100 to 150 meters, and in some cases even deeper. Because of their small bodies, children are the most involved in this procedure. Because the coal seams in Meghalaya are so thin, rat-hole mining is seen as a more cost-effective technique of coal extraction than removing boulders from steep terrains and erecting pillars inside the mine to prevent collapse, as is the case with open cast mining.

Illegal Sand Mining

Sand mining is the process of extracting sand from an open pit, but it can also be done from inland dunes, riverbeds, and beaches. Sand is commonly used in manufacturing, such as for construction and as an abrasive. Riverbed mining, according to the Geological Survey of India (GSI), alters the physical properties of both the river and the riverbed. These can have a significant impact on the ecology, affecting plant, animal, and riparian habitats. Sand mining extracts minerals including rutile, ilmenite, and zircon, all of which include valuable elements like titanium and zirconium.

Cement usage in India is anticipated to be around 324 million tones, and the construction industry requires roughly 7-8 times more sand and gravel for each tone of cement. This has been a particularly problematic problem in the case of rivers on India's southern west coast, particularly in Kerala, where rivers are tiny and bed resources are scarce. Approximately 8,000 cargoes of sand

are illegally mined each year from key riverbeds such as Araniyar, Kosasthalaiyar, and Palar, as well as the Cauvery delta region and the Thamirabarani River.

In India, illegal sand mining is a recurring issue. During the pre-monsoon months, mine owners and hoarders aim to extract as much sand as possible using unlawful ways. The amount of sand mined illegally has no official figures. However, there were over 19,000 occurrences of unlawful mining of minor minerals, including sand, in the country between 2005 to 2016.

In the last three years alone, seven to eight cases have been booked by various agencies on an average every day, indicating that there may be a complete ban on river mining in the coming days. In the last three years alone, seven to eight cases have been booked by various agencies on an average every day. Illegal sand mining in Tamil Nadu might be a Rs1 lakh crore fraud, and a staggering 98.87 lakh metric tons of minerals were unlawfully dug in five Rajasthan districts during a five-year period. The Aravalli Mountain range in Rajasthan has a large supply of copper, lead, zinc, rock phosphate, and sand. Illegally extracted minerals totaling 98.87 lakh metric tonnes were discovered (2011-2012 to 2016-2017).

For many years, large-scale, mechanical mining of riverbed minerals has been practiced in Himachal Pradesh, a hilly state. The negative effects on rivers, streams, and towns that rely on them are obvious and growing. The state government, on the other hand, has been unable to effect any change in the situation.

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Unscientific extraction of sand from the three major rivers – Ravi, Beas, Swan – and their catchment is being done. Sand, boulders and Bajri are the main materials extracted. In 2016-17, the number of cases was 783, increased to 1753 in 2017-18. The number for 2018-19 till July is 590, but the situation is worse in many areas.

In Dharamshala, more than 100 activists held a dharna and kept a symbolic fast in support of clean and free-flowing Himalayan rivers. In Kangra district, Beas River and its rivulets are being targeted for mining. In Una district Swan River is extracted for minerals. In Santohgarh and Basal areas, dumps have come up along the riverside for the first time. In Chamba district river Ravi and its catchment areas are on target for mining. There are many areas near Chamera dam which are good source of minerals.

Sand is a valuable economic resource as well as a source of silica for the production of sodium silicate, a chemical component used to make both ordinary and optical glasses. Sand's economic importance is not limited to its value as a raw material. Sand is a significant biotic component in aquatic ecosystems such as rivers, in addition to its economic relevance. Sand mining is a term used to describe the process of removing sand from rivers, riverbeds, and beaches. The loss of sand in streambeds and along coastlines causes rivers and estuaries to deepen, as well as the enlargement of river mouths and coastal inlets. Any sand exported from streambeds and coastal areas represents a significant loss to the system.

Sand mining assists with building construction, infrastructure development, mineral extraction, and gives both economic and social benefits. Intensive sand mining without concern for environmental protection, on the other hand, erodes these achievements and introduces a slew of environmental issues. The sand mining regulatory agenda is passive, which makes enforcement tough and complicated. Lack of clear criteria for dealing with sand mining operations, combined with regulatory bodies' failure to enforce them, leads to unethical sand mining and environmental deterioration.

Water Pollution

India has a population of around 1.2 billion people. People throw raw sewage, silt, and debris into India's rivers and lakes, polluting around 80% of the country's water. As a result, the water has

become undrinkable, forcing the people to rely on illegal and costly sources. The country's water bodies are becoming increasingly hazardous as the country develops and urbanizes. Every day, about 40 million gallons of wastewater are discharged into rivers and other bodies of water, with just a small percentage being appropriately cleaned.

According to a recent World Bank analysis, releasing pollution upstream reduces economic growth in downstream areas by up to a third, lowering GDP growth by up to a third. To make matters worse, in middle-income nations such as India, where water pollution is a major issue, the impact can amount to over half of GDP growth. Another study estimates that being downstream of polluted stretches in India is associated with a 9% reduction in agricultural revenues and a 16% drop in downstream agricultural yields.

Environmental deterioration is predicted to cost India INR 3.75 trillion (\$80 billion) per year. Water pollution-related health expenses are projected to be around INR 470-610 billion (\$6.7-8.7 billion per year) – the majority of which is linked to diarrheal mortality and morbidity in children under the age of five, as well as other population morbidities. Apart from the financial cost, India loses 400,000 lives per year due to a shortage of water, sanitation, and hygiene. Each year, 1.5 million children under the age of five die because of water-related ailments, and 200 million days of labor are lost.

Water pollution can be divided into following heads:

- Natural Pollution: Natural pollution has always with us. There has been waste material in water right from the first appearance of men, animals and plants on the earth.
- Industrial Pollution: Water pollution is also caused by industrial activities through discharging floating matter, settleable solids, colloidal matter, dissolved solids, toxic substances, sullage etc. These industrial pollutants include chemical substances, heavy metals, hydrocarbons and radioactive substances from food industries.

- **Sewage Pollution:** This pollution consists of raw or partially treated domestic waste. Urban centres are generally divided into Class I Cities (those with a population of over 1 lakh) and Class II Cities (those with a population between fifty thousand and 1 lakh). Total sewage generation from urban centres in India grew from about 5000 million litres a day in 1947 to around 30,000 billion litres a day in 1997. Besides Industrial and Municipal wastewater, there exist subsidiary causes of water pollution, including certain religious and social practices. For example, carcasses of humans and animals alike are disposed in the holy rivers. Cremations are done on the riverbeds and very often partially burnt bodies are thrown into the rivers. According to a survey Kanpur alone dumped 274.3 million liters of new sewage into the Ganges every day.
- **Thermal Pollution:** This occurs due to power plants and factories. The excess heat discharged by power plants into a stream, lake or river causes pollution as an increase in natural temperature of water upsets the natural balance. Fish cannot survive in high temperature, which also kills natural foods of river life. Hot water is put into water courses by industries that use water for cooling purposes, Steel mills; oil refineries and breweries use large quantity of water for cooling.
- **Radioactive Substances Pollution:** This type of pollution is more difficult to handle. These materials are produced in the making of uranium and other radioactive substances or in testing of the thermonuclear devices that produce nuclides in blast devices and fallouts.
- **Agricultural Pollutants Pollution:** Agricultural pollutants include fertilizers, herbicides and pesticides. Pollution caused by these agents is generally spread over vast areas by irrigation water or rain water; the pollutants include nitrates, phosphates and sulphates.

Apart from these classifications of water pollution there are two more categories which can also be mentioned at this juncture:

- **Surface Water Pollution:** This is caused mainly by point sources, which account for the bulk of pollutants released into rivers, which fortunately can be targeted for pollution abatement measures. Out of the total pollution contributed by industrial sub-sectors, 40%-

45% of the total pollutants are caused by chemical processing plants and nearly 70% of total organic pollution to the food and agro-based industries.

- **Groundwater Pollution:** Groundwater is a primary source which is very crucial and valuable for drinking purposes. Nationally, 53% of the population relies on ground water as a source of drinking water. In rural areas this figure is even higher, but this primary source is now threatened with pollution from seepage pits, refuse dumps, septic tanks, barnyard manure, transportation spills, and with diverse agricultural and industrial pollutants. Most soil types do not have excess oxygen; therefore oxidation which can normally purify or decontaminate surface water does not occur in deep aquifers. Once the water source is contaminated deep within the ground, there is no way to clean it up. Groundwater reserves are, therefore, progressively being depleted because more water is being drawn than the rate of annual recharge through rainwater which has remained the same or has even decreased.

From the above parts of this paper it is clear that the situation of water pollution is taking a turn in our country. The reasons for this are many. The root cause, as researcher feels, is the explosion of population whereby it becomes practically impossible to cope effectively with environmental problems, even if the desire to do so is there. Secondly, the planning is also defective. Thus the result is that the growth of resources is not keeping pace with the growth of in population and resources per capita are diminishing, as a consequence, there is an ever-increasing pressure on water resources too. This is resulting in large scale water pollution which is growing very rapidly.

Linkage between Environmental Crime & Corruption

Corrupt actions often overlap with environmental crimes, and even more often, corruption acts as a “door-opener” for environmental crime. Here are some examples of corruption linked to environmental crime:

- Bribes or favors to influence how timber concessions, fisheries quotas, or hunting licenses are awarded and/or monitored;
- Bribery to buy environmental impact study outcomes outcomes;1
- Collusion with forest or wildlife rangers in carrying out environmental crimes;
- Bribes or favors to facilitate domestic or international transport of illegal or illegally-sourced wildlife, forest or marine products;
- Bribing for a favorable verdict or other manipulation of court processes;
- Using illicit means to launder the proceeds of environmental crimes and related corruption.

The presence and impact of corruption mean that efforts to reduce environmental crime through law enforcement can have unpredictable or unexpected effects. Two common ways that corruption can undermine law enforcement demonstrate this point.

1. *Ground-level enforcement that is selective or biased:* Corruption can lead enforcement toward less powerful players and lower-level offences. Lower-level offences, such as traffic offences or poaching, create possibilities for law enforcement agents to extort bribes because of their superior power position in the circumstance. When bribes are transmitted up the bureaucratic chain, it generates special incentives within the bureaucracy to focus law enforcement resources on activities that maximise bribe collection potential. Where there are fewer chances for remuneration, there is less incentive to pursue criminal actions. This also means that criminals who can afford to pay can avoid being apprehended or prosecuted. Cameroon is a country in Africa.
2. *Interfering with the prosecution of unlawful activities:* Prosecutors and judges, as well as law enforcement officers, can be influenced by politics or driven by vested interests. Corruption can lead to reduced enforcement of criminal acts, such as during case preparation. In Honduras, for example, political intervention was accused of the loss of papers in a lawsuit involving some of the country's top timber companies. Although a lack of capacity or resources might lead to a failure to collect and present important evidence,

corruption and political meddling are frequently prevalent. Bribe payments to judges have been proven to have an impact on charges and punishment levels.

A study on the situation of crime in India has been produced by the National Crime Records Bureau (NCRB). Overall, instances climbed by 28% from 2019 to 2020, according to the study. The category of 'environmental related offences' had substantially higher rates, at 78 percent.

Excluding offences connected to COVID-19 legislation, one of the largest rises in cases has been documented across numerous criminal categories.

Violations of the Forest Act, which strives to protect and maintain a healthy environment for all living things, are examples of environmental offences. It also includes the Environmental Protection Act (EPA), which was enacted in 1986 and included provisions for controlling air pollution from industrial activities such as burning fossil fuels or manufacturing products that emit harmful gases into the atmosphere until 2015, when it was replaced by stricter regulations under Section 3 of the Clean Air Act (g). The Forest Conservation Act, the Wildlife Protection Act, the Air and Water (Prevention and Control of Pollution) Act, the Cigarette and Other Tobacco Products Act, Noise Pollution Acts, and the National Green Tribunal Act are among the other statutes.

India is seeing an increase in environmental crime as a direct result of the growth in environmental crime. There were 61,767 reported instances in 2020, which is 78 percent more than the previous year - and that's without include pending reports from before 2019.

In 2020, the state of Tamil Nadu recorded a total of 42,756 cases of environmental crimes, more than three times the number reported in 2019.

Rajasthan ranked in second place among the states in 2020, with 9543 instances reported compared to 10782 in 2019. By registering 2981 instances in 2020, Uttar Pradesh (UP) maintained its third-place ranking.

Many examples of links between illegal sand and coal mining come to mind. In India the nexus of organized crime, politicians, bureaucrats, and businessmen is a complex net, which can be best understood with the help of examples.

Looking at the case of illegal sand mining. With the increase in real estate activity and the arrival of multiple road projects in the state, the demand for sand increased dramatically, attracting the attention of both politicians and the mafia. For the first time, the mines were auctioned in 2007 by the then-SAD-BJP administration. That was the start of the sand mafia in the state of Punjab. People tied to the top levels of the Punjab government, have been found tied to the illegal sand mafia, as recent as the in Administrations as recent as 2021, where the nephew of the chief minister was taken in for questioning by the enforcement directorate.

The same is the case with illegal coal mining. Such a scandal came to light in 2012, accusing Viraj Darda, a congress MP, of wrongdoing, and a scam worth 24 billion USD. Similar is the case of west Bengal, where the nephew of the chief minister was accused and brought in for questioning by the central bureau of investigation (CBI).

This is just two of many covered and uncovered scandals and mafias, which have been brought to life. This deep-rooted corruption and nexus of mafia and politicians is not just doing extreme harm to the environment but is also curbing methods of environmental conservation. This linkage between corruption and environmental crime is the least discussed and that is one of the major reasons because of which we are unable to curb the continuous degradation of our natural heritage.

Legislations

Established in 1955, Ministry and Environment and Forest (MoEF) is the apex body in India for regulating and ensuring environmental protection law and also lays down the legal and regulatory framework for the same. Various environmental legislations have been passed since the 1970s.

Our environmental laws in India primarily address air and water pollution, sustainable development, waste management, preventative and preventive measures, contamination cleanup, dumping safety, and dealing with chemical elements dumping, as well as public trust. Their execution, on the other hand, requires significantly more complicated challenges including the interplay of social, political, and economic variables in resolving the serious environmental consequences.

Constitutional Provisions: laws relating to the environment were introduced in the constitution by the 42nd amendment which provides an obligation for both state and its citizens to protect and preserve the environment. Other provisions include:

- This amendment also added article 51A(g), which states that it is the responsibility of every citizen of India to safeguard and improve the natural environment, including forests, lakes, rivers, and wildlife, as well as to have compassion for living animals. These articles were put into the constitution by the parliament to educate citizens about their responsibilities as outlined in Article 51A.
- *Article 48(A):* Protection and improvement of environment and safeguarding of forests and wildlife The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country.
- The Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974, the Wildlife (Protection) Act, 1972, the Forest (Conservation) Act, 1980, the Indian Forest Act, 1927, and the Biological Diversity Act,

2002, among other laws, were enacted by the parliament with the primary goal of expanding the scope of environmental laws.

- Part III of the Constitution, which deals with Fundamental Rights, does not contain any articles dedicated to the environment or environmental protection per se. However, as the law has evolved and the Supreme Court has issued decisions, Article 21 of the Constitution has been broadened to include the right to a clean and decent environment.
- Polluting the environment is criminal under different articles of the Indian Penal Code, 1860. They can be used to protect the environment from pollution. Section 268-294-A of Chapter XIV of the IPC deals with offences relating to safety, public health, and the like.

Judicial activism by the supreme court of India, through several case laws has helped in the development of laws to curb air pollution:

- **Indian Council For Enviro-Legal v. Union Of India:** In this case, Nakka Vagu, a freshwater stream, provided water for irrigation to farmers of approx 14 villages adjacent to it. But the indiscriminately set up 250 industries, not fulfilling the condition of setting up water treatment plants, instead, it turned the stream into a huge drain carrying industrial effluents. The Supreme Court directed the industries to pay an amount of 20 million to the farmers who have lost their crops and cattle because of air and water pollution.
- **Taj Mahal Case:** In this case, the Supreme Court took into account the damage being caused to the Taj Mahal by the emission of toxic fuel and was facing a serious threat of acid rain. It asked coal and coke based industries in Taj Trapezium (TTZ) to either change over to natural gas or relocate outside TTZ. The court was conscious to understand that the environment cannot be allowed to get damaged to such a level that it becomes a health hazard for the residents of the area.
- **M.C Mehta v. Union of India:** In this case, in December, 1985, gas leakage from Shriram Food and Fertilizers in New Delhi, resulted in the death of 8 people. The Supreme Court

promulgated the rule of Absolute liability and held that the companies that engage in dangerous substances owe a duty of care and absolute towards the safety of the common public and they cannot escape from liability.

- **Ganges Pollution Case:** In 1985, M.C Mehta filed a case against tannery industries in UP which used to discharge their effluent waste in the Ganga. This case marked the beginning of judgements made by the Supreme Court in order to stop pollution of Ganga water by industries and municipalities and closed down nearly 30 tanneries.

Preventive Measures

Though the entire article has thus far focused on the urgent need to criminalise environmental crimes, it nevertheless requires a separate heading for clarity. The current situation exemplifies the inadequacies of the existing institutional structure of punishments, which has proven to be ineffective as a deterrent. Scholars have also stated that administrative fines would be insufficient where the environmental damage is significant, and that this is where punitive provisions come into play. While there are several issues with the existing laws, some of them include: regulatory agencies having less than required regulatory/enforcing manpower in comparison to the ever-increasing number of industries, a lack of adequate technical knowledge/skills required for regulation enforcement, resistance to change/attitudinal problems, a lack of financial resources in general, prioritising only specific types of pollution, and a lack of an independent regulatory agency.

Environmental crimes would be criminalised, allowing the court to investigate the accused's moral culpability. Otherwise, we're merely undercutting the indirect effects of having capitalistic costs at the expense of an entire civilian society. So far, the Indian courts and the green tribunals work on few prominent principles for imposing penalties and liabilities however there is no concrete law in place to determine the amount of penalty. When compared to the United States, their monetary penalties were only \$74,715, as opposed to \$253,437 for antitrust and \$141,351 for other offences. These correct methods highlight the reality that, even though large corporations are

required to pay for environmental crimes, they simply regard them as business expenses. It does not necessarily deter them from creating more dangerous citizens, demonstrating that monetary and administrative penalties are insufficient.

Criminalizing certain environmental offences would effectively accomplish the goal. This assertion is based on statistics from the United States, which was a pioneer in this field. During the 1980s, they began criminalising environmental offences, and the repercussions, according to one expert, were "concrete." According to the US Department of Justice, environmental criminal indictments have been filed against 911 corporations and people, with 686 guilty pleas and convictions entered. A total of \$212,408,903 had been levied in criminal penalties. There have been more than 388 years of incarceration imposed, with approximately 191 years of actual captivity.

A criminal legislation would, at the very least, instil terror in people's minds, causing them to take environmental rules and prohibitions seriously. A step in the right direction would be to base such sanctions on the actual damage done rather than the number of sections broken. They can issue minor fines or penalties, or they can inflict harsh penalties and criminal consequences, depending on the severity. It may have its own issues, such as deciding the point at which actions become criminalised, but this can be best handled by the legislators' judgement.

However, there are three basic models that can be used to determine whether or not such infractions have occurred. There's an abstract endangerment model, a tangible endangerment model, and a serious environmental contamination model. All of these models address two fundamental issues: whether criminalization occurs as a result of a breach of the law or whether it should be done because a violation of the law has a significant impact on the general public. Criminal culpability could occur merely by breaking a rule, rather than only when serious injury is inflicted.

The principle that should be kept in mind is that the provision should be adopted in such a way that it creates a deterrent value, either directly or indirectly. It would also be useful to have clear instructions on how the offence should be punished. The organisation could have a self-policing process that allows them to reveal the impact of their transgressions in exchange for reduced sanctions. Another thing to keep in mind is that having high penalties and punishments will force organisations to use high-cost remedies to prevent such violations, which will automatically raise their business costs and, as a result, the cost of products for consumers, which does not appear to be a wise course of action.

Conclusion

As a result, it has been observed that there are far too many laws in place to address environmental challenges. However, this has simply added to the uncertainty and complexity of putting them in place. What we require is a robust integrated system that can deliver a holistic, unified approach as well as effective outcomes. The judicial implementation mechanisms have had inconsistent results despite all the set principles. Apart from complex external factors, the implementation process is hampered by institutionalized internal flaws, such as the courts' inconsistent application of implementation mechanisms, the fact that their orders require more robust legal reasoning, and they must better integrate with the existing regulatory framework. All these concerns can be effectively addressed by imposing criminal liability, which not only saves time in court but also serves as a deterrence. It is past time for the country to enact strong criminal penalties for anyone who break environmental regulations.

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