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## Justice for environmental crimes must be dispensed quickly and equitably.

The Union Environment Ministry, tasked with safeguarding India's forests and its environmental assets, proposes to amend sections of key environmental legislation and make them less threatening to potential violators. India has eight cornerstone pieces of legislation that define a regulatory framework to ensure that natural resources are not wantonly exploited, acts of pollution are apprehended and there is a mechanism to punish and deter violators.

Under provisions in the existing legislation, violators are punishable with imprisonment up to five years or with a fine up to one lakh rupees, or with both. Were violations to continue, there is an additional fine of up to ₹5,000 for every day during which such failure or contravention continues after the conviction.

There is also a provision for jail terms to extend to seven years. Under the new amendments proposed, the Ministry says it wants to weed out "fear of imprisonment for simple violations", and therefore have such violations invite only monetary fines.

However, serious environmental crimes that cause grave injury or death would invite imprisonment under the Indian Penal Code. These penalties would be decided by an 'adjudication officer' and transferred to an 'Environment Protection Fund'. Moreover, the quantum of potential fines has been raised from beyond the one lakh rupees to as much as five crore rupees. These proposals are not yet law and have been placed in the public domain for feedback.

The question of whether the threat of imprisonment acts as a deterrent has a long history with both proponents and opponents. The proposed amendments do not cover the destruction of forests and wildlife, which make up a substantial fraction of environmental crime, and would continue to invite existing penal provisions.

Research on environmental crime in the United States and Europe suggests that fining is the most common mode of punishment.

India has a long history of corporate violations as well as a woefully slow redress system. An analysis by the Centre for Science and Environment found that Indian courts took between 9-33 years to clear a backlog of cases for environmental violations. Starting with 2018, close to 45,000 cases were pending for trial and another 35,000 cases were added in that year.

