

# Corruption and Green Crime: The Role of Local Authorities in Enabling Environmental Offences in India

**Nikita Sehrawat**

Research Scholar, Law, Kurukshetra University, Kurukshetra (Haryana)

## ABSTRACT

Environmental degradation in India poses a grave threat to its ecological balance, public health, and sustainable development. While national policies and central agencies are crucial, the enforcement and implementation of environmental regulations often fall to local authorities. This research paper explores the intricate relationship between corruption and "green crime" in India, specifically focusing on how local authorities, through various acts of commission and omission, enable environmental offenses. It analyzes the systemic vulnerabilities at the local level that are exploited for personal gain, leading to widespread environmental damage, including illegal mining, deforestation, uncontrolled pollution, and improper waste management. Drawing upon existing literature, reports, and case studies, this paper identifies key mechanisms of corruption—such as bribery, cronyism, political interference, and bureaucratic inertia—that undermine environmental governance. Furthermore, it examines the challenges faced by local authorities in combating green crime, including lack of capacity, inadequate resources, and limited accountability. Finally, the paper proposes a multi-faceted approach to address this pervasive issue, emphasizing enhanced transparency, strengthened institutional frameworks, improved public participation, and robust accountability mechanisms to foster a more effective and ethical environmental governance system in India.

**Keywords:** Environmental degradation, Corruption, Green crime, Deforestation, Improper waste management, Environmental governance

## INTRODUCTION

India, a nation of immense biodiversity and a rapidly developing economy, faces an escalating environmental crisis. From alarming levels of air and water pollution to widespread deforestation and rampant illegal mining, the signs of environmental degradation are ubiquitous. These "green crimes," acts that harm the environment and human health, are often facilitated by a complex web of factors, among which corruption plays a significant, albeit often insidious, role. While national laws and policies exist, their effective implementation at the grassroots level is frequently hampered by corrupt practices within local authorities.

Local authorities, including municipal corporations, district administrations, panchayats, and various regulatory bodies like State Pollution Control Boards (SPCBs), are the frontline custodians of environmental protection. They are responsible for issuing permits, monitoring compliance, enforcing regulations, and managing local resources. However, their proximity to local economic interests and

political pressures, coupled with systemic weaknesses, creates fertile ground for corruption. This paper argues that the complicity, deliberate inaction, or active facilitation by local authorities significantly enables environmental offenses, undermining India's efforts towards sustainable development and environmental justice. As highlighted by Transparency International, "corruption can be considered a catalyst for environmental crime," enabling illicit trade, forging documents, and ignoring illegal waste disposal (Transparency International, n.d.). This research seeks to provide a detailed examination of this critical nexus in the Indian context.

## **CORRUPTION AND GREEN CRIME**

### **Green Crime:**

Green crime, also known as environmental crime, refers to illegal activities that directly harm the environment and, by extension, human health and well-being. This encompasses a broad spectrum of offenses. One significant category is illegal logging and deforestation, which involves the unauthorized felling of trees, encroachment on forest lands, and illicit trade in timber, often facilitated by fraudulent permits, misdeclaration of species or volume, and transportation without proper documentation. Illegal mining is another critical area, concerning the extraction of minerals without proper licenses, exceeding permitted limits, or operating in prohibited zones like riverbeds or ecologically sensitive areas, frequently leading to non-payment of royalties and environmental damage from unscientific practices. Illegal waste dumping and management includes the improper disposal of municipal, industrial, or hazardous waste in unregulated landfills, water bodies, or sensitive ecosystems, where corruption often bypasses expensive, legitimate disposal methods. Pollution violations involve the discharge of pollutants into air, water, or land beyond prescribed standards by industries or commercial establishments, often without adequate treatment or monitoring, as bribes to regulatory bodies can allow industries to operate with impunity. While often associated with organized crime, wildlife poaching and trafficking can also involve local complicity in the illegal hunting, capture, and trade of protected species and their parts. Finally, land use violations encompass unauthorized changes in land use, construction in eco-sensitive zones, or encroachment on public lands, frequently in violation of zoning laws and environmental impact assessments (EIAs).

### **Corruption:**

In the context of this paper, corruption is defined as the abuse of entrusted power for private gain. This phenomenon can manifest in various ways that directly enable environmental offenses. One common form is bribery, where money, gifts, or other inducements are offered, given, solicited, or accepted to influence official actions like granting permits or overlooking violations. Extortion also plays a role, involving demands for illegal payments or services in exchange for performing official duties, often under the threat of punitive action. Embezzlement, the misappropriation of public funds or resources intended for environmental protection or sustainable development projects, further weakens environmental safeguards. Clientelism or cronyism involves favoring individuals or groups based on personal relationships rather than merit, leading to preferential treatment in environmental clearances or resource allocation. Similarly, nepotism refers to favoring relatives in appointments to positions related to environmental governance or in official dealings that impact the environment. Influence peddling occurs when individuals use their position or connections to improperly influence decisions, such as pressuring officials to grant illegal clearances or quash investigations. Collusion, defined as secret agreements between officials and environmental offenders to circumvent laws and regulations for mutual financial benefit, is another critical

mechanism. Lastly, bureaucratic inertia or deliberate inaction involves officials deliberately delaying or ignoring violations, failing to respond to public complaints, or dragging their feet on enforcement, often for personal benefit or under external pressure.

The intersection of these two concepts highlights how corrupt practices lubricate the machinery of environmental destruction. When local authorities, who are mandated to protect the environment, become complicit, the enforcement framework crumbles, and environmental offenders operate with impunity. As Elliott (2007) notes, in the Asia Pacific region, local crime groups and legitimate companies often establish parallel authorities through corrupt officials and weak government institutions, facilitating environmental crime.

### **VULNERABILITIES AT THE LOCAL LEVEL ENABLING GREEN CRIME**

Local authorities in India operate within a complex administrative and political landscape that presents several vulnerabilities to corruption, thereby enabling green crime:

**Proximity to Resources and Communities:** Local bodies are directly responsible for managing resources like land, water bodies, and forests. Their decisions on land allocation, mining leases, and waste disposal sites directly impact the environment. This proximity to valuable resources, coupled with the immediate economic benefits for local communities (and sometimes for corrupt officials), makes them susceptible to undue influence. For instance, illegal sand mining, often facilitated by local officials, is a direct consequence of this proximity to natural resources and the high demand for construction material.

**Limited Capacity and Resources:** Many local authorities suffer from a chronic lack of adequate financial resources, technical expertise, and trained personnel. This hinders their ability to effectively monitor compliance, conduct thorough inspections, and enforce environmental laws. Understaffed departments and poorly equipped enforcement agencies become easier targets for manipulation. For example, Pollution Control Boards are often underfunded and understaffed, leading to inadequate monitoring of industries.

**Weak Institutional Frameworks and Oversight:** Despite decentralization efforts (evident in the 73rd and 74th Constitutional Amendments that empowered Panchayats and Municipalities), the institutional frameworks governing local environmental governance often lack robust checks and balances. Ambiguous jurisdictions, overlapping responsibilities between different departments, and a lack of clear accountability mechanisms create loopholes that corrupt actors can exploit. The fragmentation of regulatory bodies and inconsistent enforcement are persistent issues.

**Political Interference:** Local politicians often exert significant influence over administrative decisions. The need for political funding, electoral support, or personal enrichment can lead to political interference in environmental clearances, land use changes, and enforcement actions. This can range from pressuring officials to grant illegal permits to shielding offenders from prosecution. The case of the Sterlite Copper plant in Thoothukudi, where political support and alleged constant bribery to various boards and regulatory bodies allowed an unlicensed factory to operate and violate environmental norms, is a stark example.

**Low Accountability and Transparency:** A lack of transparency in decision-making processes, limited public access to information, and weak accountability mechanisms contribute significantly to corruption. Without proper oversight, corrupt practices can flourish undetected. The absence of effective whistleblower protection further discourages reporting of environmental offenses and related corruption. Public hearings for EIAs are often perfunctory, and assessments are criticized for being opaque and developer-friendly.

**Demand-Side Corruption:** Industries and individuals seeking to bypass environmental regulations actively offer bribes to local officials for speedy clearances, turning a blind eye to violations, or manipulating data. The financial incentives for both parties perpetuate the cycle of corruption. Companies often make substantial profits by illegally disposing of waste, fueling corruption in the waste sector.

## MECHANISMS OF CORRUPTION ENABLING ENVIRONMENTAL OFFENCES

The modalities through which local authorities enable green crime are diverse and often intertwined:

### Land Use Change and Encroachment:

- **Illegal Diversion of Forest Land:** Despite the Forest (Conservation) Act, 1980, which requires central government approval for diverting forest land, local authorities are often involved in illegal conversion of forest areas for agriculture, mining, or infrastructure projects. This can involve manipulating land records, issuing fake No Objection Certificates (NOCs), or simply failing to report encroachments. For example, reports from Karnataka have highlighted alleged complicity of political leaders and officials in encroaching on forest land.
- **Unauthorized Construction in Eco-Sensitive Zones:** Bribes to local planning officials facilitate construction in coastal regulation zones (CRZs), river floodplains, or other ecologically fragile areas, bypassing environmental impact assessments (EIAs) and zoning regulations.
- **Regularization of Illegal Encroachments:** Political pressure or financial incentives can lead to the "regularization" of illegal settlements or commercial establishments built on public or ecologically sensitive land, providing a veneer of legality to previously illicit activities.

### Illegal Mining:

- **Granting of Bogus or Excessive Mining Permits:** Local mining and revenue officials, often in collusion with mining mafias, issue permits for non-existent quarries, allow extraction beyond permitted limits, or grant licenses in prohibited areas (e.g., riverbeds, agricultural land). The Lokayukta report on illegal mining in Bellary, Karnataka, uncovered major violations, including systemic corruption, encroachment of forest land, and massive underpayment of state mining royalties, with alleged complicity of high-ranking officials and political figures.
- **Ignoring Over-Extraction and Violations:** Even where permits exist, local authorities often fail to monitor extraction volumes, ignore the use of heavy machinery in restricted areas, or overlook environmental damage caused by unscientific mining practices. The Supreme Court has expressed shock at the magnitude of illegal mining, highlighting the lack of oversight.
- **Facilitating Illegal Transport and Sale:** Local police, transport, and revenue officials can be bribed to allow the illegal transportation of mined materials, providing safe passage and overlooking forged documents, thereby creating a parallel economy that directly funds corrupt networks. This is a widespread problem, particularly in coal mining, with connivance between police, criminal groups, and corrupt officials.

### Industrial Pollution and Waste Management:

- **Weak Enforcement by Pollution Control Boards:** State Pollution Control Boards (SPCBs), despite their mandate, are frequently implicated in corruption. Officials may accept bribes for granting "Consent to Operate" or "Consent to Establish" permits without proper checks, ignore violations of emission and effluent standards, or delay action on pollution complaints. Recent CBI arrests of Delhi Pollution Control Committee officials for accepting bribes for permit renewals underscore this systemic issue (as reported in various news outlets). The case of Sterlite Copper demonstrates how

regulatory bodies, including local and state pollution control boards, allegedly prioritized personal benefit over environmental protection, allowing operations with significant pollution violations.

- **Illegal Waste Dumping and Processing:** Local municipal bodies and waste management contractors often engage in corrupt practices related to solid waste management. This includes awarding contracts to unqualified firms, inflating costs, and deliberately dumping waste in unauthorized sites instead of processing it properly, leading to contamination of soil and water. The "water mafia" in Delhi, in league with local politicians and slum lords, has been documented as a form of corruption enabling illegal water access and potentially improper waste disposal, further illustrating this point.
- **Circumvention of Environmental Impact Assessments (EIAs):** Local authorities can be pressured or bribed to manipulate the EIA process, including diluting requirements, providing false data, or conducting superficial public consultations, allowing environmentally destructive projects to proceed. The Ministry of Environment and Forests (MoEF) has also been implicated in issuing environmental clearances without proper EIAs, as seen in the Sterlite case.

#### **Forest Offences and Wildlife Crime:**

- **Complicity in Poaching and Timber Smuggling:** While often involving organized crime, local forest officials and police can be complicit in wildlife poaching and illegal timber smuggling by providing intelligence, turning a blind eye, or facilitating transit. The illegal trade in red sanders in India, an Appendix II protected species, is a prime example where forestry officials, police at checkpoints, and customs officials are bribed to facilitate poaching and smuggling.
- **Forest Encroachment for Agriculture or Settlements:** Local revenue and forest department officials may facilitate or ignore encroachment on forest lands by individuals or communities, often in exchange for small bribes or political patronage.

### **IMPACT OF CORRUPTION ON ENVIRONMENTAL GOVERNANCE**

The corrosive effect of corruption on environmental governance in India is profound and multi-faceted:

- **Erosion of Rule of Law:** Corruption undermines the credibility and effectiveness of environmental laws and regulations, sending a message that laws can be circumvented for a price. This creates an environment of impunity for offenders, as noted by various studies that link corruption to weakened environmental protection policies.
- **Increased Environmental Degradation:** Corrupt practices directly lead to unchecked pollution, unsustainable resource extraction, and destruction of critical habitats, causing irreversible environmental damage. This contributes to desertification, biodiversity loss, and increased greenhouse warming.
- **Public Health Crises:** Uncontrolled pollution from industries and improper waste disposal directly impact public health, leading to respiratory diseases, waterborne illnesses, and other chronic health issues, particularly affecting vulnerable communities. The Sterlite Copper case, for example, highlighted high levels of iron, cadmium, nickel, and arsenic in soil and water samples, leading to increased cancer cases, skin, and respiratory allergies in the surrounding population.
- **Loss of Public Trust:** When citizens perceive that local authorities are corrupt and unwilling to protect the environment, it erodes trust in governance, leading to apathy or, conversely, increased social unrest and protests. The Plachimada struggle against Coca-Cola in Kerala highlighted the inability of political democracy to address weaknesses in law and governance, fostering public distrust.



- **Economic Losses:** Environmental crimes, facilitated by corruption, result in significant economic losses through depletion of natural capital, reduced productivity of land and water, and the costs associated with remediation and public health burdens. They also deprive governments of legitimate revenues from natural resource exploitation, as seen in illegal mining where substantial royalty fees are evaded.
- **Hindrance to Sustainable Development:** Corruption distorts resource allocation, diverts funds meant for environmental protection, and discourages green investments, thereby impeding the achievement of sustainable development goals.
- **Social Injustice:** Marginalized communities, often dependent on natural resources, are disproportionately affected by environmental degradation exacerbated by corruption. Their livelihoods are destroyed, and their voices are often suppressed, leading to environmental injustice.

## CHALLENGES IN COMBATING CORRUPTION AND GREEN CRIME AT THE LOCAL LEVEL

Despite existing legal frameworks and increasing awareness, combating corruption and green crime at the local level in India faces significant challenges:

- **Lack of Political Will:** Genuine political will to address corruption at all levels, particularly at the local level where political patronage networks are strong, is often lacking. As highlighted by the Basel Institute on Governance, political will is crucial for ensuring that laws are implemented and strategies are applied with transparency and accountability.
- **Inadequate Enforcement and Prosecution:** The enforcement machinery is often weak, understaffed, and susceptible to pressure. Prosecution rates for environmental offenses are low, and convictions are even rarer, providing little deterrence. For instance, in 2022, only 6% of illegal mining cases led to the filing of First Information Reports (FIRs).
- **Inter-Agency Coordination Gaps:** Lack of effective coordination and communication between different local departments (e.g., police, forest, revenue, municipal bodies, pollution control boards) hinders integrated action against environmental crimes. Multiple agencies often handle similar functions with limited coordination, leading to inefficiencies.
- **Data and Information Asymmetry:** Limited access to reliable environmental data, lack of transparent monitoring systems, and manipulation of official records make it difficult to identify and track violations. Information that should be publicly available is often not collected or accessible.
- **Limited Public Participation:** While public participation is crucial for environmental governance, mechanisms for genuine community involvement in decision-making and oversight are often superficial or non-existent. Fear of reprisal also discourages citizens from reporting corruption. Public consultations under laws like the EIA are either superficial or bypassed entirely.
- **Judicial Delays:** The Indian judicial system is often burdened by significant backlogs, leading to prolonged trials for environmental cases, which further diminishes the deterrent effect. Judicial intervention can also create uncertainty and stall both conservation and development goals.
- **Transnational Dimensions:** Some green crimes, such as illegal wildlife trade and hazardous waste trafficking, have transnational dimensions, requiring international cooperation that local authorities may not be equipped to handle.

## MEASURES TO IMPROVE LOCAL AUTHORITY ACCOUNTABILITY AND COMBAT GREEN CRIME

Addressing the complex issue of corruption and green crime requires a multi-pronged, systemic approach focusing on strengthening local governance and accountability:

### Strengthening Legal and Institutional Frameworks:

- **Clearer Mandates and Jurisdictions:** Clearly defining the roles, responsibilities, and jurisdictions of various local authorities involved in environmental protection to minimize ambiguity and overlap.
- **Independent Oversight Bodies:** Establishing and empowering independent oversight bodies at the state or regional level, with adequate powers to investigate corruption allegations against local officials in environmental matters.
- **Fast-Track Environmental Courts/Benches:** Creating specialized environmental courts or fast-track benches within existing judicial structures to ensure speedy resolution of green crime cases. The National Green Tribunal (NGT) has been instrumental, but its reach and effectiveness need to be further localized and strengthened.
- **Review and Reform of Environmental Clearance Processes:** Streamlining and de-politicizing environmental clearance processes, making them more transparent, data-driven, and less susceptible to discretionary abuse. This includes strengthening EIA mechanisms and ensuring genuine public consultation, making them less developer-friendly.

### Enhancing Transparency and Data Accessibility:

- **Digitization of Records:** Implementing comprehensive digitization of land records, mining leases, environmental clearances, inspection reports, and pollution data to reduce human interface and facilitate audits.
- **Proactive Public Disclosure:** Mandating proactive public disclosure of environmental permits, compliance reports, and enforcement actions by local authorities on publicly accessible online platforms.
- **Geospatial Technologies:** Utilizing satellite imagery, drones, and other geospatial technologies for real-time monitoring of land use changes, illegal mining, and pollution sources, making it harder for local officials to ignore violations. The Mining Surveillance System (MSS) by the Ministry of Mines is a step in this direction, but its effective implementation needs to reach local levels.

### Improving Accountability and Deterrence:

- **Whistleblower Protection:** Implementing robust whistleblower protection mechanisms to encourage citizens and honest officials to report corrupt practices without fear of retaliation.
- **Stricter Penalties for Corrupt Officials:** Imposing stringent penalties, including imprisonment and asset forfeiture, for local officials found complicit in environmental crimes or accepting bribes under laws like the Prevention of Corruption Act, 1988, and the Prevention of Money Laundering Act, 2002.
- **Performance-Based Accountability:** Introducing performance-based indicators for local authorities on environmental protection, with incentives for good performance and penalties for negligence or complicity.
- **Regular Audits and Investigations:** Conducting regular, independent audits of local environmental departments and pollution control boards to identify corrupt practices and systemic weaknesses.

### Capacity Building and Resource Allocation:

- **Training and Sensitization:** Providing comprehensive training to local officials, police, and judicial personnel on environmental laws, green crime investigation techniques, and the importance of enviro-

nmental protection.

- **Adequate Funding and Staffing:** Ensuring sufficient financial resources and trained personnel for local environmental enforcement agencies and pollution control boards to carry out their duties effectively.
- **Technological Upgradation:** Investing in modern equipment and technology for monitoring, detection, and evidence collection in environmental crime investigations.

#### **Promoting Public Participation and Awareness:**

- **Empowering Local Communities:** Strengthening the role of Gram Sabhas and other local community bodies in environmental decision-making, monitoring, and grievance redressal.
- **Environmental Literacy:** Launching public awareness campaigns to educate citizens about environmental laws, their rights, and the mechanisms for reporting environmental violations and corruption.
- **Support for Civil Society Organizations (CSOs):** Fostering collaboration with and providing support to environmental NGOs and civil society groups that play a critical role in advocacy, monitoring, and legal aid.
- **Citizen Oversight Mechanisms:** Developing accessible and user-friendly mechanisms for citizens to file complaints, track their status, and provide feedback on the performance of local authorities. The Community Right to Know Act model can be adapted to empower citizens with access to environmental information and participation in decision-making.

#### **Ethical Governance and Integrity:**

- **Code of Conduct:** Developing and strictly enforcing a code of conduct for local government officials, emphasizing ethical behavior and integrity in environmental governance.
- **Asset Disclosure:** Mandating regular disclosure of assets by officials in sensitive environmental departments to deter illicit enrichment.
- **Anti-Corruption Education:** Integrating anti-corruption education into the training programs for all levels of government service.

## **CONCLUSION**

The nexus between corruption and green crime at the local level in India presents a formidable challenge to environmental protection and sustainable development. Local authorities, by virtue of their proximity to resources and decision-making power, are critically positioned, yet often vulnerable to corrupt influences. This complicity, whether active or passive, enables a wide range of environmental offenses, from illegal mining and deforestation to uncontrolled pollution and improper waste disposal. The consequences are dire: widespread environmental degradation, public health crises, erosion of the rule of law, and a loss of public trust.

Addressing this deeply entrenched problem requires more than just reactive measures; it demands a fundamental shift in governance practices at the local level. By strengthening institutional frameworks, enhancing transparency, improving accountability, building capacity, and fostering genuine public participation, India can mitigate the avenues for corruption and empower its local authorities to become true guardians of the environment. The path is challenging, requiring sustained political will, systemic reforms, and a collective commitment from all stakeholders. However, the future of India's environment, and the well-being of its citizens, hinges on the success of these efforts.



**REFERENCES**

1. Role of local self-government in the protection of environment.
2. ARC Journals. Environmental Governance in India: Issues and Challenges.
3. A learning resource Part 3: Forest crime and the illegal timber trade.
4. EconJournals.com. The Impact of Corruption on Green Growth: Theory and Empirical Evidence of Green Economy as a Source of Growth. Retrieved from
5. Case study on Environment Law non-compliance by Sterlite Corporation. [Sthttps://grm.institute/blog/case-study-on-environment-law-non-compliance-by-sterlite-corporation/](https://grm.institute/blog/case-study-on-environment-law-non-compliance-by-sterlite-corporation/)
6. Hegde, N. Santosh. (2010). Interim Lokayukta report of December 2008.
7. Strategies for Building Environmental Transparency and Accountability.
8. The Role of local Communities in environmental resources management.
9. Environment (Protection) Act, 1986. Government of India.
10. National Green Tribunal Act, 2010. Government of India.
11. Forest Conservation Act, 1980. Government of India.
12. Wildlife Protection Act, 1972. Government of India.
13. Transparency International India. (2020). Corruption in Environmental Governance.
14. Singh, R. (2018). "Illegal Mining in India: Causes and Consequences." *Journal of Environmental Law*, 29(3), 341-365.
15. Mishra, S. (2019). "Corruption and Environmental Crime: A Case Study of Sand Mining." *Indian Journal of Criminology*, 45(2), 215-230.
16. Shukla, P. (2021). *Environmental Law and Policy in India*. New Delhi: Oxford University Press.