

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 9 | Issue 3

2026

© 2026 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestions or complaints**, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the **International Journal of Law Management & Humanities**, kindly email your Manuscript to submission@ijlmh.com.

Criminalising Environmental Harm Lessons for India from the EU Environmental Crime Directive (2024)

AKASH MANWANI*

ABSTRACT

On 11 April 2024, the European Union adopted a revised Environmental Crime Directive (ECD), marking a significant shift in the global approach to environmental criminal law. By recognising that environmental harm can be criminally prosecutable even when committed under the guise of regulatory compliance, the Directive introduces the concept of autonomous environmental crimes based on a 'manifest breach of relevant substantive legal requirements. This development challenges the traditional doctrine wherein administrative permits often shield polluters from criminal liability. For a country like India, which continues to rely heavily on civil sanctions and weak criminal enforcement under environmental statutes such as the Environment (Protection) Act, 1986, and the Water and Air Acts, the ECD offers critical lessons. This paper analyses the transformative features of the revised ECD and explores their applicability within the Indian context. It argues that adopting similar mechanisms—such as recognising ecocide as a grave criminal offence, codifying substantive environmental duties, and removing immunity for actions conducted under valid permits—could significantly strengthen India's environmental jurisprudence. However, the challenge lies in ensuring such reforms align with fundamental criminal law principles like legality and legal certainty.

Keywords: *Environmental crime, EU Directive 2024, Ecocide, Criminal liability, Substantive legal requirements, Regulatory permits.*

I. INTRODUCTION

Historically, criminal law has played a minor role in environmental protection efforts, particularly within European legal systems. The environmental protection system operates primarily through reactive measures because it steps in only after administrative rules suffer breaches. Only after the violation of existing administrative permits or authorisations did environmental destruction remain criminal. The need for administrative choices that experts

* Author is a Research Scholar at Department of Law, Guru Ghasidas Vishwavidyalaya, Bilaspur, C.G., India.

call "administrative dependence" receives powerful criticism for triggering criminal exposure and negatively affecting environmental safety targets. (Lennan, 2021)

According to critics, environmental offenders can avoid criminal prosecution by maintaining technical compliance with administrative regulations regardless of their environmental impact. Technical permit approvals provide complete protection from prosecution for polluters, regardless of the improper handling of environmental consequences during permit issuance. Environmental protection under criminal law depends strongly upon effective administrative procedures, despite such procedures demonstrating insufficient power to stop or punish extensive environmental damage. (Sicurella, 2024).

EU Member States have developed new legal structures that establish criminal laws without dependency on administrative authorisations to address these issues. Swedish laws containing significant traits can be observed in Article 29(1) of the Environmental Code, which makes pollution offences responsible that harm human health or biodiversity or ecosystem values even if administrative permits exist or not. The trend shows courts and legal systems increasingly view environmental damage as a standalone offence which requires specific criminal penalties. The EU framework kept adhering to administrative dependence until recent changes were introduced. Through Directive 2008/99/EC (hereinafter ECD 2008), the original Environmental Crime Directive established a framework which sanctioned environmental violations only when they violated existing EU or domestic legislation (typically administrative laws). The directive's Annexes A and B provided a list of the legal instruments that could cause criminal penalties to apply. The scheme provided no acknowledgement of environmental wrongdoing as a separate offence distinct from existing administrative violations. (Pereira, R., 2024a)

Implementation demonstrated the operational inadequacies of ECD 2008. During the past regime, environmental actions which caused permanent ecological destruction and health threats faced no legal consequences. Law scholars pushed for adopting a so-called "toolbox approach" which suggested multiple enforcement tools for improved environmental harm prevention. The directive lacked crucial requirements for member states to present data about their actual implementation of environmental rules. Formal compliance with the directive did not guarantee that effective enforcement existed across member states because implementation was inconsistent and ineffective.

Enforcement deficits reached substantial levels due to this condition. The ECD 2008 evaluation conducted by the commission identified two main problems faced by Member States in criminal environmental law implementation because they either did not have proper enforcement

capabilities or lacked sufficient political interest in environmental crime prosecution. The assessment spotlighted the necessity for enhanced legal safeguards independent of state institutions so they can combat environmental deficiencies in the original directive.

The revised Environmental Crime Directive adopted through ECD 2024 marks a crucial evolution in EU environmental criminal law. The new law explicitly states that following authorised permits does not safeguard against criminal prosecution when the authority violates fundamental environmental requirements. The modification eliminates the protective effect of permits and enables independent criminal prosecution for environmental damage when administrative approvals prove insufficient. (Iordăchescu et al., 2023)

The modifications enacted within this reform achieve a deeply important impact. Environmental damage occurs throughout the EU because administrative permits create a false appearance of legality for destructive actions. The documentation that satisfies legal requirements commonly does not display current science-based information nor does it meet contemporary environmental requirements. Actions approved by the previous system received legal protection that allowed severe damage to ecosystems and public health risks to go unpunished. According to ECD 2024, an environmental permit alone cannot validate environmentally damaging actions when those permits conflict with existing environmental obligations. (Faure, 2024)

The updated directive addresses administrative dependency through the introduction of qualified environmental offences, which correspond with international ecocide discussions. The ECD 2024 establishes a qualified offence against acts that create massive, sustained, or critically harmful environmental damage but does not establish ecocide as a stand-alone crime. The EU, along with international entities, now recognises severe environmental harm needs formal criminalisation based on principle rather than procedural issues alone. (Romaniuk et al., 2025)

Environmental criminal law autonomy maintained significant influence on the legislative development that led to ECD 2024 through ongoing academic and policy discussions. The establishment of quasi-ecocidal offences served as a main catalyst to restart discussions about making environmental protection an independent legal interest needing direct crime protection over and above administrative compliance.

This study explores ECD 2024's effects on environmental law relationships between administrative law and criminal law, with a focus on environmental protection. The traditional model of administrative dependence operates as the focus of this section alongside its associated

shortcomings. This section examines the development of an independent environmental criminal law approach, while Section 4 establishes normative arguments for environmental crime independence. Section 5 explores the conceptual barriers and legal frameworks for defining self-governing environmental criminal actions. Section 6 examines ECD 2024's particular legal adjustments that affect enforcement procedures. This analysis concludes by examining the potential transformative power of Directive 2024 on environmental criminal law throughout the European Union. (Ibraj et al., 2024)

II. ADMINISTRATIVE DEPENDENCE OF ENVIRONMENTAL CRIMINAL LAW

Environmental degradation poses difficulties for criminal law because its causes do not fit easily into established crime categories, including murder, theft and sexual assault. The criminalisation of wrongful acts that cause inherent damage to the environment and lack any public advantage remains justified, as these acts should remain totally prohibited under criminal law. Economic and development interests frequently merge with activities which damage the environment. Economic development necessitates industrial processes, transportation, energy generation, and construction that produce pollution even as they provide essential public benefits. The criminal law system cannot take an absolute zero-tolerance stance toward pollution because such a position would effectively halt fundamental economic operations which any sustainable modern society requires. (Mitsilegas, 2022)

Environmental legal enforcement primarily depends on administrative procedures instead of traditional criminal punishment techniques. Under this model authorities do not ban pollution entirely but establish rules to govern its maximum allowable levels. Various approaches like environmental impact assessments and cost-benefit analyses determine these limits by finding equilibrium between environmental protection and economic advancement. The allowed "optimal" pollution levels exist as statutory instruments that include environmental permits alongside rules and standards.

Administrative authorities receive the authority to establish and control environmental standards since these decisions contain complex technical and regulatory elements. They demonstrate the necessary competencies to balance multiple priorities while handling scientific findings and delivering customised requirements for industry and business operations. The basic function of criminal law remains as a residual instrument because it functions as an enforcement system to penalise deviations from administrative guidelines. Environmental criminal charges only emerge when individuals or entities break legally enforceable

administrative commands that establish permit requirements and legal threshold limits. (Kharytonov et al., 2023)

When administrative law operates alongside criminal law, it establishes what scholars call "administrative dependence" of environmental criminal law. The fusion between administrative rules and criminal sanctions exists prominently in jurisdictions which maintain this regulatory model. This structure has certain advantages. The law creates a clear legal structure to guide businesses through well-defined permit conditions that establish the boundaries of lawful and unlawful conduct. The law outlines comprehensive permit requirements which define proper conduct from improper conduct ahead of time to create guidelines for the operational scope of businesses.

This regulatory approach comes with various challenges and pitfalls. The nature of criminal law enforcement depends entirely on administrative law's effectiveness, which poses a crucial restriction. Environmental standards set by administrative bodies which prove insufficient or outdated or manipulated through external pressures can lead to criminal liability exemptions for significant environmental damage. When environmental crimes lack adequate enforcement of administrative standards, criminal law becomes restricted to prosecuting violations of those standards rather than preventing environmental damage itself. The effectiveness of environmental protection laws within the current system becomes a subject of doubt because of this weakness. (Van Uhm et al., 2022)

The act of regulatory agencies being susceptible to external pressures creates a significant threat. Administrative choices in real-world scenarios often deviate from what would be best for the general public. Regulatory capture happens when regulated groups gain excessive power over their regulatory agencies to weaken environmental standards. When influenced by political forces or industry pressure, regulatory agencies issue permissions which enable broad ranges of pollution and waive stringent requirements. The existing regulatory structure fails to provide any recognition or financial benefit for achieving environmental sustainability or excellence at levels exceeding legal requirements. (Minkova, 2023)

Though agencies operate with goodwill, the practical hurdles to environmental regulation management reduce its effectiveness. The operational limitations of regulatory bodies include inadequate scientific information, evolving technological changes and restricted access to comprehensive data. Existing environmental standards that agencies determine satisfactory risk are becoming outdated as scientific knowledge and technology evolve. Outdated standards will

maintain their grip on criminal law unless updates are introduced swiftly, which would reduce the law's ability to deter conduct.

Environmental stewardship receives no incentive under today's regulatory framework. Administrative dependence functions by establishing permit compliance as the basic requirement to prevent criminal charges. Organisations must only implement procedures within approved boundaries to avoid legal pressure for additional environmental measures. The current regulatory system does not provide any motivation or benefits for companies that choose environmental sustainability measures above the basic legal requirements. The current static method of assessment fails to match the dynamic accumulating patterns of environmental destruction, which require both predictive and evolving solutions. (Barnard & Peers, 2023)

Towards a Reformed Framework for Environmental Criminal Law

The existing system of environmental criminal law, which heavily relies on administrative law, has significant limitations in addressing the full scope of environmental harm. Although this dependency provides clarity and administrative enforcement, it may no longer be sufficient to effectively safeguard the environment. The discussion of reforming this system was notably explored at the 1992 colloquium of the International Association of Penal Law, where the idea of detaching environmental criminal law from its absolute reliance on administrative law was proposed. The objective is not to sever all ties between the two domains but to develop a more balanced and comprehensive approach that expands the role of criminal law in environmental protection.

A reformed model would maintain the core principle of penalising non-compliance with administrative regulations, such as operating without necessary permits. However, it would go further by introducing criminal provisions that address environmental harm directly, irrespective of administrative compliance. This would include penalising unlawful emissions, which are not merely violations of permit conditions but act as independent grounds for criminal liability. Moreover, the introduction of "autonomous environmental crimes" would allow criminal sanctions for harmful environmental actions, even if the perpetrator has adhered to permit requirements. (Stojanovic & Bodrozic, 2025)

While the notion of autonomous environmental crimes presents challenges—particularly the expansion of criminal liability—it offers a vital opportunity to protect the environment beyond the confines of administrative law. These crimes would facilitate more robust legal deterrence, ensuring that environmental harm is penalised on its own merits, irrespective of regulatory compliance. This new model aims to create a more proactive and holistic approach to

environmental protection, incorporating both preventive and punitive elements. (Stojanovic & Bodrozic, 2025)

III. THE CASE FOR AUTONOMOUS ENVIRONMENTAL CRIMES: A LEGAL AND PRACTICAL NECESSITY

The concept of introducing autonomous environmental crimes, distinct from traditional regulatory offences grounded in administrative law, has gained traction in both theoretical and practical legal discourse. There are compelling reasons for such a shift, both in terms of strengthening the protection of environmental values and addressing gaps in the current legal framework that fails to prevent serious harm adequately to human health and the environment. (Di Landro, 2022)

Theoretical Justifications for Autonomous Environmental Crimes

First, the limitations of public law in safeguarding environmental interests become apparent when considering the nature of environmental harm. Public law, particularly through administrative regulations, often lacks the specificity and responsiveness needed to address the full spectrum of environmental threats. In many instances, environmental damage occurs despite compliance with established regulatory frameworks, such as permits or environmental standards. These regulatory mechanisms, while essential, may fail to capture the full extent of the harm caused, especially when the levels of pollution are dangerously close to or exceed the threshold of acceptable risk. The mere granting of a permit to polluting entities does not necessarily equate to a safeguard against severe environmental degradation. In many cases, the issue lies not with the permit itself but with the underlying inadequacy of the standards or the shifting circumstances that were not considered when the permit was issued. (Faure, 2024)

Second, there is a growing recognition that certain forms of environmental harm—especially those that pose significant risks to human health or breach basic human rights—cannot be adequately addressed by administrative law alone. For example, as seen in European Court of Human Rights (ECHR) rulings, severe environmental pollution can infringe upon fundamental human rights, including the right to life and the right to a private and family life, as enshrined in Articles 2 and 8 of the European Convention on Human Rights. In such cases, the state bears a positive obligation to protect its citizens from environmental harm that threatens these rights. Where administrative permits have facilitated or failed to prevent such violations, there is a compelling case for introducing autonomous environmental crimes to address the gaps in protection. The need for a more rigorous approach to environmental safeguarding becomes

especially clear when administrative frameworks are found to have failed or become inadequate due to political or economic pressures. (Romaniuk et al., 2025)

Practical Necessity for Autonomous Environmental Crimes

From a practical standpoint, the introduction of autonomous environmental crimes serves multiple critical purposes. First and foremost, it addresses the legal vacuum that currently exists in cases where serious environmental harm occurs, but perpetrators are shielded from criminal liability due to compliance with administrative permits. In many instances, these legally valid administrative permits allow activities that cause significant damage to ecosystems and human health. Criminal law in such situations is unable to intervene because it is tied to the regulatory framework that has already authorised the activity, even if that authorisation is insufficient to prevent harm. (Savagan, 2024)

The introduction of autonomous environmental crimes would empower the legal system to intervene in cases where severe environmental pollution occurs, regardless of the legal status of the activity under administrative law. For example, if an industrial operation emits pollutants that exceed safe limits or result in irreversible damage to the environment or human health, such an act could be classified as a criminal offence, irrespective of whether the company held an administrative permit. This would allow for more effective legal recourse in cases where public health and environmental protection are at stake, ensuring that serious violations are punished. (Gillett, 2025)

Moreover, autonomous environmental crimes would send a clear and powerful signal that the legal system takes environmental harm seriously. The establishment of such crimes would protect the environment and serve as a deterrent, encouraging businesses to adopt more responsible practices. Economic operators would be more motivated to monitor and minimise their emissions, knowing that exceeding acceptable pollution levels could lead to criminal liability. In turn, this could foster a culture of greater corporate accountability and environmental responsibility, with companies seeking to invest in cleaner technologies to avoid legal consequences.

Case studies illustrate the need for autonomous environmental crimes.

Recent case studies from European jurisdictions illustrate the urgency of adopting autonomous environmental crimes. In the Netherlands, the steel company Tata Steel emitted pollutants that caused serious health problems, including an increased risk of cancer, for people living near the plant. Despite the significant health impact, Tata Steel argued that its activities were in full compliance with the terms of its permit, and thus no criminal liability arose. Similarly, the

company Chemours, previously part of DuPont, was found to have knowingly released harmful chemicals into the environment, which polluted air, soil, and water. Again, these emissions were in line with the company's permit, which shielded it from legal consequences despite the public health risks involved. (Emam, 2024)

Similar cases of serious pollution and health damage have been reported in Belgium, where the company Umicore emitted toxic levels of lead, causing long-term health consequences for local children. The company defended its actions by pointing to compliance with its permit conditions, but the damage to the community was undeniable, amounting to substantial economic costs for the treatment of affected children and the environmental clean-up. Despite the severity of the situation, criminal prosecution was not an option due to the regulatory framework in place, which allowed for such emissions within permissible limits.

These examples highlight a common theme: environmental crimes that cause significant harm often go unpunished because the actors involved are operating within the confines of their permits. When permits are insufficient to protect the environment or public health, criminal law must step in to ensure accountability and deterrence. In the absence of autonomous environmental crimes, the legal system falls short in providing adequate protection during critical times. (Bytyqi & Morina, 2023)

IV. THE ROAD TO AUTONOMOUS ENVIRONMENTAL CRIMES IN THE EU ENVIRONMENTAL CRIMINAL DIRECTIVE 2024

The revised European Union Environmental Crime Directive (ECD) 2024 has significantly improved EU environmental criminal law, formalizing autonomous environmental crime definitions and criminalizing ecocide. The legislation, funded by the European Commission, aims to address the intertwined nature of administrative law and environmental criminal law, which primarily relied on national laws implementing EU environmental directives. The EFFACE project proposed shifting towards independent status for environmental offences, adopting the Council of Europe's 1998 Convention as a model for defining environmental offenses independently of traditional administrative legality tests. (Faure, 2024)

The European Commission initially opposed changes to the 2008 ECD, but the European Parliament's Committee on Legal Affairs (JURI) led the way. The Parliament supported deductible environmental offences due to reports on corporate environmental liability and mergers and acquisitions. This led to an initiative report mandating changes to the ECD. Initial proposals introduced autonomous environmental crimes and the new ecocide offence, but not fully included. (Pereira, 2024b)

The European Commission unveiled its official proposal for an Environmental Crime Directive through formal submission on 15 December 2021 while following many of the EFFACE recommendations. Article 3 presents a list of 18 actions that member states would criminalise in cases of unlawful and intentional conduct. The 2021 revision of Article 2(1) broadened its unlawful conduct definition to include violations of EU environmental law and national laws implementing environmental legislation but removed the previous directive and regulation-specific lists from 2008. Operators subject to valid permit conditions have immunity from criminal liability under the proposal's preservation of the "permit defence." The second paragraph of Article 2(1) created a partial fix by stating that permits granted through fraud, corruption or coercion or extortion would lead to unlawful conduct. This exception proved challenging to implement because showing fraudulent procurement or coercion requires complex procedural demonstration in real-world cases. (Perrone, 2024)

Under Article 8, the Commission proposed rules for aggravating factors that covered situations where crimes resulted in human fatalities or substantial injuries, as well as irreversible environmental damage. The proposal included a provision which suggested ecocide but failed to establish it as a standalone criminal offence because Recital 16 established its unclear nature. The Council of the European Union evaluated the Commission's proposal, keeping its core elements intact but adding specific explanations. The status of ecocide as an aggravating factor instead of a separate crime weakened its potential as a strong legal instrument to safeguard the environment, especially during times when actions received official authorisation. (Špelić & Mihelić-Bogdanić, 2024)

The amendments to the European Convention on Drugs and Cosmetics (ECD) introduced a crime for environmental harm, but failed to establish full autonomy due to its dependence on permit status and lack of general environmental impact forecasting. Recital 7 emphasized the importance of Article 6 of the Treaty on European Union (TEU) and Recital 8 reworked to avoid broad interpretations of illegality. The Council also established that obtaining a permit does not protect from legal culpability when failure to fulfill specific obligations occurs. The European Parliament's involvement in environmental criminal law advocacy led to significant amendments, including expanding the definition of unlawfulness and reforming the definition of administrative authorizations to prohibit automatic immunity. (Böttner & Blanke, 2024). The European Parliament established a new qualified offence of ecocide through its inclusion of a broad general provision. Any conduct posing a risk for death or serious harm to health or environmental damage needed to become a criminal offence following unlawful and intentional

acts according to Paragraph 1a. The severity of the environmental damage determines if the crime falls under a category of “particular gravity” that requires harsher punishment.

V. CRIMINALISING ENVIRONMENTAL HARM: LESSONS FOR INDIA FROM THE EU ENVIRONMENTAL CRIME DIRECTIVE (2024).

The European Union’s Environmental Crime Directive (EU ECD) of 2024 marks a significant advancement in environmental jurisprudence, establishing stringent criminal liabilities for environmental offences and setting a precedent for integrating environmental protection into the core of criminal law. For India, grappling with escalating environmental challenges, the EU's approach offers valuable insights. This analysis delves into the EU ECD's key provisions and explores their applicability within the Indian legal framework, emphasising the need for robust criminal accountability in environmental governance.

A. Recognising Environmental Harm as a Serious Criminal Offence

The EU ECD expands the scope of environmental crimes, introducing a comprehensive list of 20 offences, including illegal timber trade, serious breaches of chemical regulations, and significant pollution incidents. Notably, it introduces the concept of "qualified offences", where intentional acts causing substantial, irreversible environmental damage attract harsher penalties, including imprisonment of up to ten years for individuals and fines up to 5% of a company's global turnover or €40 million for legal entities. (Navrátilová, 2024)

In contrast, India's environmental laws, such as the Environment (Protection) Act, 1986, primarily focus on regulatory compliance, with penalties often limited to fines or short-term imprisonment. The absence of stringent criminal provisions undermines the deterrent effect necessary to prevent severe environmental harm. Incorporating the EU's approach, India could redefine serious environmental violations as criminal offences, ensuring that perpetrators face substantial penalties commensurate with the damage caused.

B. Corporate Accountability and Liability

The EU-ECD holds corporate entities and their executives accountable for environmental crimes, emphasising that legal persons can be subject to significant fines and additional sanctions, such as exclusion from public funding and withdrawal of permits. This approach acknowledges the influential role of corporations in environmental degradation and ensures that they cannot evade responsibility through complex corporate structures. India's current legal framework lacks comprehensive provisions for corporate environmental liability. While certain statutes impose penalties on companies, enforcement is often weak, and corporate executives

rarely face personal accountability. By adopting the EU's model, India could establish clear legal mechanisms to hold corporations and their leaders criminally liable for environmental offences, thereby promoting corporate responsibility and environmental stewardship. (Špelić & Mihelić-Bogdanić, 2024)

C. Enhancing Enforcement Mechanisms

The EU ECD mandates member states to equip their enforcement agencies with adequate resources and training to effectively investigate and prosecute environmental crimes. It also encourages coordination among various authorities and the development of national strategies to combat environmental offences.

India's enforcement mechanisms, including the National Green Tribunal (NGT), play a crucial role in adjudicating environmental disputes. However, enforcement agencies often face challenges such as limited resources, a lack of specialised training, and jurisdictional overlaps. By aligning with the EU's emphasis on capacity building, India can strengthen its enforcement infrastructure, ensuring that environmental laws are implemented effectively and consistently.

D. Public Participation and Access to Justice

The EU ECD recognises the importance of public involvement in environmental protection by ensuring that individuals and organisations have access to justice and information regarding environmental proceedings. This participatory approach empowers citizens to hold violators accountable and fosters transparency in environmental governance. India's legal system provides for public interest litigation, allowing citizens to approach courts on environmental matters. However, procedural complexities and limited awareness often hinder effective public participation. By adopting the EU's provisions on access to justice, India can enhance citizen engagement in environmental protection, ensuring that communities play an active role in safeguarding their environment. (Gillett, M., 2025)

E. Integrating Environmental Protection into Criminal Law

The EU ECD represents a paradigm shift by integrating environmental protection into criminal law and recognising that environmental harm poses significant risks to public health and safety. This integration ensures that environmental offences are treated with the seriousness they deserve, deterring potential violators through the threat of criminal sanctions.

India's environmental laws predominantly operate within the administrative and civil domains, with criminal provisions being underused. To address this gap, India could either reform its legal framework to incorporate environmental offences into the Indian Penal Code or enact

dedicated environmental crime legislation. Such reforms would signal a strong commitment to environmental protection and align India's legal system with international best practices.

VI. CONCLUSION

The adoption of the revised EU Environmental Crime Directive (ECD) in 2024 represents a ground breaking shift in the way environmental crimes are defined and prosecuted. By focussing on a clear violation of important legal rules, even if companies follow their permits, the ECD brings in the idea of independent environmental crimes. This transformation is crucial for holding polluters accountable and moving beyond the traditional reliance on administrative law, which has often shielded industries from criminal liability despite causing significant environmental harm. For India, the ECD presents valuable lessons in strengthening its environmental legal framework. Indian environmental law, while comprehensive, largely relies on civil penalties and regulatory compliance, with criminal liability being rarely invoked. By incorporating provisions similar to the ECD—such as criminalising ecocide, codifying clear environmental duties, and ensuring accountability beyond the scope of administrative permits—India could significantly enhance its environmental law enforcement mechanisms. However, as this paper has discussed, implementing such changes will require careful consideration of the legal principles that underlie criminal law, particularly the need for clarity and precision in defining criminal liability. The challenge lies in balancing the need for environmental protection with the necessity of adhering to established legal principles, such as legality and clarity in the definition of crimes. As India looks to reform its environmental governance, drawing on the experiences and successes of the ECD could provide a robust framework for addressing environmental violations more effectively. Ultimately, adopting these lessons could lead to stronger deterrence against environmental harm and a more sustainable future for India's ecosystem and its citizens.

Acknowledgement

The author would like to thank the Indian Council of Social Science Research (ICSSR) for the award of a Doctoral Fellowship, which provided the necessary funding for this research.

VII. REFERENCES

- Barnard, C., & Peers, S. (Eds.). (2023). *European Union law*. Oxford University Press.
- Blanke, H.-J., & Mangiameli, S. (Eds.). (2021). *Treaty on the Functioning of the European Union: A commentary*. Springer.
- Böttner, R., & Blanke, H.-J. (2024). *Treaty on the Functioning of the European Union—A commentary*.
- Bytyqi, V., & Morina, F. (2023). The international standards on the protection of the environment through criminal law—Special focus on the EU directive on environmental crime. *Polish Journal of Environmental Studies*, 32(2).
- Di Landro, A. (2022). Models of environmental criminal law, between dependence on administrative law and autonomy. *European Energy and Environmental Law Review*, 31(5).
- Emam, M. I. E. (2024). The criminal safeguarding of the environment and its contribution to realizing sustainable development. *International Journal*, 5(6), 317–327.
- Faure, M. G. (2024). The EU Environmental Crime Directive 2024: A revolution in EU environmental criminal law? *Journal of Environmental Law*, 36(3), 323–342.
- Gillett, M. (2025). Ecocide, environmental harm and framework integration at the international criminal court. *The International Journal of Human Rights*, 1–37.
- Ibraj, B., Alushllari, M., & Hysa, F. (2024). Environmental security, environmental crime and national security. *International Journal of Religion*, 5(11), 4890–4900.
- Iordăchescu, G., Lappe-Osthege, T., Dickinson, H., Duffy, R., & Burns, C. (2023). Political ecologies of green-collar crime: Understanding illegal trades in European wildlife. *Environmental Politics*, 32(5), 923–930.
- Kharytonov, S. O., Orlovskiy, R. S., Kurman, T. V., & Maslova, O. O. (2023). Criminal legal protection of the environment: National realities and international standards. *European Energy and Environmental Law Review*, 32(6).
- Lennan, M. (2021). Evaluating the effectiveness of the EU environmental liability and environmental crime directives as implemented by Scotland and the rest of the United Kingdom. *Journal of International Wildlife Law & Policy*, 24(1), 26–37

- Lennan, M. (2021). Evaluating the effectiveness of the EU environmental liability and environmental crime directives as implemented by Scotland and the rest of the United Kingdom. *Journal of International Wildlife Law & Policy*, 24(1), 26–37.
- Minkova, L. G. (2023). The fifth international crime: Reflections on the definition of “ecocide”. *Journal of Genocide Research*, 25(1), 62–83.
- Mitsilegas, V. (2022). *EU criminal law*, Edward Elgar Publishing (pp. 1–808).
- Navrátilová, J. (2024). Europeanisation of environmental protection through criminal law. *Ius Novum*, 18(3 ENG), 1–17.
- Pereira, R. (2024). A critical evaluation of the new EU Environmental Crime Directive 2024/1203. *EU Crime*, 2024(2), 158–163.
- Pereira, R. (2024). The EU Environmental Crime Directive 2024/1203 and the new ‘ecocide’ qualified offences: A critical assessment.
- Perrone, D. (2024). From a “minimalist” to a “holistic” approach to the protection of the environment through criminal law: The Directive 2024/1203/EC as a turning point. *EuCLR European Criminal Law Review*, 14(3), 345–361.
- Romaniuk, M., Orobets, K., Herasymenko, O., Brynzanska, O., & Petkov, V. (2025). The practice of qualifying environmental crimes at critical infrastructure facilities in the criminal justice of EU countries. *Journal of Lifestyle and SDGs Review*, 5(2), e02561.
- Savagan, Z. (2024). Environmental autonomy. *International Journal on Minority and Group Rights*, 31, 369–395.
- Sicurella, R. (2024). EU competence in criminal matters. In *Research handbook on EU criminal law* (pp. 61–89). Edward Elgar Publishing.
- Špelić, I., & Mihelić-Bogdanić, A. (2024). EU environmental protection in regard to sustainable development: Myth or reality? *Standards*, 4(4), 176–195.
- Stojanovic, Z., & Bodrozić, I. (2025). Possibilities and scope of environmental protection through criminal law—The new Environmental Crime Directive. *NBP. Nauka, bezbednost, policija*, 30, 1.
- Van Uhm, D. P., & Nijman, R. C. C. (2022). The convergence of environmental crime with other serious crimes: Subtypes within the environmental crime continuum. *European Journal of Criminology*, 19(4), 542–561.
