

# Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

Ayushi Shrivastava<sup>1</sup>, Prof. (Dr) Vikas Gupta<sup>2</sup>

<sup>1,2</sup>Jagran Lakecity University, Mugaliyachap, Near Ratibad, Bhopal, Madhya Pradesh, Pincode 462044, India

Email ID: [ayushi2392@gmail.com](mailto:ayushi2392@gmail.com)

## Abstract

Environmental justice in India is largely dependent upon statutory institutions entrusted with the responsibility of detecting, investigating, and prosecuting environmental offences. The Indian legal framework provides multiple regulatory statutes aimed at addressing environmental degradation; however, the effectiveness of enforcement mechanisms remains a matter of significant scholarly debate.

This research examines the procedural framework governing inquiry and investigation under major environmental statutes, namely the Air (Prevention and Control of Pollution) Act, 1981; the Water (Prevention and Control of Pollution) Act, 1974; the Indian Forest Act, 1927; the Forest (Conservation) Act, 1980; and the Wildlife Protection Act, 1972. The study undertakes a comparative analysis of investigative mechanisms provided under these statutes and subsequently evaluates them in light of the procedural provisions contained in the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

The research critically analyses the statutory powers of law enforcement agencies and regulatory authorities operating under environmental legislation, and examines how investigative procedures prescribed under the BNSS differ from those adopted under environmental statutes.

The study adopts a doctrinal and comparative legal research methodology. The doctrinal component involves analysis of statutory provisions, judicial precedents, and legal principles governing environmental enforcement and criminal investigation in India. The comparative component evaluates investigative powers granted to authorities under the Air Act, Water Act, Forest laws, and Wildlife Protection Act in contrast with investigative powers exercised by police authorities under the Bharatiya Nagarik Suraksha Sanhita, 2023.

In addition, the study examines environmental crime statistics and enforcement reports published by the National Crime Records Bureau, Central Pollution Control Board, and the Ministry of Environment, Forest and Climate Change to assess the practical effectiveness of these investigative mechanisms.

The paper concludes by identifying the regulatory and procedural gaps within the existing enforcement framework and proposes granting pollution control regulators enhanced investigative powers similar to those exercised under the Wildlife Protection Act and Indian Forest Act can significantly improve environmental crime detection and prosecution.

**Keywords:** Investigation, Inquiry, Environmental law, Justice, Criminal law

**How to cite this article:** Shrivastava A, Gupta V. Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework. *Int J Drug Deliv Technol.* 2026;16(13s): 379-387. DOI: 10.25258/ijddt.16.13s.41

## INTRODUCTION

Environmental degradation has become one of the most pressing challenges faced by modern societies. In India, rapid industrialisation, deforestation, illegal wildlife trade, and increasing levels of air and water pollution have significantly contributed to environmental decline. Recognising the seriousness of these issues, the Indian legislature has enacted several

statutes aimed at regulating environmental activities and preventing ecological harm<sup>1</sup>.

These statutes empower specialised regulatory authorities to conduct inspection, inquiry, and investigation into environmental violations. Institutions such as the Central Pollution Control Board, State Pollution Control Boards, Forest Officers, and Wildlife Authorities play a crucial role in enforcing

---

<sup>1</sup> Divan S and Rosencranz A, *Environmental Law and Policy in India* (2nd edn, OUP 2002).

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

environmental laws and ensuring compliance with statutory standards.

Unlike conventional criminal offences, environmental crimes often involve complex scientific and technical issues. As a result, investigations under environmental laws frequently require specialised expertise, administrative monitoring, and regulatory oversight rather than traditional agency-based collection of evidences.

The *Bhartiya Nagarik Suraksha Sanhita, 2023* (BNSS), which governs criminal procedure in India, distinguishes between the concepts of inquiry and investigation. Inquiry refers to proceedings conducted by a court or magistrate for the purpose of determining facts prior to trial, whereas investigation involves the collection of evidence by police officers or other authorised persons. However, the sample collection done by agencies under the environment act is termed as inquiry as it is not done by police themselves

Environmental statutes, however, often establish parallel investigative frameworks in which regulatory authorities themselves undertake investigation and enforcement functions. This creates an important intersection between environmental law and criminal procedural law.

Against this backdrop, the present study seeks to examine the investigative framework under major environmental statutes and analyse how these mechanisms operate in comparison with the procedural principles contained in the BNSS.

Specifically, the study focuses on the investigative powers granted to authorities under environmental legislation, the distinction between inquiry and investigation in criminal procedure, the procedural mechanisms employed under environmental statutes in comparison to that given under the Criminal laws, the practical challenges faced in enforcing environmental laws in India.

Environmental governance in India has been widely examined in legal scholarship, particularly in relation to the evolution of regulatory institutions and judicial environmental jurisprudence. Scholars have emphasised that statutory bodies such as the Central Pollution Control Board and State Pollution Control Boards play a crucial role in monitoring environmental compliance and enforcing pollution control standards (Divan & Rosencranz, 2001). Similarly, Rajamani and Ghosh (2019) highlight the institutional and regulatory

mechanisms that have developed within Indian environmental law, noting that administrative agencies remain central to environmental governance and regulatory enforcement.<sup>2</sup>

In addition to doctrinal analyses, analytical research has explored the practical functioning of environmental enforcement mechanisms. Gupta (2019) argues that environmental compliance systems often face significant administrative challenges, including resource limitations, institutional fragmentation, and weak enforcement capacity, which can undermine the effectiveness of environmental regulation.<sup>3</sup> Such findings suggest that although environmental statutes provide regulatory authorities with extensive legal powers, the effectiveness of enforcement often depends on procedural efficiency.

Despite the growing body of literature on environmental governance, relatively limited attention has been paid to the procedural framework governing environmental investigations. Existing scholarship has largely focused on substantive environmental regulation rather than the mechanisms through which environmental offences are investigated and prosecuted. In particular, the interaction between investigative powers under environmental statutes and the criminal procedural framework established under the *Bhartiya Nagarik Suraksha Sanhita, 2023* remains insufficiently explored.

This study therefore seeks to address this gap by analysing the investigative mechanisms established under major environmental statutes and comparing them with the procedural framework governing criminal investigations. By examining statutory provisions, judicial interpretations, and enforcement practices, the research aims to identify procedural and institutional challenges affecting the effectiveness of environmental investigations in India.

### RESEARCH OBJECTIVES

As mentioned, the research has been done keeping its primary objectives in mind, which are:

To analyse the investigative framework established under major environmental laws in India.

To examine the statutory powers of authorities responsible for enforcing the Air Act, Water Act, Forest laws, and Wildlife Protection Act, Environment provisions under BNS

---

<sup>2</sup> Lavanya Rajamani and Shibani Ghosh, *Environmental Law in India* (Oxford University Press 2019).

<sup>3</sup> S Gupta, 'Environmental Enforcement and Compliance in Developing Countries: Evidence from India' (2019) *World Development*

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

3. To compare the concepts of inquiry and investigation under the *Bhartiya Nagarik Suraksha Sanhita, 2023* with those provided under environmental legislation.
4. To evaluate the implementation of environmental laws through available enforcement statistics and reports.
5. To identify the key challenges affecting effective environmental law enforcement in India.

### RESEARCH METHODOLOGY

This study adopts a doctrinal and comparative legal research methodology. The research is based on both primary and secondary sources. Primary sources include relevant environmental statutes, the *Bhartiya Nagarik Suraksha Sanhita*, judicial decisions, and government reports. Secondary sources include academic articles, books on environmental law, and published research studies dealing with environmental enforcement and regulatory mechanisms.

Additionally, statistical data relating to environmental offences and enforcement activities has been considered to understand the practical functioning of investigative authorities in India.

### CONCEPT OF INQUIRY AND INVESTIGATION UNDER BNSS

The *Bhartiya Nagarik Suraksha Sanhita, 2023*, which replaced the Code of Criminal Procedure, establishes the procedural framework governing criminal investigations and trials in India. Within this framework, a clear distinction is drawn between the concepts of inquiry and investigation.

**Inquiry-** An inquiry refers to proceedings conducted by a court or magistrate for the purpose of determining the truth of a matter prior to trial. It is essentially a judicial process aimed at evaluating facts and deciding whether sufficient grounds exist for further legal proceedings<sup>4</sup>.

**Investigation-** Investigation, on the other hand, refers to the process of collecting evidence relating to the commission of an offence. This process is typically carried out by police officers or other persons authorised by law<sup>5</sup>. Investigation may include activities such as inspection of the crime scene, collection of documents or samples, examination of witnesses, and preparation of reports.

#### Key Distinction Between Inquiry and Investigation (Table 5.1)

Basis	Inquiry	Investigation
-------	---------	---------------

Authority concerned	Magistrate or Court	Police or authorised officer
Objective	Determination of facts prior to trial	Collection of evidence
Stage	Before or during trial	Prior to filing of charges
Nature of proceedings	Judicial process	Administrative or investigative process

Under the *Bharatiya Nagarik Suraksha Sanhita*, both police authorities and magistrates possess significant powers to address environmental offences and public health hazards arising from pollution. Police officers have the authority to initiate criminal proceedings by registering a First Information Report when environmental harm amounts to offences such as public nuisance, contamination of water sources, or activities endangering public health under the *Bharatiya Nyaya Sanhita*. During the course of investigation, the police may inspect the site of pollution, collect and document evidence, seize hazardous substances, and arrest individuals responsible for causing environmental harm. In addition to investigative powers, the police may also exercise preventive authority to intervene where ongoing activities pose an immediate threat to environmental safety or public health.

Magistrates are also vested with extensive preventive jurisdiction under the *Bharatiya Nagarik Suraksha Sanhita* to address environmental nuisances affecting the community. They may issue orders directing the removal of conditions that constitute environmental hazards, such as polluted drains, industrial emissions, or contamination of public water sources. Magistrates may further issue conditional directions requiring responsible persons or industries to cease polluting activities, remove hazardous waste, or undertake remedial measures including sanitation and infrastructure improvements. In situations where environmental damage poses an imminent threat to public health or safety, magistrates may pass urgent preventive orders to immediately stop the harmful activity and ensure protection of the affected population. Together, these powers enable the criminal justice system to respond promptly to environmental harm through investigation, enforcement, and preventive judicial intervention.

<sup>4</sup> *Bharatiya Nagarik Suraksha Sanhita 2023*, s 2(1)(k)

<sup>5</sup> *Bharatiya Nagarik Suraksha Sanhita 2023*, s 2(1)(l)

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

Several provisions of the Indian Penal Code (now largely reflected in the Bharatiya Nyaya Sanhita) indirectly contribute to environmental protection by criminalising acts that threaten public health and safety. These include offences relating to public nuisance, contamination of water sources, and acts making the atmosphere harmful to human health. The law also penalises negligent handling of poisonous, combustible, or explosive substances, which may lead to environmental hazards or industrial pollution. In addition, provisions concerning adulteration or sale of harmful food and drink address environmental contamination affecting the food chain. Collectively, these sections enable criminal law authorities to intervene where environmental harm results in risks to public health, sanitation, and safety.

In contrast to ordinary criminal offences, environmental statutes frequently rely on administrative investigations conducted by regulatory authorities, rather than traditional police-led investigations.

### INVESTIGATION/INQUIRY UNDER MAJOR ENVIRONMENTAL LAWS

#### **Air (Prevention and Control of Pollution) Act, 1981**

The Air Act was enacted to prevent, control, and reduce air pollution in India. It establishes the Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs), which are responsible for monitoring air quality and enforcing pollution control standards.

Inquiry Powers- Authorities under the Act possess several important investigative powers, including, entry and inspection of industrial premises, collection and analysis of emission samples, and issuing directions to industries to ensure compliance with environmental standards<sup>6</sup>.

Relevant provisions of the Act provide regulatory authorities with the legal authority to gather evidence and initiate proceedings against polluting industries.

#### **Water (Prevention and Control of Pollution) Act, 1974**

The Water Act aims to prevent and control water pollution and maintain the quality of water resources. Similar to the Air Act, it establishes Pollution Control Boards at the central and state levels to oversee enforcement.

Investigative Powers-Authorities under this Act are empowered to inspect industrial facilities, collect and analyse effluent samples, restrict the discharge of pollutants into water bodies, and approach courts for orders restraining pollution.

These powers enable regulatory agencies to monitor compliance and initiate legal action against offenders.

#### **Indian Forest Act, 1927**

The Indian Forest Act provides a legal framework for the protection and management of forests and forest resources. Forest officers appointed under the Act are responsible for preventing and detecting forest offences.

Investigative Powers-Forest officers may to seize forest produce obtained through illegal means, arrest individuals involved in forest offences, and confiscate tools, vehicles, or equipment used in illegal activities.

These powers are intended to deter illegal logging, encroachment, and other forms of forest exploitation.

#### **Forest (Conservation) Act, 1980**

The Forest (Conservation) Act was enacted to prevent large-scale deforestation and regulate the diversion of forest land for non-forest purposes. The Act requires prior approval of the Central Government before forest land can be used for activities such as industrial development or infrastructure projects.

Investigations under this Act generally involve monitoring forest land usage, detecting unauthorised diversion of forest land, and initiating legal proceedings in cases of violation.

#### **Wildlife Protection Act, 1972**

The Wildlife Protection Act provides a comprehensive framework for protecting wildlife species and their habitats. It establishes authorities such as the Chief Wildlife Warden and Wildlife Wardens, who are responsible for enforcing wildlife protection laws.

Investigative Powers : These authorities have the power to conduct searches of premises suspected of wildlife offences, arrest individuals involved in illegal hunting or wildlife trade, and seize wildlife articles or trophies obtained unlawfully.

Such powers are essential for combating wildlife crimes such as poaching and illegal trafficking.

### COMPARATIVE TABLE OF INVESTIGATION POWERS (Table 6.1)

<sup>6</sup> Air (Prevention and Control of Pollution) Act 1981, ch IV (ss 24–26).

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

Basis of Power	Pollution Control Boards (Air Act 1981 / Water Act 1974)	Forest Officers (Indian Forest Act 1927)	Wildlife Authorities (Wildlife Protection Act 1972)	Police Authorities (BNSS 2023)			illegal extraction	be seized	
Authority Responsible	Central Pollution Control Board (CPCB) and State Pollution Control Boards (SPCBs)	Forest Officers appointed under the Indian Forest Act	Chief Wildlife Warden and Wildlife Wardens	Police Officers authorised under BNSS	Power of search	Very limited – generally linked to inspection of premises	Yes – forest officers may conduct search operations relating to forest offences	Yes – authorised wildlife officers may search premises suspected of wildlife crime	Yes – police may conduct search under BNSS
Inspection of premises	Yes – officers may enter and inspect industrial premises for pollution monitoring (Air Act ss 24–26; Water Act s 23)	Yes – forest officers may enter forest areas and premises suspected of forest offences	Yes – wildlife officers may inspect premises where wildlife offences are suspected	Yes – police may inspect crime scenes during investigation	Power of seizure	Limited – mainly regulatory orders such as closure directions; no general power to seize industrial machinery	Yes – forest produce, vehicles, tools and equipment used in illegal logging may be seized	Yes – wildlife articles, vehicles and equipment used in wildlife crime may be seized	Yes – police may seize property or material evidence related to offences
Collection of samples / evidence	Yes – collection and analysis of air or water samples from industries	Limited – evidence collected relating to forest produce and	Yes – wildlife articles, trophies, and related materials may	Yes – police collect documents, physical evidence, forensic samples	Power of arrest	Not available to Pollution Control Board officers	Yes – forest officers may arrest persons suspected of committing forest offences	Yes – wildlife officers may arrest individuals involved in wildlife crimes	Yes – police have broad powers to arrest offenders
					Power to register criminal case	No independent power to register	Forest officers may initiate prosec	Wildlife officers may initiate	Police may register FIR and initiate

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

	FIR; prosecution generally requires complaint procedure before courts	ution for forest offences	prosecution and file complaints before courts	criminal investigation
Power to conduct full criminal investigation	No – enforcement mainly administrative; criminal prosecution usually initiated through complaints	Partial – investigation limited to forest offences	Partial – investigation limited to wildlife offences	Yes – police conduct full criminal investigation under BNSS
Nature of enforcement mechanism	Regulatory compliance and administrative monitoring	Criminal enforcement with seizure and arrest powers	Criminal enforcement with search and arrest powers	Criminal investigation and prosecution system
Overall enforcement strength	Relatively weak investigative powers	Strong enforcement authority	Strong enforcement authority	Comprehensive criminal investigation powers

like powers such as arrest, search, and seizure, pollution control authorities under the Air Act and Water Act primarily exercise regulatory and administrative functions. Their powers are largely limited to inspection of industrial premises, collection of environmental samples, and issuance of regulatory directions. Unlike forest and wildlife officers, officials of Pollution Control Boards do not possess independent powers to arrest offenders, seize equipment used in pollution offences, or conduct comprehensive criminal investigations.

This structural limitation significantly affects the effectiveness of pollution law enforcement. Environmental violations relating to air and water pollution often require immediate investigative intervention, evidence preservation, and enforcement action. However, the absence of police-like investigative powers means that Pollution Control Boards remain dependent on external law-enforcement agencies and lengthy court procedures to initiate prosecution. In contrast, authorities under the Indian Forest Act and Wildlife Protection Act can directly intervene in offences through arrest, search, seizure, and confiscation powers. This institutional difference explains the comparatively stronger enforcement mechanisms observed in forest and wildlife protection laws and highlights the need to strengthen investigative powers of pollution control authorities.

Scholars such as Michael Faure have emphasised that environmental regulation frequently requires a combination of administrative monitoring and criminal sanctions to ensure effective enforcement of environmental norms.<sup>7</sup> Similarly, Rob White's work on environmental crime highlights the growing global recognition of environmental offences as serious crimes requiring specialised enforcement mechanisms.<sup>8</sup> International organisations such as UNEP and the OECD have also stressed the importance of effective compliance and enforcement systems to address environmental violations.<sup>9</sup>

### Judicial Interpretation in Environmental Enforcement

Judicial interpretation has played a significant role in shaping environmental governance in India. The Supreme Court has repeatedly emphasised the need for

The comparative analysis reveals a significant institutional disparity in enforcement powers among environmental regulatory authorities. While forest officers and wildlife authorities are vested with police-

<sup>7</sup> Michael G Faure, 'Environmental Criminal Law' in N Garoupa (ed), *Criminal Law and Economics* (Edward Elgar Publishing 2009).

<sup>8</sup> Rob White, *Transnational Environmental Crime: Toward an Eco-Global Criminology* (Routledge 2011)

<sup>9</sup> United Nations Environment Programme, *The Rise of Environmental Crime* (UNEP 2016); OECD, *Ensuring Environmental Compliance* (OECD Publishing 2009).

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

strict enforcement of environmental laws and has developed important legal principles to strengthen environmental accountability. Some which are essential to mention are:

*AP Pollution Control Board v M.V. Nayudu*<sup>10</sup>: The Supreme Court examined the role of environmental regulatory authorities in addressing pollution affecting drinking water sources in Andhra Pradesh. The Court observed that environmental disputes often involve complex scientific and technical issues, which ordinary regulatory agencies and courts may not be adequately equipped to handle. It highlighted the limitations of existing regulatory bodies, including Pollution Control Boards, in dealing effectively with such matters. The judgment emphasised the need for specialised environmental institutions and expert decision-making mechanisms to ensure more effective environmental governance.

*Delhi Pollution Control Committee v Lodhi Property Company Ltd*<sup>11</sup>: The Supreme Court examined whether Pollution Control Boards possess the authority to impose compensation for environmental damage. The Court clarified that regulatory bodies have the power to claim restitutionary damages to remedy environmental harm. The decision addressed earlier ambiguities regarding the scope of regulatory powers and strengthened the enforcement capacity of environmental authorities.

Judicial decisions have recognised the significant role of criminal nuisance provisions in addressing environmental hazards affecting public health and community welfare. In *Municipal Council, Ratlam v Vardhichand*<sup>12</sup>, the Supreme Court upheld the Magistrate's authority to direct municipal authorities to remedy severe sanitation problems, including open drains and unhygienic conditions that posed environmental and health risks. The Court emphasised that public authorities cannot evade their statutory responsibilities where environmental nuisance affects the community. Similarly, in *Ram Avtar v State of Uttar Pradesh*<sup>13</sup>, the High Court affirmed the Magistrate's power to issue orders preventing activities that contaminated a public water source, demonstrating the use of criminal procedure to safeguard environmental resources. In *T Ramakrishna Rao v State of Karnataka*<sup>14</sup>, the court observed that criminal nuisance

provisions enable magistrates to intervene at an early stage to prevent industrial pollution and environmental harm before it escalates into a larger public health crisis. These decisions illustrate how criminal law mechanisms can function as effective tools for immediate environmental protection through preventive judicial intervention.

### Environmental Enforcement Statistics (Table 6.2)

Law / Authority	Cases Filed / Registered	Pending Cases	Convictions / Conviction Rate	Source
Water Act 1974 / Air Act 1981 / Environment Protection Act 1986 (CPCB & SPCB prosecutions)	~170–180 prosecutions annually (2022–2024 average)	Majority pending due to slow prosecution	Very limited convictions reported annually	CPCB Annual Reports
Wildlife Protection Act 1972	~526 cases registered annually (recent NCRB dataset)	Large proportion pending investigation/trial	Approx. 2–5% conviction rate in many studies	NCRB & wildlife enforcement studies
Indian Forest Act 1927 / Forest offences	Several thousand offences	High pendency due to evidence and jurisdiction	Low conviction outcomes in many	Forest Department records

<sup>10</sup> *AP Pollution Control Board v MV Nayudu* (1999) 2 SCC 718 (India).

<sup>11</sup> *Delhi Pollution Control Committee v Lodhi Property Company Ltd* (2024) SCC OnLine SC 285.

<sup>12</sup> *Municipal Council, Ratlam v Vardhichand* (1980) 4 SCC 162 (India).

<sup>13</sup> *Ram Avtar v State of Uttar Pradesh* AIR 1962 All 400 (India).

<sup>14</sup> *T Ramakrishna Rao v State of Karnataka* AIR 1981 Kant 110 (India).

## Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework

	reported yearly by forest departments	on challenges	district studies	
Environmental offences under IPC / BNS (police registered crimes)	68,994 cases registered in 2023	Thousands pending investigation and trial	Convictions relatively low compared to filings	NCRB Crime in India Report
Total Environmental Crimes (All Laws Combined)	Rising trend from 52,920 (2022) to 68,994 (2023)	Large backlog in courts	Conviction rates remain comparatively low	NCRB national statistics

Though, the environmental deterioration in most parts of the country is quite visible, the rate of reporting of environmental crimes when compared to other violent crimes is less than 3 percent.<sup>15</sup>

Recent government reports show a significant rise in environmental offences in India, with cases increasing from 52,920 in 2022 to 68,994 in 2023 according to NCRB data. Despite the rise in registered cases, a large number remain pending investigation or trial, indicating enforcement challenges. Prosecutions initiated by regulatory authorities under the Water Act, Air Act, and Environment Protection Act remain comparatively limited, with roughly 170 cases filed annually by pollution control authorities. Wildlife and forest offence data also reveal low conviction rates and high pendency due to evidentiary and procedural difficulties. Overall, these trends highlight a growing gap between the registration of environmental offences and their effective prosecution and disposal.

### CONCLUSION AND SUGGESTIONS

Granting pollution regulators investigative powers similar to forest and wildlife authorities could significantly improve enforcement of pollution laws.

In addition, strengthening environmental forensic laboratories would facilitate accurate scientific analysis of environmental samples and evidence. Effective coordination between regulatory bodies and law-enforcement agencies is also essential to ensure timely investigation and prosecution of environmental offences.

Furthermore, the establishment of specialized Environmental Criminal Courts can facilitate the expeditious adjudication of environmental crime cases. Such courts, operating with procedures analogous to those in criminal law, would be better equipped to deliver appropriate and timely decisions while providing the necessary institutional support for effective enforcement of environmental laws.

The use of modern technological tools such as satellite monitoring, remote sensing, and artificial intelligence can also assist authorities in monitoring environmental activities and detecting violations more efficiently.

India possesses a comprehensive legislative framework aimed at protecting the environment and regulating activities that may cause ecological harm. Environmental statutes grant significant powers to regulatory authorities responsible for enforcing these laws.

However, unlike traditional criminal investigations conducted by the police under the BNS, environmental investigations rely heavily on administrative agencies and specialised authorities.

While these statutes provide strong legal tools for environmental protection, their effectiveness ultimately depends on granting them more power similar to that of police.

### References

- Lavanya Rajamani and Shibani Ghosh, *Environmental Law in India* (Oxford University Press 2019).
- Central Pollution Control Board, *National Water Quality Monitoring Programme Report* (CPCB 2022).
- N Tripuraneni, 'Role of India in Combating Transnational Environmental Crimes' (2025) *International Journal of Legal Information*.
- Divan, S., & Rosencranz, A. (2001). *Environmental law and policy in India* (2nd ed.). Oxford University Press.
- Gupta, S. (2019). Environmental enforcement and compliance in developing countries: Evidence from India. *World Development*.
- Rajamani, L., & Ghosh, S. (2019). *Environmental law in India*. Oxford University Press.

<sup>15</sup>

## **Investigative Powers of Environmental Regulatory Authorities in India: A Comparative Analysis with the Criminal Procedure Framework**

7. Ministry of Environment, Forest and Climate Change, *Annual Report 2023–24* (Government of India 2024).
8. Central Pollution Control Board, *Annual Report 2022–23* (CPCB 2023).
9. National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs 2024).
10. Wildlife Crime Control Bureau, *Wildlife Crime Data Reports* (Government of India).
11. Ministry of Environment, Forest and Climate Change, *Forest and Wildlife Enforcement Statistics Reports* (Government of India).