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# The Menace of Green Crimes: Examining the Safeguard of the Ecological Justice in Bangladesh

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## Abstract

Despite being an environmentally vulnerable country, in Bangladesh, unlike traditional criminology, green criminology does not usually come into light. So, the question may arise, do we choose to ignore the irreparable costs of the environmental harm committed by the environmental offender? Or do the laws permit the perpetrator to escape prosecution? Therefore, this study focuses on arguing that both reasons contribute to an alarming issue that is environmental destruction. To address this issue, firstly, this study argues that the existing green crimes prevention legislation is unable to deal with environmental crimes due to unnecessary procedural difficulties and time consumption. Besides, this study also finds the lack of an effective environmental crime prevention mechanism to reduce environmental crimes. In addition, this article assesses that the functions of the environmental courts in Bangladesh are largely dependent on executive dominance, and the amount of compensation is insufficient. Consequently, the role of the courts remains inactive, and it fails to ensure justice to the aggrieved person. Furthermore, this study explores the challenges to eradicating environmental crimes. Finally, from a green criminological perspective, this article proposes a green policing model and eco-centric approach in order to curtail environmental crimes and ensure environmental justice in Bangladesh.

**Keywords:** Bangladesh, Green-Criminology, Environmental crimes, Eco-centric, Compensation, and Justice.

## 1. Introduction

Generally speaking, green crime refers to a crime that is against the environment, wildlife, and natural resources. It denotes the activities by the offender that infringe the environmental legislation of a country and result in damage to the environment, public health, and animal planet. In Bangladesh, unfortunately, environmental crimes have been a common phenomenon for years. The United Nations Interregional Crime and

Justice Research Institute revealed that “environmental crimes encompass a broad list of illicit activities, including illegal trade in wildlife; smuggling of ozone-depleting substances (ODS); illicit trade of hazardous waste; illegal, unregulated, and unreported fishing; and illegal logging and trade in timber etc” (UNICRI, n.d., para. 2). Similarly, in Bangladesh, specific environmental crimes encompass air and water pollution, noise pollution, soil contamination, river pollution,

deforestation, illegal fishing, illegal mining, stone extraction, and improper waste disposal, including domestic, electronic, and medical waste (Hasnat *et al.*, 2018).

In fact, environmental pollution has become a significant governance problem because of its impact on public health and development (Alam, 2009). Naturally, these continuous illegal activities against nature question the civic sense, illegal profit, and psychological or social attitude of individuals towards laws. Also, the country has laws and governance institutions, as well as legal obligations and policy commitments, to promote and enforce good environmental governance and environmental justice in the implementation of sustainable development (Faruque and Karim, 2016).

However, the current scenario depicts that the execution of the law is yet to be accomplished due to its uselessness. It has been mentioned that in Bangladesh, environmental crimes are increasing routinely despite the fact that several environmental policies and laws are in place (Faroque & South, 2020). Hence, it is argued that the ineffectiveness of environmental laws remains the primary reason for ongoing environmental crimes. Currently, the incidence and frequency of 'environmental crime' surpass that of other acknowledged forms of criminal activity (Demarco S Johnson, 2017). Regarding this, between mainstream criminology and green criminology, the latter is not being studied despite being a skyrocketing form of crime. Therefore, it is essential to study this form of crime, finding out the reasons for not being able to minimize the rate of crimes, and ensure a sustainable environment for the living and non-living substances.

Therefore, this study argues that there are loopholes in the environmental laws; hence, the perpetrator is escaping punishment. Consequently, the environmental crimes have climbed sharply for years. Hence, the goal of the study is to propose a green policing model and an eco-centric approach. Consequently, the instances of green crimes would be curtailed, and environmental justice would be ensured. This article is divided into five sections. The first section enunciates the aim of the research. Besides, it familiarizes the

concept of green crimes, nature, incidents, victims, and key reasons of green criminology. In addition, it critically examines the existing environmental crime mechanism by highlighting the environmental legislation of Bangladesh. Furthermore, this article supports a green-policing model suggested by the experts, and it also discusses the challenges to implementing it and ways to succeed. Eventually, in the conclusions section, an eco-centric approach has also been highlighted to adopt in order to get a sustainable environment. Consequently, environmental justice would be ensured in Bangladesh.

### **Notion of Green Criminology and the Right to Nature**

The term 'green criminology' was coined in 1990 by Michael J. Lynch, a critical criminologist of the United States (Rob D White, 2008). Lynch specifies that green criminology generally covers the 'study of environmentally related harms and crimes' (South, N and White, R, 2013). He also suggests that it is concerned with the 'legal, political, economic and class relationships' that construct the actions causing environmental destruction (Michael J Lynch, 1990). In addition, it is noted that the activities that victimize nature, imperil the existence of natural resources, various species, living and non-living beings, and create environmental injustice can be discussed and responded to under 'green' or 'eco'-criminology (Angus Nurse, 2016) Thus, the aforementioned propositions approached by the scholars have reflected the pattern of environmental crimes in Bangladesh.

### **The nature of environmental crimes in Bangladesh**

Environmental crime may be categorised into two distinct forms, namely "soft" and "hard" (Sharif and Uddin, 2023). In this regard, it is observed that throwing garbage at random, rather than putting it in the dustbin, spoiling tourist spots with plastics, bottles, and so on, is a regular occurrence in Bangladesh (Faroque and South, 2020). So, it is easily understandable that these "soft" practices will have a long-term negative impact on the environment. To illustrate, soft environmental crimes include the routine polluting acts carried out by individuals in their daily lives, such as indiscriminate disposal of garbage, widespread use and improper disposal of plastic items, and the generation of large amounts of organic wastes, illegal

logging, soil contamination, illegal dumping, etc. (White and Heckenberg, 2014). By contrast, “hard” environmental crimes encompass activities such as the illicit hunting and trading of wildlife, unlawful deforestation and timber trafficking, pollution stemming from ship-breaking operations, excessive extraction of mineral and marine resources, unauthorized sand filling, remote disposal of untreated wastes, unregulated discharge of industrial wastes, encroachment upon rivers, unstructured brick production methods, and the unlawful cutting of hills without adherence to systematic protocols (Umma and Ahmed, 2025). Similarly, Bangladesh exhibits a heightened susceptibility to environmental crime because of its geographical positioning (Ahmad and Paricheher, 2022).

### **Incidents of Environmental Crimes**

In Bangladesh, the examples of environmental crimes are not exhaustive. Among them, the pollution with regard to air, noise, water, soil, river, wildlife trafficking, and illegal stone extraction are common. For example, the issue of wildlife trafficking in Chattogram has gained significant attention, with criminals exploiting lax monitoring and creative methods to smuggle endangered animals such as hoolock gibbons and porcupines (The Daily Star, 2022). Besides, the rampant illegal stone extraction is not uncommon in Bangladesh. In 2025, it was held that the ‘[e]arlier, between August 8 and 10, a large quantity of stone was stolen from *Bholaganj Sadapathor*’ (Dhaka Tribune 2026).

In addition, the killing of eight puppies on the premises of Ishwardi Upazila Parishad had drawn public outrage a few days earlier. Followed by this, Ishwardi Upazila Livestock Officer Aklima Khatun filed a case against her the same night under Section 7 of the Animal Welfare Act, 2019 (The Daily Star 2026). So, these incidents by the perpetrator clearly suggest that environmental harms are a serious concern for Bangladesh.

### **Green Victims**

Over the decades, unfortunately, the people of Bangladesh have made environmental crimes very normalized. In this regard, it is noted that the non-execution of the punishment of perpetrators leads them

to believe that nobody is aggrieved as a result of their environmental crimes. Similarly, in this regard, it is noticed that one significant challenge about the recognition of ‘green’ crime or ‘eco’-crime is the perception that offences committed against the environment are often seen as “victimless crimes” (Demarco S Johnson, 2017). Hence, it could be said that the rationale for this assertion stems from the lack of understanding and recognition among many individuals about the concept of nature having a distinct legal identity (Umma and Ahmed, 2025). However, it is now widely accepted that nature can initiate legal action to protect its survival (Jeremie Gilbert and others, 2023). Therefore, it could be mentioned that the study of the concept of the Right of Nature could play a major role in addressing ecological crimes more seriously. In addition, it is a known fact now that green crime and environmental harm affect all, making everyone possible victims, especially when the crimes may end in ozone depletion, air and water pollution, acid rain, and global warming (Clark and York, 2005). Therefore, it is clearly evident that the environmental harm is not victimless.

### **Key Influences for Green Crimes**

The causes of green crimes in Bangladesh are enormous. The upliftment of green criminality is influenced by a range of social, economic, political, legal, and administrative issues (Lynch *et al.*, 2019). So, in this context, from the perspective of Bangladesh, it has been opined that, ‘[t]he primary factors contributing to green crime include political connections, economic motivations, limited environmental education, insufficient understanding of environmental issues, lack of awareness regarding environmental protection, inadequate expertise and coordination among relevant authorities, a deficiency in eco-ethics among stake-holders, and a lack of corporate social responsibility or instances of environmental injustice perpetrated by corporate entities’ (Umma and Ahmed, 2025). So, it is noted that all the reasons mentioned above are relevant to Bangladesh.

### **Environmental crime prevention mechanism in Bangladesh**

Bangladesh faces significant challenges posed by environmental crime. So, naturally, the role of the

environmental crime mechanism comes into action. However, it is clearly stated that, '[t]he environmental crime prevention mechanism in the country is very weak' (Faroque and South, 2020.) In this regard, the critics might argue that part II, Article 18A, the Constitution of Bangladesh has incorporated the provision of the '[p]rotection and improvement of environment and biodiversity'. It mentions that, "the State shall endeavour to protect and improve the environment and to preserve and safeguard the natural resources, biodiversity, wetlands, forests and wildlife for the present and future citizens." However, the widespread ecological offences and their adversarial effect on the environment results in the failure of the duty of the government. In this regard, it is noteworthy mentioning that there are numerous reasons why we are still lagging in finding an effective mechanism. Firstly, it happens due to several loopholes in the existing environmental governance in Bangladesh (Haque *et al.*, 2015). It has been claimed that the lack of coordination among stakeholders is another reason (Hasan, 2016).

Besides, the '[a]bsence of eco-ethics and environmental knowledge among people and lack of economic incentives on Green Technology' is another main obstacle to preventing this environmental crime (Luby *et al.*, 2015). In addition, the necessity of criminalising certain environmental harms is underscored by the need for robust enforcement mechanisms and the effective allocation of resources to address these issues, thereby ensuring better environmental protection and regulatory compliance (Nurse, 2017). Thus, it is evident that the environmental crime prevention mechanism is not prioritized.

### **Procedural arbitrariness in the practice of environmental courts**

The principle of natural justice or procedural fairness encapsulates fair decision-making by the authority, in other words, the environmental courts. It is noted that the '[p]rovisions for prosecuting offenders or suing wrongdoers are [a] crucial legal mechanism of environmental justice (Curry, 2019). However, the current system of environmental law prosecution is restrictive, complex, and inconsistent with the broader legal system of Bangladesh, both statutory and constitutional (Abul Hasanat, 2021). For instance, s 6(3) of Universe PG | [www.universepg.com](http://www.universepg.com)

the Environment Court Act, 2010 mentions that, "no Special Magistrate Court shall take cognizance of an offence except on the written report of an Inspector: Provided that if the Special Magistrate Court is satisfied on the basis of an application that the concerned Inspector has been requested to accept the complaint of an offence but he did not take necessary action within next 60 (sixty) days or there are reasonable grounds for accepting such complaint, it may, after giving the Inspector or Director General a reasonable opportunity of being heard, take the cognizance of such complaint and concerned offence without such written report or direct the Inspector to investigate the offence, if he deems fit." However, it is evident that section 6(3) of the Environment Court Act, 2010 levies a restriction with regard to seeking environmental justice, so does section 7(4).

It prescribes that, "no Environment Court shall take cognizance of any claim for compensation under environmental law except on the written report of the Inspector." Therefore, the requirement of the written report of an Inspector of the Department of Environment (DoE) is the intervention of the executive branch into the function of the judiciary. Thus, it violates the precedent held in the case law, 'Government of Bangladesh vs. Masdar Hossain', also known as the Masdar Hossain Case, (1999). On top of that, these provisions are inconsistent and too complex for the justice seeker to understand; as a result, they may create a barrier while seeking access to the courts.

### **How Johannesburg Principles is connected in ensuring an independent Judiciary in Bangladesh?**

Besides, it was evident that- in 2002 Johannesburg Principles on the Role of Law and Sustainable Development, which affirmed that that '[A]n independent Judiciary and judicial process is vital for the implementation, development and enforcement of environmental law, and that members of the Judiciary, as well as those contributing to the judicial process at the national, regional, and global levels are crucial partners for promoting compliance with, and the implementation and enforcement of international and national environmental law'(WSSD: Johannesburg Principles on the Role of Law and Sustainable Development, 2002).

In the same declaration, it was also stressed that “the fragile state of the global environment requires the Judiciary as the guardian of the rule of law, to boldly and fearlessly implement and enforce applicable international and national laws, which in the field of environment and sustainable development will assist in alleviating poverty.” However, in Bangladesh, judicial independence is yet to be ensured in practice, as the implementation of the law is claimed to be restrictive.

### **Purpose for the lower number of cases being instituted**

Consequently, the Environment Court in Dhaka, for example, could not get a minimum number of cases for adjudication, even though the incumbent judge was highly qualified and devoted to enforcing environmental law (Pring and Pring, 2009). One of the primary reasons in the notion of the s 12(3) of the Environment Court Act 2010 is that, ‘[b]efore the start of a full investigation into the complaint, an inquiry officer must inspect it and prepare a report that is sent for the approval of a senior officer of the Department before a decision is made to proceed with judicial action.’ As a result, this lengthy procedure causes the affected people not to have the right to file suit directly before the environmental courts.

### **How does the additional non-environmental legislation create complexity?**

In the context of seeking environmental justice in Bangladesh, in addition to environmental laws, other legislation is required, such as the Code of Civil Procedure 1908, the Code of Criminal Procedure 1898, and the Evidence Act 1872. Indeed, the dependency of the procedural guidelines on the aforementioned laws creates more complexity. In this regard, by contrast, it is noted that the NGT Act, 2010 of India, respectively provides in section 19(1) and 19(3) that the Tribunal is not bound by the procedure laid down in CPC or CrPC and the rules of evidence contained in the Indian Evidence Act 1872 (Ahsan Habib, 2015). Therefore, it could be claimed that the dependency on these procedural laws does not bring any fruitfulness in getting justice, rather it creates intricacy. As a result, ‘[t]he existing norms and regulations are insufficient in addressing environmental crimes’ (Abul Hasanat, 2021).

Therefore, it could be claimed that the right to sue or file a case in the Environment Court has been constrained. It also, ‘[r]esults in only a very limited number of cases being filed in the environmental courts, even though Bangladesh regularly witnesses significant environmental degradation (World Bank, 2018).

### **How does the environmental legislation violate the supreme law of Bangladesh?**

Furthermore, in the case of *Mohiuddin Farooque v Bangladesh*,<sup>18</sup> (1997) 49 DLR (AD) 1, the court held that, when suing, the constitutional term ‘aggrieved persons’ included not only directly affected persons but also environmental non-government organisations, such as Bangladesh Environmental Lawyers Association, which may be indirectly affected because of their voluntary work for the protection of ecology and natural resources (Karim, Vincents and Rahim, 2012). So, it is clear that through this leading environmental case, the rule has been relaxed while filing a suit before the High Court Division. Also, under Article 111 of the Constitutional law of Bangladesh, ‘the Appellate Division is binding on all subordinate courts, including the High Court Division of the Supreme Court, and precedent of the High Court Division is binding on all the courts subordinate to it.’ Indeed, the court has clarified the complexities; however, this decision has not been complied with. Rather, the aggrieved person cannot file a suit directly before the competent court, citing the unnecessary complexities.

Similarly, in India, 18(2)(e) of the National Green Tribunal Act, the experience of environmental litigation points out the necessity to liberalize the rules for access to environmental courts, as made possible by section 18 of the Act, providing standing to “any person aggrieved, including any representative body or organization”. Along with the reasonably fast time frame to conclude the judgments, section 18 justifies the conclusion that this legislation “ensures the fundamental right to speedy environmental justice” (C.M. Jariwala, 2011).

So, it is noted that this legislation ensures the fundamental right to environmental justice. However, the environmental legislation in Bangladesh is unable

to ensure the fundamental right to environmental justice. Hence, it is high time to insert such a provision to uphold the principle of justice. Summarily, the procedures regarding environmental inspection and the time limit for filing a case before the court are ‘complicated and cumbersome’, and the courts are actively barred by jurisdiction from quickly ‘provid[ing] adequate and appropriate relief’ for environmental damage (Asian Judges Network on Environment, 2016). Therefore, procedural arbitrariness in seeking environmental justice must be addressed.

Moreover, these laws do not empower the courts to adjudicate offences concerning forests, biodiversity of wildlife, water, and other natural resources (Bahauddin, 2014). Also, he mentions that, “the courts lack the wide jurisdiction necessary to provide legal remedies in every environmental case and are therefore unable to achieve their goal of achieving maximal environmental sustainability”. Therefore, ‘[a]n explicitly integrated jurisdiction’ for the environmental courts that is similar to comprehensive/general jurisdiction is crucial for the consistent and effective dispensation of justice (Habib, 2013). In a nutshell, as a result of the procedural arbitrariness, loopholes in the laws, the dominance and interference of the executive power, and non-compliance with the decision of the Supreme Court, in other words, violation of the constitutional provisions, it is evident that the courts also fail to ensure environmental justice in Bangladesh.

### **Shortage of Environmental Courts**

In Bangladesh, the number of environmental courts is insufficient. In 2010, the Act was repealed, under sections 4(1), 5(1) and 24, “a new Act was adopted that included provisions increasing the number of courts and authorising the executive to create a court in any district”. Unfortunately, although it has 64 districts, Bangladesh still has only four environmental courts, even though their absence is a clear legal ‘constraint’ on protecting environment (Mohammad, 2011). So, the statistic suggests that the government clearly needs to establish more courts at the district level, if it is to promote better public compliance with environmental laws in Bangladesh (Rabbani, 2015). Thus, it could be claimed that, upon establishing

sufficient environmental courts, it will be easier for the justice seeker to institute environmental cases before the competent court. Consequently, the restraint on shielding the environment would be eliminated.

### **Necessity of expertise in the Environmental Courts**

Along with increasing the number of environmental courts, the expertise of the judges should also be taken into account. In this regard, it has been highlighted that the judges of the court should be equipped with special knowledge and skills to effectively deal with emerging ecological issues and provide proper ‘legal and policy responses to them’ (Preston, 2014).

In addition, shedding light on the other countries’ environmental legislation, it is carefully noted that the requirements of environmental technical experts have been mentioned respectively in the Indian and New Zealand legislation, under Section 5(2) of the National Green Tribunal Act, 2010, and sections 247 and 254 of the New Zealand Resource Management Act 1991. Paradoxically, the requirement of the experts in our environmental courts remains absent under the Environment Court Act (ECA) 2010. In this sense, it has been noted that, ‘although the court is a specialised court, it is run by ordinary judges with little or no expertise in environmental law’ (Ullah, 2016–2017).

Consequently, it could be argued that increasing the number of environmental courts does not necessarily bring environmental justice, unless there is expertise in the environmental courts.

### **Powerlessness of the Judiciary**

It has been noted, “almost all nations, including developing ones, have basic environmental protection laws in place, but an enormous gap exists between the letter of the law and what is actually happening on the ground” ( Paul Stein, 2006). Similarly, being the least developed country, Bangladesh is also deprived of the protection of environmental laws. Regarding this, it is noted that the ideal operation of environmental law depends on the autonomous functions of the legislation. However, the environmental legislation of this country cannot operate exclusively, as it is dependent on other non-environmental laws. Hence, the judiciary cannot perform its role accurately.

### **How could the increase in penalties and the creation of awareness reduce environmental crimes?**

Section 15 of the Environment Conservation Act, 1995 mentions that ‘the court can impose the maximum penalty of taka ten lac both for natural and juristic persons irrespective of the gravity of offence or torts.’ By contrast, Section 26 of the NGTA of India provides for a maximum penalty of 10 crore and 25 crore rupees for a natural person and a legal person, respectively. So, it is high time to increase the amount of compensation under the Environment Conservation Act 1995. Besides, the Department of Environment should play an important role by creating public awareness on the Television Channel, Radio, and so on. For instance, almost two decades ago, the advertisement related to the punishment of Acid Throwing in Bangladesh played a successful role in reducing this crime. Thus, it could also be argued that the fear of punishment would result in the offender abstaining from committing the green crimes by the offender.

### **Establishing a Green Policing Model**

It is opined that establishing a “Green-Policing” model through an autonomous body would be influential in eliminating environmental crimes. However, the irony is that there is no body as such that introduced the green policy model in Bangladesh. So, it has been observed that the absence of an appropriate forum to address and tackle these crimes exacerbates the difficulty in managing them (Akhtaruzzaman and Imtiaz, 2016). Besides, it is carefully noted that the traditional police forces are burdened with civil crime prevention, and they do not have a specific mandate to control and prevent environmental crimes in Bangladesh (BPSP, 2018- 2020)..

Also, it is noticed that ‘[t]o enforce environmental regulations and to prevent and investigate environmental crimes, there is a need for specialized knowledge on the environment and technology to collect evidence, which is lacking in the existing police force of the country (Sharif and Uddin, 2023). Therefore, this study recommends an introduction to a green policing mechanism to curb the environmental crimes in Bangladesh.

### **Following is the map of how this model could work**

Firstly, the proposed Green Police of Bangladesh would be regulated through a central environmental management task force, and the members of this force will be a combination of both “hard” and “soft” wings (Sharif and Uddin, 2023).

Many students’ based platform could play an important role in Bangladesh by working as a soft force to prevent environmental crimes. It is the combination of “senior criminal investigators, criminal analysts, training officers, prosecutors, financial specialists, forensic experts, and others, drawn from police, customs, environmental, and other specialized enforcement agencies, while also involving non-government and regional organizations wherever appropriate” (White, 2016). So, the combination of these two wings would play a crucial role in preventing environmental crimes. However, it cannot guarantee that the environmental crimes will be diminished overnight, as it may face some challenges. For example, a lack of human resources, political connections of offenders, a lack of uniformity between the wings, and so on. However, it could be argued that the challenges should not be an obstacle to initiating this green model, as these likely problems could easily be addressed, subject to the availability of the resources. Besides, it is noteworthy mentioning that this green police model has contributed successfully in some countries. To illustrate, in the case of Western Africa, researchers suggest the Green Police model, considering local capabilities, and they also encourage community participation and indigenous knowledge to establish environmental safeguards (Mwanika, 2010).

Furthermore, the initiation of the National Environmental Security Force in Brazil reduced deforestation significantly, according to a report (Brazil forest police, 2012). In addition, in Hong Kong, “the Green Police Unit in Hong Kong focuses on promoting environmental awareness and conservation among staff members while addressing various environmental issues such as waste minimization, energy conservation, and climate change (Hong Kong Police, 2024).”

Moreover, some national campaigns should be taken into consideration. Regarding this, it is noted that a

national campaign has been held in India known as “*Swachh Bharat Abhiyan*” (Clean India Mission). Therefore, it is reckoned that, along with the traditional legal mechanism, this proposed green police model and some innovative approaches initiated by the government could be a key player in reducing environmental crimes in Bangladesh.

## 2. Conclusion

‘Green Criminology’ may be a new term in the context of Bangladesh. However, the damaging results of it are not unfamiliar to us. So, it is needless to mention that Bangladesh has been experiencing environmental injustice for decades. Hence, it is high time to focus on achieving environmental justice. Thus, an eco-centric approach could be an innovative approach to gradually eliminate environmental crimes. Therefore, it could be summarized that amending the unnecessary environmental laws, excluding the intervention of the executive from the judiciary, and applying the green-policing model suggested by the experts, would play a pivotal role in direct access to the environmental courts by the victims. Finally, it is pertinent to mention that, in order to uphold the principles of environmental justice, the judiciary must play a neutral role to ensure the fair trial procedure by the expert judges. Thus, addressing all of the issues mentioned above, and ensuring the proposed recommendations, the safeguard of ecological justice will be strengthened in Bangladesh.

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## 4. Conflicts of Interest

The author affirms that there are no conflicts of interest related to this paper.

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