WHITE AND GREEN COLLAR CRIME: A STUDY IN RELATION TO ENVIRONMENT AND WILDLIFE PROTECTION LAWS IN INDIA

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ABSTRACT:
Environment is the most vital topic which is being discussed now-a-days. Environment includes many species but it is harmed by only one species that is human beings. We people have cause so much damage to the environment that it feels impossible or really hard to revive our environment. Damage has been caused for many factors, but the most important for human beings is earning money by any means. The greed of humans cannot be satisfied and hence they have performed the activities, which is really injurious to our environment. People are doing white collar crime and green collar crime for satisfying his never ending greed. COVID 19, we all are aware about it, it is a blessing in disguise for the environment but not for the human beings. It’s like taking revenge from the humans. We will discuss the importance of environment and its contribution to our life and damaged cause to it by us in return, the new laws made for the protection of environment and its enforcement.

Keywords: White collar crime, green collar crime, COVID 19, environment, sustainable development, global partnership, declarations, rainforest, case laws

I. INTRODUCTION

The word environment has come from “environia” which is a French word and it means to encircle or to surround. It refers to physical and non living which is termed as abiotic and living as well, which is termed as biotic. The living surroundings of organisms is environment. The two complex ingredients of nature are namely organism and environment. It is considered that there is healthy interaction by the human beings to other living beings.

The surroundings in which there is survival of a person, plant or animal is environment. All the elements related to physical world or biological world and their interaction as well falls under the term environment. As we all know that we all are dependent on environment and hence we can say that it plays a vital role in human life cycle. The growth of living organisms and their development is influenced by environment.

Environment stands on four pillars namely, atmosphere, hydrosphere, lithosphere and biosphere. Its chief components are soil, water, air, organisms and solar energy. All these resources have been provided by environment so that we may lead a comfortable life. Anything which may be different from us but affect us in our daily life is environment. A man may be affected by different factors that may be social, natural, psychological, artificial and biological.

II. VALUE OF ENVIRONMENT

Productive value of nature: It provides us with all the raw materials which may be useful in many ways like in industrial products, for making new medicines, or it may also provide storehouses which helps in developing new products afterwards in future.

Aesthetic/Recreational value of nature: “The aesthetic and recreational values that nature possesses enliven our existence on earth. A true wilderness experience has recreational value, incredible learning experience. It brings about an understanding of the oneness of nature and the fact that we are entirely dependent upon the intricate functioning of ecosystems.”
The Option value of nature: If all the resources are used by our generation or we have killed the species of animals and plants then now they are extinct on earth. All the air, water is polluted, the land is degraded the surely we will have nothing left for our generations as present generations life style is based on unsustainable resources of life. And so the nature, the environment teach us in life to utilise the goods and resources and services with various options. This is what called option value. This option value guides us to use the resources in a sustainable manner and should preserve them for future.

III. NATURE OF CRIME AGAINST ENVIRONMENT B AND WILDLIFE

The acts which causes damage to the environment and wildlife by which we are surrounded, falls under the criteria of organized crime. It is increasing at a rapid state. Any crime done with environment is termed as Green Collar Crime but when the crime is done to make money it is termed as white collar crime. Such type of crime is done at a corruption level.

Many crimes can be listed under green collar crime, which are as follows:

1. Poaching
2. Unreported fishing
3. Trade of unregulated and illegal products for financial and material gains example, trade of rhino horns, sandalwoods, timber or even ivory.
4. Illegal logging
5. Illegal trade of wildlife

All these have been listed as crimes which are headed against environment by “United Nation Inter Regional Crime and Justice Research Institution. These crimes are on their rise according to a survey done in 2017, in India, there had been a humongous jump of cases in India against environment and wildlife, which has been around 790% from that in 2016.”

Government has taken many remedial steps after the increase in the cases which were being reported. There was awareness related to the crime which was being done against the environment and due to which there was an activist movement everywhere in the country so that the rights of animals can be established with proper enforcement of law.

IV. MOTIVE BEHIND ENVIRONMENT CRIMES

The crimes against environment are not driven because of any reason which is spontaneously but are planned. They are not only responsible for degradation of environment but also has many other effects:

1. The most important one is considered to gain material benefits which is of financial gain. Such crimes take place just to earn money and it instigates the person to commit such crime.
2. These crimes are also perform to gain control either on a territory or a product or may be to gain monopoly.

V. DAMAGED CAUSED TILL NOW

There has been wide impact on environment due to humans and their activities and the damaged so done is beyond repair but still it is said that some improvement can be made only if people understand following things:

- Almost 50 billion tons of natural resources have been used by humans every year.
- Deforestation is being speedy for many purposes and hence soon there will be no rainforest, almost they will extinct after 80 years and we all know they have a good amount of percentage of oxygen on which human life depends.
- Near about 10 crores of waste which is harmful for earth has been disposed off by humans in 2020.
Many predictions have been that people will need another planet to survive on actual earth.

At an increasing level coral reefs have been consumed by humans and after 30 years there won’t be more. Human activities are the reason that there is rise in see water temperature, algae, and also in acidification.

It is considered that by 2050 all the fisheries will disappear, which are considered to be planet’s lungs.

More than 2 billion animals on planet and plants as well are destroyed by humans each week. Every year 10 thousand species of animals and plants are wiped out by humans. And 50,000 litres of fresh water is required to make 1 kg of meat.

“The above damage is only caused by one single species, out a lakh of species or even more. This is considered to be the sixth mass extinction of cosmological history. The earth can produce for the needs but not for greed, is not a quote anymore, but it is becoming to the new harsh truth. It is believed that if there will be a drop in consumption of meat by 10%, it will lead to the end of starvation.” All these activities are done to earn more illegal money which is known as white collar crime.

The following are the acts being enforced in India:

1. National Green Tribunal Act, 2010
2. The Air Act, 1981
3. The Water Act, 1974
4. The Environment Protection Act, 1986
5. The Wildlife Protection Act, 1972
7. The Forest Conservation Act, 1980
9. Biological Diversity Act, 2002
10. Noise Pollution (regulation and control) Act, 2000

In India such legislations are enforced currently. These legislations have many amendments according to the dynamic situations. These different acts have different languages and spheres but the aim of all the acts is same is to preserve the resources of the planet by using them in a sustainable manner and to prevent pollution. And hence these legislations are interlinked.

VI. IMPACT OF THE LAWS

India has its own rules and regulations for the protection of environment and methods to prevent such crimes. “From 1853 till 2018 to now in 2020, there have been many environmental laws, and these laws target to create awareness about environment, its protection, and these laws have shown the concern of the government for the environment.”

These laws have both negative and positive impact as per the need of new laws, which are considered essential for creating awareness among all. These laws have been considered satisfactory in response till today.

VII. DOMESTIC CASE LAWS

Case laws are the backbone through which they can be binded in domestic courts. They also act as a source of law for further case and other lower courts and tribunals. Some of them have been mentioned below:

It is said to be landmark case and is known as Ratlam City Case. The judgement of this case was given by Supreme Court and it was observed that “the impact of deteriorating urban environment, on the poor living in the urban area, in this case, public health was recognized as a human right, which obliged the municipal council, to take proper steps, especially in managing the drainage facilities in Ratlam.

M.C. Mehta v. Union of India (Shriram Industries Case) 1987 SCR (1) 819, AIR 1987, 965

There was a prominent judgement in this case regarding environment. It is also known as Shriram gas leak case. In this case, a gas was leaked which was of food chemicals in New Delhi. The court held to pay compensation under the absolute liability to the victims or the sufferers of the gas. It is considered to be the first case in which absolute liability concept was introduced. In this case, first time in India, there was penalization of the accused and he had to pay the damage that was caused and also the compensation to the said victims.

M.C. Mehta v. Union of India (Ganga Case) 1988 AIR 1115, 1988 SCR (2) 530

It was popular by the name Ganga Pollution Case. This is really an important case for the rights of rivers and to prevent them from pollution. “In this case, the court observed and closed many tanneries around and in the city of Kanpur, Uttar Pradesh as Ganga is one of the largest river in India. There are many industries which cause pollution. Justice E.S. Venkataramiah observed just like an industry which cannot pay minimum wages to its workers cannot be allowed to exist, a tannery which cannot set up a primary treatment plant and cannot be permitted to continue to be in existence.”

Tarun Bharat Singh, Alwar v. Union of India and ors 1993 SCR (3) 21, 1993 SCC

The mining was situated in Sariska National Park region which was harmful to the environment and so the order was given by the court to stop them. But it was observed by a report that the mining situated in sariska was in full swing in 2015, which was really harmful to the environment. And shockingly there was no PIL not even under article 21 as it is the right which guarantees safe and healthy environment.

VIII. GLOBAL SCENARIO

Many declarations have been made in the past in relation to environment by international community. They also guide us to tackle the situations that are acting against the environment. There are two landmark declarations which are not formally binding but have moral duty of the countries to stop any harm which may cause damage to the environment.

Stockholm Declaration of 1972:

It is also known as United Nation Conference of human environment. It was the first declaration of United Nation which gave priority to environment and its degradation. The aim was to provide a plan of action for the countries and their governments all over the world. Twenty six principles were laid which were to be followed by every country either it’s under developed, developing and developed. It helped in facing the problems which were at the time and even till now.

Rio Declaration of 1992:

This summit was considered to be the successor of the Stockholm Declaration of 1972. He introduced new ideas with the existing principles of the Stockholm as it focussed on global partnership relating to the eradication of the activities that would harm the environment. Very important two concepts were introduced namely, sustainable development and global partnership. By sustainable development we mean there shall be optimum use of resources so that it may be saved for future generations.

IX. IMPACTS

Major River Of Northern Plains:

In India, Ganga is the holiest river. Many industries are situated on the banks of the river. A scheme has been promoted by the government “Namami Ganga” but no difference could be seen in the quality of water of Ganga. But yes it is said that there was a lockdown of 10 days and its effect was that the water was so pure that it could be used directly and even the dolphins were seen near about after 10 years.
Now from a village in Bihar namely, Singhwahini, the highest peak of the world could be seen, which is 200 km away from Mount Everest and hence it can be said that nature is balancing itself.

X. REMEDIES/PUNISHMENT

If a person is doing wrong to environment then definitely he shall be punished so there are certain remedies which are provided to environment

XI. CONSTITUTIONAL REMEDIES

42nd AMENDMENT

This amendment was the biggest one in our constitution but for the environment, there are two important articles, which are 48-A and 51-A. “Article 48-A, it is under PART IV of the Indian Constitution, under the Directive Principles of State Policy, it is titled as Protection and Improvement of Environment and safeguarding of forests and wildlife. It is interoperated that the government has the responsibility to safeguard the forest and wildlife.”

The court is empowered to punish the wrong doers with financial punishments but eventually imprisonment was also given so that they know the intensity of the crime performed by them.

“Article 51-A, it is under the PART V of the Indian Constitution, under the fundamental duties. There was an addition of the duty (g) which is interpreted that the people have the duty and the obligation towards the environment, that they need to protect the rivers, the wildlife and they are needed to have compassion for all the living creatures around them.”

Article 21

Article 21 refers to the wide interpretation as it deals with the right to life and personal liberty. In M.C. Mehta v. Union of India, it was held that a safe environment which is pollution free and shall be the right of every citizen and also shall be guaranteed by the government of India to the citizen of the country. And even if non citizen is found harming or causing any damage to the environment, he shall be punished with the relevant punishment.

XII. CONCLUSION

We all know that there is only one species that is us, the human beings who have harm or damaged the planet in a worse manner and still our planet has provided the human beings with everything we need. But the greed present in the human beings has led the planet in the pathetic situation. Many ways can be seen or opted in which we humans can improve our environment and stop it from being degraded but will take some time. But the foremost step which is required for such work is law enforcement so that the harmful activities can be stop, the greed of humans of earning white collar crime can be stop and hence we need new laws which may be more stricter so that people may be deter.

As the environment provides us with all that we want, we should also take care of it in every way. And the most important thing is environment, that does not need us (humans) for its existence but we people need environment for our survival.

In India many laws has been made and there are many thinkers but still it should be an obligation of every individual to prevent the activities which are against the environment and its degradation and prevents the development of the environment.

The curse of COVID 19 we are facing is a curse only for humans who have damaged our environment but it is a blessing in disguise for the environment. The rivers have revived all over the world. Many species which were not seen in rivers from years were visible after a long time. But yes this COVID 19 has caused many deaths and sufferings for the humans and made us realise that we have nothing in our control. So we can say that any step taken in our life shall be taken after analysing their effects and impacts on the society. In short we shall respect our environment. Without environment, there is no life and without life there are no humans.
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