

ENVIRONMENTAL AND WILDLIFE CRIMES

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Introduction

These are the crimes which cause direct harm to the environment and impact the biological conditions of a particular area ultimately leading to loss of lives and property. These types of offences are caused either by an individual, public at large or a company existing. So far as the reasons of these crimes are concerned, the scope is extravagant. On one hand, the companies get so much involved in making profits that they forget what an impact, their act is causing to the environment, similarly, the general public also lacks awareness about the activities which causes environmental crimes.

It is the perspective of the different nations as to how they view a particular activity because an act performed in this regard can be an environmental crime in one Country whereas not in the other.

Wildlife Crimes can be considered as a part of Environment Crimes which specifically includes the offences against flora and fauna. Wildlife crimes can be defined as taking, possession, trade or movement, processing, consumption of wild animals and plants or their derivatives in contravention of any international, regional, or national legislations.

Common Wildlife crimes include poaching, coursing, taking protected plants, illegal use of poisons etc. It mostly affects the endangered animals which possess a special feature or characteristic in them and provide high profits to the traders in this market.

The society at large is affected by these types of crimes. Although, there are many legal enforcements in order to control degradation of environment, yet people who lack education and are unaware of what is wrong or right tends to indulge in these types of activities.

Poor children are mostly affected as they participate in the wildlife crimes such as poaching in order to earn money. Since they lack education, it becomes difficult to control these



activities because it is very difficult for a particular nation to draft laws which also covers punishments for children.

Degradation of environment exploits the natural resources which ultimately affects the people depriving of their basic needs. Also, environmental crimes bring in many diseases as well which can be fatal too. The Bhopal Gas tragedy was one such incidents which impacted the society at large and the death toll was in hundreds. Also, the loss of biodiversity results in significant reduction in the economic output because it reduces the tourism as well as the chances of foreign direct investments due to lack of resources in the nation.

The United Nation Organization has emphasized on meetings and discussions on International platform in order to deal with the growing crimes against environment as well as the wildlife. India has also ratified to many declarations and conventions of the United Nations. Various statutes have been drafted on the basis of UN declarations and made into force with time. Some of these are –

The Environment Protection Act, 1986 which is considered as an umbrella provision covers all the relevant provisions to punish the offender and protect the environment. It provides a framework for the optimum coordination of central and state authorities established under the Water Act, 1974 and the Air Act, 1981.

The National Green Tribunal Act, 2010 is one of the recent statutes that has been introduced with the foremost objective to enhance the process of trial in cases relating to Environmental protection and providing compensation to the affected persons. This Act serves a two-fold purpose-

1. It speeds up the trial process and contains provisions for appeal too which makes it a formulated and a complete Act.
2. It is an autonomous body which works independently and hence affirms the decisions made by it in public domain.

The Wildlife Protection Act, 1972 was explicitly drafted to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view to ensuring the ecological and environmental security of the country. The National Board for Wildlife was also set-up in which the Prime Minister acts as the chairperson the same.

Several regulations and orders have also been made to ensure that safety regulations are laid down in each and every domain. Some of these are – Biomedical Waste (Management and Handling) Rules, 1998– It specifically deals with the management of waste that is disposed off by the hospitals or related places which is infectious in nature. Municipal Solid Wastes (Management and Handling) Rules, 2000- Empowers municipalities to dispose off the waste in the society by new and advanced methods available.

The Noise Pollution (Regulation and Control) Rules, 2000- Aims at regulating increasing ambient noise levels in public places and their effect on the society.

Hazardous Wastes (Management, Handling and Transboundary) Rules, 2008- Management and export import of the hazardous chemical substances are regulated by this regulation. Coastal Regulation Zone Notification, 2011- It ensures security and protection to the communities living near coastal regions specially who indulge in fishing and make them aware about the sustainable development programs.

Environment and Wildlife are two very wide concepts and awareness towards the same has been developed significantly specially in the developed countries which have recognized the urgent need of protecting and securing these two vital phenomena.

In India, the era of environmentalism can be observed in the late 20th century when the concept of PIL was introduced and several legislations were laid down as discussed above. The Constitution by way of Article-21 given in part-III also adds on in this list as it ensures Right to clean and healthy Environment.



It can be concluded that in order to raise the standards and outcome in Environment protection, public awareness is the most important aspect which needs to be excelled by the local as well as the central governments.

Frequently Asked Questions

What is meant by Absolute Liability?

Absolute Liability refers to the principle which establishes that in case, a company is indulged in any business or commercial activities in which there is a use of hazardous substances, it is the ultimate duty of that company to make sure that all the safety measures have been taken and the plea of negligence cannot be taken. In simple words, the exception of Negligence or the defense of Act of God cannot be taken.

Polluter pays principle refers to the responsibility of the polluter to pay the amount or the compensation relevant in the case where he/she has caused environmental pollution. Precautionary principle on the other hand means that it is the duty of the person involved in hazardous activities to take care and precaution in advance. These two principles have been adopted in India by various judicial decisions.

A National park refers to a place declared whether under section 35 or section-38, or deemed, under sub-section (3) of Section-66, to be declared as a national park. It is given under Section- 2(21) of the Wildlife Protection Act, 1972.

Reference

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- 5- <http://www.legalserviceindia.com/legal/article-635-introduction-to-environmental-law-in-india.html>

