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### A STUDY IN ENVIRONMENTAL CRIME AND RECENT CASE LAWS

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#### ABSTRACT

Environmental crime is currently turning into a difficult issue worldwide in various structures, with some of them being among the most beneficial criminal exercises on the planet. The most well-known crimes against the earth are associated with the unlawful abuse of wild fauna and vegetation, contamination, squander transfer and its exchange. Squander trafficking exhibits the degree of the issue. The utilization of legitimate business structures by criminal performers are a characteristic component of this crime territory. By and large, criminal performing artists and lawful organizations are unclear. As a component of this improvement, lawbreakers engaged with waste trafficking have moved towards the more mind-boggling plan of action of unlawful waste administration as opposed to just wrongfully dumping waste. Squander dealers currently work along the whole waste-handling chain and depend intensely on the utilization of false records. **The main aim is to create awareness among the people about the environmental crime. Environmental crime is an intricate and uncertain term for a few reasons.** It is at times utilized as an umbrella term for crimes identified with biodiversity, untamed life, creatures, characteristic assets, dangerous waste, restricted substances, and environmental quality, however researchers have likewise created typologies to catch the one-of-a-kind components of each type of environmental crime. The recent case laws are also studied and added in this paper.

#### Keywords:

Environmental, Crime, Awareness, Squander, Waste.

#### INTRODUCTION

Contradictions with respect to whether to recognize infringement of environmental laws (tended to through common indictment or regulatory activities) from environmental crimes (criminally arraigned), and whether to (Anon n.d.) likewise think about environmental damages (lawful exercises that hurt the earth) or environmental dangers deliver further perplexity. (Pittson 2011) The scope of wrongdoers likewise entangles this idea, as people, gatherings/systems, and incredible associations carry out environmental crimes. (Anon n.d.) The level of damage made by every on-screen character may, or may not, be comparable. Given the complexities of this zone of study, researchers (Epa et al. 2013) have created and additionally tried a wide scope of hypothetical points of view on and intercessions to address environmental crime. Steady with calculated differences, (Anon n.d.) these hypothetical systems and comparing mediations shift (seemingly the most) in light of whether the reliant variable (Anon n.d.) is environmental crime (as characterized by law), or environmental damage or hazard characterized utilizing other criteria. In any case, different hypothetical points (Gibbs & Boratto 2017) of view/intercessions are likewise (Samriddhi & Sahu 2018) analyzed inside research on these general classifications of environmental crime, damage, and hazard. (Gibbs & Boratto 2017) So as to catch the expansiveness of research on environmental crime, we limited the focal point of this article to contamination related crimes. In the accompanying article, (Anon n.d.) we offer further insight about theoretical dialogs, lawful complexities, (FreeAdvice staff n.d.) kinds of wrongdoers, sorts of crime, and research on this subset of environmental crimes. Understanding and tending to environmental crime is critical. (Anon n.d.) The effects to the regular habitat, including environments, (FreeAdvice staff n.d.; Epa et al. 2017) greenery, and fauna, are frequently broad and dependable. These crimes additionally affect human wellbeing, causing (Epa et al. 2016) birth imperfections and malignant growth among other medical issues. What's more, individuals living close contaminated air, water, and land regularly report elevated amounts of pressure, referring to worries about family wellbeing and monetary connections to the influenced assets (Strasser 2008).

**OBJECTIVE OF THE PAPER**

The main aim of the paper is to enhance the environmental crime against the society and the recent case laws regarding the social development. The study of the paper is to enable the crime against earth. The environmental development of the society in various motives. To access and to develop the awareness among the people.

**LITERATURE REVIEW**

1.The critical writing by Indrajit Dube (2007) examine the authoritative and legal reactions in India towards inconvenience of risk upon polluters for infringement of natural laws of the nation. This book tries to discover the appropriate response of the inquiry, if there should be an occurrence of contamination, who is in charge of the contamination, i.e., how is the onus to be settled on the polluter and how is his risk to be evaluated. The point of view of the book depends on Indian Law, however reference to other jurisdictional laws and International instruments have been made at proper spots. The writing does not thoroughly investigations the ecological insurance and the perilous and strong waste administration laws in India. (Contributors to Wikimedia projects 2008)

2.The book "Natural Law in India" created by P. Leelakrishnan (2005) is a thorough examination on the development of ecological law in India. This book features the different parts of natural routine law of open irritation, established orders for ecological security, control of contamination, legal audit of choices influencing the earth and effect appraisal forms. In any case, the Indian law identifying with the board of perilous and strong squanders has not been broke down.(Anon n.d.)

3.The book titled "Ecological Protection Law and Policy in India" by Kailash Thakur (2007) the legitimate system for its control and this book embarks to give an expansive examination of ecological law and approach in India. Be that as it may, it doesn't center the regions identifying with dangerous and strong squanders the executives laws in India. The object of the board of trustees is to inspect all parts of urban strong waste administration in class-I urban communities having populace more than one lakh. It was comprised by the Supreme Court in Almitra H. Patel v. Association of India (1998) 2 SCC 416. (Anon n.d.)

4.The noteworthy writing by Indrajit Dube (2007) break down the administrative and legal reactions in India towards burden of risk upon polluters for infringement of natural laws of the nation. This book looks to discover the appropriate response of the inquiry, if there should be an occurrence of contamination, who is in charge of the contamination, i.e., how is the onus to be settled on the polluter and how is his risk to be evaluated. The point of view of the book depends on Indian Law, however reference to other jurisdictional laws and International instruments have been made at suitable spots. The writing does not exhaustively examinations the natural assurance and the risky and strong waste administration laws in India. (Anon n.d.)

5.The book "Ecological Law in India" wrote by P. Leelakrishnan (2005) is a comprehensive examination on the development of natural law in India. This book features the different parts of ecological routine law of open irritation, established commands for natural assurance, control of contamination, legal audit of choices influencing the earth and effect evaluation forms. In any case, the Indian law identifying with the board of dangerous and strong squanders has not been investigated.(Anon n.d.)

**RESEARCH METHODOLOGY:**

This paper used both primary and secondary information collected from general public through random sampling, descriptive and analytical method. Research paper is in the both non-doctrinal method and doctrinal method .The survey is 1513 samples for a random survey method. The primary sources of information are taken from the books and the secondary sources of information are taken from the articles of journals, working papers, thesis, and presentation papers. The age and the educational qualification are the independent variable and the income of a person decides the mode of gender in environmental crime. The statistics used in this paper is percentage analysis of SPSS , percentage analysis, chi square tests and cross tab eventually to describe the statistical data of the research paper. The

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hypothesis is that the there is no significant change in the local body election representatives election and there is significant change in the local body election representatives .

### HYPOTHESIS OF THE PAPER

**Ho:** There is no significant change in the environmental crime in India and the recent case laws.

**Ha:**There is a significant change in the environmental crime in India and the recent case laws.

### ANALYSIS

#### HYPOTHESIS OF TABLE 1

**Ho:** There is no significant change in the environmental crime against this is evil.

**Ha:**There is a significant change in the environmental crime against this is evil.

#### Descriptive Statistics

	N	Minimum	Maximum	Sum	Mean	Std. Deviation
AGE	1513	1	4	3038	2.01	1.015
GENDER	1513	1	2	2315	1.53	.499
EDUCATION QUALIFICATION	1513	1	3	2522	1.67	.698
Valid N (listwise)	1513					

#### Descriptive Statistics

	Variance
AGE	1.030
GENDER	.249
EDUCATION QUALIFICATION	.487
Valid N (listwise)	

**AGE \* 39. Does the environmental crime against the society is evil?**

#### Crosstab

Count

		40. Does the environmental crime against the society is evil?			Total
		yes	no	maybe	
AGE	18-25	153	397	73	623
	26-35	136	153	115	404
	36-50	115	120	82	317
	50 above	18	96	36	150
Total		422	766	306	1494

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**Chi-Square Tests**

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	118.644 <sup>a</sup>	6	.000
Likelihood Ratio	125.207	6	.000
Linear-by-Linear Association	9.185	1	.002
N of Valid Cases	1494		

**Symmetric Measures**

	Value	Asymptotic Standardized Error <sup>a</sup>	Approximate T <sup>b</sup>	Approximate Significance
Interval by Interval Pearson's R	.078	.024	3.039	.002 <sup>c</sup>
Ordinal by Ordinal Spearman Correlation	.067	.024	2.600	.009 <sup>c</sup>
N of Valid Cases	1494			

From the above table it has been said that the efficient waste management is a matter of international concern for the development of the nation based upon the age group the survey has been analyzed and from the survey done the age group components from 18-25 yes is 153, no is 397, and may be is 73, from the age component 26-35 yes is 136, no is 153, may be is 115, from the age component 36-50 yes is 115, no is 120, may be is 82, from the age component above 50 yes is 18, no is 96, may be is 36. Thus from the above table and from the survey done the P value is less than 0.05 so that the null hypothesis have been rejected and the **alternative hypothesis** have been verified.

**HYPOTHESIS OF TABLE 2**

**H<sub>0</sub>:** There is no significant change in the environmental crime against the great cause.

**H<sub>a</sub>:** There is a significant change in the environmental crime against the great cause.

**AGE \* 40. Do you agree that the crime against the environment is great cause or not?**

**Crosstab**

Count

		41. do you agree that the crime against the environment is great cause or not?					
		strongly disagree	disagree	neutral	agree	strongly agree	
AGE	18-25	116	199	120	88	100	
	26-35	27	90	80	178	30	
	36-50	100	74	49	99	13	
	50 above	10	15	89	15	21	
Total		253	378	338	380	164	

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### Crosstab

Count

		Total
AGE	18-25	623
	26-35	405
	36-50	335
	50 above	150
Total		1513

### Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	341.812 <sup>a</sup>	12	.000
Likelihood Ratio	323.127	12	.000
Linear-by-Linear Association	.626	1	.429
N of Valid Cases	1513		

### Symmetric Measures

		Value	Asymptotic Standardized Error <sup>a</sup>	Approximate T <sup>b</sup>	Approximate Significance
Interval by Interval	Pearson's R	.020	.025	.791	.429 <sup>c</sup>
Ordinal by Ordinal	Spearman Correlation	.034	.026	1.315	.189 <sup>c</sup>
N of Valid Cases		1513			

From the above table it has been said that the state pollution control board on the different state administer the waste management effectively based on the survey done based upon the age component the people view is based upon the strongly disagree is 116, disagree is 199, neutral is 120, agree is 88, strongly agree is 100, from the age component 26-35 strongly disagree is 27, disagree is 70, neutral is 80, agree is 178, strongly agree is 30, form the agree component 35-50 the strongly disagree is 100, disagree is 74, neutral is 49, agree is 99, strongly agree is 13, form the above component the age component of age above 50 strongly disagree is 10, disagree is 15, neutral is 89, agree is 15, strongly agree is 21. Thus form the survey done or form the research done the P value is less Han 0.05 so that the null hypothesis have been rejected and the alternative hypothesis have been verified. From the above table it has been said that the efficient waste management is a matter of international concern for the development of the nation based upon the gender group based on the survey analyzed and from the survey done the gender component male yes is 159, no is 383, may be is 151, based upon the female yes is 263, no is 383, may be is 155. Thus form the survey done the P value is less than 0.05 so that the null hypothesis have been rejected and the alternative hypothesis have been verified. From the above table it has been said that the state pollution control board on the different state administer the waste management effectively based on the survey done based upon the gender component male strongly disagree is 147, disagree is 115, neutral is 153, agree is 186, strongly disagree is 110, female component says strongly disagree is 106, disagree is 263, neutral is 185, agree is 194, strongly agree is 54. Thus form the survey done the P value is less than 0.05 so that the null hypothesis have been rejected and the **alternative hypothesis** have been verified.

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### RESULT OF THE STUDY

Thus from the survey done and from the analysis and the frequencies made it has been identified that the P value is less than 0.05 so that null hypothesis have been rejected and thus the alternative hypothesis have been verified.

### DISCUSSION

However, understanding these issues can be testing. Environmental crime is an equivocal and complex term, to a limited extent because of the scope of practices that fall inside the idea. It is at times utilized as an umbrella term for crimes identified with biodiversity, untamed life, creatures, common assets, risky waste, prohibited substances, and environmental quality. Be that as it may, researchers have likewise created typologies to catch the one of a kind components of each type of crime. For instance, White and Heckenberg recognize the damages related with "darker," "green," and "white" environmental issues. "Dark colored issues will in general be characterized as far as urban life and contamination (e.g., air quality); green issues for the most part identify with wild regions and preservation matters (e.g., logging practices); and white issues allude to science research centers and the effect of new advances (e.g., hereditarily altered living beings)" Environmental implementation associations make another arrangement of refinements. For instance, the Environmental Crime Program has three key territories: biodiversity, normal assets, and environmental quality. Crimes that affect biodiversity incorporate illicit exercises that expel verdure from the regular habitat; brutality to creatures; and unlawful ownership of untamed life, illicit exchange, and abuse. Natural asset misuse alludes to unlawful logging, mining, and angling. Crimes identified with environmental quality, for example, air contamination, soil defilement, and the unlawful transfer of dangerous waste or prohibited substances are viewed as contamination crimes. In the accompanying article, we center around environmental quality or contamination crimes.

Indeed, even in the wake of narrowing the concentration to environmental quality/contamination issues, theoretical inquiries remain. Contamination crimes shift in the level of damage delivered. Ought to littering be alluded to as an environmental crime of comparative extent to the illicit transfer of unsafe waste? The scope of potential guilty parties further entangles this idea, as people, systems, and amazing associations carry out environmental crimes. Are the activities of people proportional to those of huge associations. Imagine a scenario in which the general population takes part in these practices as a group. Notwithstanding these philosophical inquiries, the environmental legitimate landscape makes disarray. Environmental laws are regularly actualized by administrative offices and these offices have the ability to utilize distinctive groups of law to endorse guilty parties. Under authoritative law, cases can be tended to inside by administrative organizations (e.g., regulatory activities), however cases can likewise be alluded for common arraignment. These issues are commonly viewed as environmental "infringement" or "rebelliousness." However, numerous bits of environmental enactment additionally contain arrangements for the criminal arraignment of environmental "crimes". Environmental enactment contains general criteria for criminal indictment, however what criteria recognize regulatory, common, and criminal cases is hazy by and by. Further, scholastics differ with respect to whether authoritative and common infringement ought to be considered close by environmental crimes. Putting that issue aside, legitimate codes fluctuate by locale, which particularly confuses matters while looking at environmental crimes that cross fringes (i.e., transnational environmental crime).

### CONCLUSION

To a few, this proposes environmental harm is something to be overseen as opposed to an innate wrong. Among the measures that took it established a successful environmental management stands on the pyramid Council of Environmental Protection official as being responsible for the environment take control and coordination function and to propose legislation and monitoring and follow up the implementation of environmental legislation and the Council has been keen to integrate local efforts in the system of the global effort through the completion of all procedures related to the ratification of the conventions and treaties And international protocols related to the protection of the global environment and fulfil its obligations to the Organization Yemen. And it extended its activity also to try to reverse its commitments on the ocean and the Environmental Protection Council has played a significant role during the past decade and focused on the preparation of legislation that provide a healthy environment linking Yemen world and in line with measures taken to protect the global environment and promote the role of the Council the issuance of that environment Protection Law No. (26) For the year 1995 and the issuance of the executive regulations of the

Environmental Protection Law No. (148) for the year 2000. And if you have analyzed the Constitution of 2001 and the Environment Protection Law No. 26 of 1995 and its implementing regulations, we find a group of established legal rules by the Yemeni legislator and which urges the formal participation and popular, considering that the responsibility is a shared responsibility to maintain the life environment in order to continue to exist, and make every citizen is responsible for protection of the environment for being his home where he lived as an influential part of the natural environment, And it illustrated the role of the Yemeni legislator through the legal rules contained in the above-mentioned to protect wildlife and marine and air law. At long last, environmental law is one of a kind in that a predefined measure of destructive movement is allowed. For instance, chopping down trees and dirtying the air or water is permitted inside a specific limit.

**REFERENCES**

1. Anon, Cases. *National Environmental Law Center*. Available at: <https://www.nelconline.org/cases> [Accessed January 29, 2019a].
2. Anon, Environmental Crime Case Studies | EFFACE. Available at: <https://efface.eu/case-studies> [Accessed January 29, 2019b].
3. Anon, Environmental crime / Environmental crime / Crime areas / Internet / Home - INTERPOL. Available at: <https://www.interpol.int/Crime-areas/Environmental-crime/Environmental-crime> [Accessed January 29, 2019c].
4. Anon, Environmental Crime in Armenia: A Case Study on Mining | Ecologic Institute: Science and Policy for a Sustainable World. Available at: <https://www.ecologic.eu/11807> [Accessed January 29, 2019d].
5. Anon, Environmental crimes are on the rise, so are efforts to prevent them. *UN Environment*. Available at: <http://www.unenvironment.org/news-and-stories/story/environmental-crimes-are-rise-so-are-efforts-prevent-them> [Accessed January 29, 2019e].
6. Anon, Environmental crimes threaten global security, says UN. Available at: <https://www.downtoearth.org.in/news/environmental-crimes-threaten-global-security-says-un-44912ref=true> [Accessed January 29, 2019f].
7. Anon, Environment Crime - India Environment Portal | News, reports, documents, blogs, data, analysis on environment & development | India, South Asia. Available at: <http://www.indiaenvironmentportal.org.in/category/46956/thesaurus/environment-crime/> [Accessed January 29, 2019g].
8. Anon, State of Environment in figures 2017. Available at: <http://cseindia.org/soebook/chapter11.html> [Accessed January 29, 2019h].
9. Anon, TriplePundit: Reporting on the Triple Bottom Line & Sustainable Business News. Available at: <https://www.triplepundit.com/podium/10-high-profile-environmental-cases/> [Accessed January 29, 2019i].
10. Anon, Website. Available at: [https://www.researchgate.net/publication/304195370\\_Environmental\\_Crime](https://www.researchgate.net/publication/304195370_Environmental_Crime) [Accessed January 29, 2019j].
11. Contributors to Wikimedia projects, 2008. List of environmental lawsuits - Wikipedia. *Wikimedia Foundation, Inc*. Available at: [https://en.wikipedia.org/wiki/List\\_of\\_environmental\\_lawsuits](https://en.wikipedia.org/wiki/List_of_environmental_lawsuits) [Accessed January 29, 2019].
12. Epa, U.S. et al., 2016. 2016 Major Criminal Cases. Available at: <https://www.epa.gov/enforcement/2016-major-criminal-cases> [Accessed January 29, 2019].
13. Epa, U.S. et al., 2017. 2017 Major Criminal Cases. Available at: <https://www.epa.gov/enforcement/2017-major-criminal-cases> [Accessed January 29, 2019].
14. Epa, U.S. et al., 2013. Environmental Crimes Case Bulletin. Available at: <https://www.epa.gov/enforcement/environmental-crimes-case-bulletin> [Accessed January 29, 2019].
15. FreeAdvice staff, Environmental Law Violations. *FreeAdvice*. Available at: <http://criminal-law.freeadvice.com/criminal-law/criminal-law/environmental-law-violations.htm> [Accessed January 29, 2019].
16. Gibbs, C. & Boratto, R., 2017. Environmental Crime. In *Oxford Research Encyclopedia of Criminology*

*and Criminal Justice*. Oxford University Press.

17. Pittson, C., 2011. Research Guides: Environmental Crimes: Federal & State Cases. Available at: <http://libraryguides.law.pace.edu/c.php?g=319401&p=2134065> [Accessed January 29, 2019].
18. Samriddhi & Sahu, G., 2018. Off the mark: National Crime Records Bureau data gives a misleading picture of environmental crime. *Scroll.in*. Available at: <https://scroll.in/article/863087/off-the-mark-national-crime-records-bureau-data-gives-a-misleading-picture-of-environmental-crime> [Accessed January 29, 2019].
19. Strasser, M.R., 2008. Environmental Law Violations. *LII / Legal Information Institute*. Available at: [https://www.law.cornell.edu/wex/environmental\\_law\\_violations](https://www.law.cornell.edu/wex/environmental_law_violations) [Accessed January 29, 2019].
20. FreeAdvice staff, Environmental Law Violations. *FreeAdvice*. Available at: <http://criminal-law.freeadvice.com/criminal-law/criminal-law/environmental-law-violations.htm> [Accessed January 29, 2019]