

UNIVERSITY OF COLOMBO, SRI LANKA

FACULTY OF LAW

BACHELOR OF LAWS EXAMINATION – YEAR IV, 2016/2017

ENVIRONMENTAL LAW

(Three hours)

Total Number of Questions: 07

Answer **ANY FOUR (04)** questions and **no more**.

(Candidates will be penalized for illegible handwriting.)

1. Clean air, clean water and other factors of nature immensely contribute to safeguard human dignity and basic human rights. Critically analyse the relationship between nature and human rights in light of fundamental rights provisions of the Constitution.
2. Methottapore is an island state in the Indian Ocean. After the collapse of a huge garbage dump in its capital, the government of Methottapore dumps garbage in a wetland adjoining its capital. An indigenous community lives in the area of wetland for more than 2000 years. The community believes that the water in the wetland has divine powers, and widows in the community perform a water-cutting ceremony on every full moon day in different areas in the wetland. On full moon days, the community feeds birds in the wetland, and it attracts birds including endangered species from neighbouring countries. The government has also commenced quarrying at a large scale in the wetland area by using dynamite in large quantity. The government of Methottapore has not complied with the provisions of any legislation in the country.

Assume that Methottapore is a state party to all important international conventions relating to environmental protection and the legal system of Methottapore is similar to the legal system of Sri Lanka.

Discuss the extent to which principles in the international conventions and the provisions of the national legislation are violated in the above scenario.

3. Substantive and procedural aspects of Criminal Law is one of the areas, which has contributed for the development of Environmental Law. Discuss the effectiveness of the application of Criminal Law, drawing examples, to ensure and enhance protection of Environmental Law.

4. (a) Discuss with reference to the provisions of the Marine Pollution Prevention Act whether the Act imposes adequate liabilities on the owner of the ship for prevention marine pollution.

- (b) Portcitiore is an island state in the Indian Ocean. The National Housing Development Authority of Portcitiore has entered into an agreement with a foreign Company called Shanghai Ocean Builders to construct a housing apartment named Ocean Port Apartments with 750 luxury houses within the coastal zone in the port area of the capital of Portcitiore. According to the available information, corals and vegetations in the area have been removed in the indentified area, and reclamation of land by filling the area has already commenced. It is believed that the project will also affect fishing activities of the fisherman in the area. An official states that the relevant authorities are not aware of the project.

Assume that the legal system of Portcitiore is similar to the legal system of Sri Lanka.

Discuss, giving reasons, violations of legal provisions in the above situation.

5. Critically analyse, in light of international environmental legal regime, the extent to which Sri Lankan environmental legal regime promotes sustainable development.

6. The long title to the Fauna and Flora Protection Ordinance provides:

“An Ordinance to provide for the protection and conservation of the fauna and flora of Sri Lanka and their habitats; for the prevention of commercial and other misuse of such fauna and flora and their habitats, for the conservation biodiversity of Sri Lanka...”
(emphasis added.)

Discuss with reference to the provisions of the Fauna and Flora Protection Ordinance whether the Ordinance adequately provides for the protection and conservation of the fauna and flora of Sri Lanka and their habitats.

7. Henry, a multimillionaire and well known entrepreneur decides to invest in Sri Lanka on a mega scale development project on a highway. Explain the provisions of the relevant legislation in light of decided cases with regard to the procedure for the approval of the project in Sri Lanka.

Advise Henry.