

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**BACHELOR OF LAWS EXAMINATION, YEAR IV – 2020/2021**  
**(Online)**  
**ENVIRONMENTAL LAW**  
**(Three Hours)**

**Total Number of questions: 06**

**Answer ANY THREE questions only.**

(Candidates will be penalized for illegible handwriting.)

1. (a) ‘The provisions of the Constitution of Sri Lanka do not expressly provide for promotion of sustainable development. However, the judiciary has interpreted the provisions of the Constitution to promote sustainable development in the Country.’

Comment on the above statement citing decided cases to substantiate your answer.

- (b) ‘The Legislature has enacted many statutes to protect the environment in the Country. The statutes do not expressly provide for promotion of sustainable development. However, most of the statutes impliedly recognize promotion of sustainable development.’

Comment on the above statement citing the provisions of **any two** statutes (other than the Constitution) enacted to protect the environment.

2. X Press Pearl sunken ship disaster in 2021 marked the world’s most devastating oceanic pollution catastrophe in the history. Multiple national legislations, international conventions and regulations are relevant in discussing the damage caused by the cargo ship carrying chemicals that caught fire off the coast of Sri Lanka. You are invited as the national legal expert to represent Sri Lanka at the *United Nations Conference on the Protection of Ocean for the Future Generations* in Geneva to make a presentation on “A critical analysis on International and Sri Lankan legal framework in

dealing with multidimensional issues caused by the X Press Pearl disaster”. Write down your speech that you prepare to deliver at this conference.

3. In 1972, Christopher Stone presented a fascinated idea of ‘legal rights of nature’ in his article to *California Review* under the theme “*Should Trees Have Standing?*”
  - a) Critically evaluate the legal developments in rights-based approach to environmental protection in Sri Lanka in the light of the approach of the Courts in environmental cases.
  - b) How do you relate rights of nature concept to the Court of Appeal judgement in *Centre for Environmental Justice (Guaranteed) Ltd. vs. Conservator General of Forest and 8 Others* (Willpattu Deforestation case), (CA/Writ/291/2015)?
4. Long term environmental sustainability can be successfully achieved through the proper implementation of Environmental Impact Assessment Report (EIA). It is recognised as a strategic approach to implement goals of sustainable development concept. This position is clearly evident in National Environmental (Upper Kotmale Hydro-power Project — Monitoring) Regulations No. 1 of 2003. According to the Gazette notification “specific environmental monitoring duties in the form of mitigatory measures are specified and shall be carried out by the Project Proponent. Such duties, which involve the implementation and compliance with the specified mitigatory measures, shall be performed in accordance with the provisions of the National Environmental Act, No. 47 of 1980 (*as amended*) and such implementation shall be supervised by a group of supervisory body comprised of all the relevant government and non-governmental authorities.”
  - (a) Do you agree with the above statement? Give reasons for your answer analysing the application of EIA framework in Sri Lanka.
  - (b) Assess, the effectiveness of laws other than the National Environmental Act in the Sri Lankan statutory framework in implementing similar tools to Environmental Impact Assessment report.

5. Coronapore is an island state in the Indian Ocean. In Coronapore, the number of patients affected by the coronavirus gradually increased. The government identified an island called Kuruluwatte in the Northern Part of the Country to build three quarantine camps accommodating about 10,000 persons contracted the disease, and to build quarters for the doctors and nurses working in the camps. Kuruluwatte is a habitat for many endangered species and migrant birds. The northern side of Kuruluwatte is facing the Indian Ocean.

The government cleared the reserved forest declared under the Forest Conservation Ordinance in the island, and constructed the three quarantine camps. Many acres of land in the forest have been cleared to construct the camps. The government constructed quarters for the doctors and nurses by filling a world famous wetland adjoining the forest. The wetland is a part of the nature reserve declared under the Fauna and Flora Protection Ordinance. A part of the wetland was filled with the sand removed from the sand dunes within the coastal zone to construct the quarters.

The government has constructed a road through the wetland to have access to the camps and the quarters. It is alleged that the face masks, personal protective equipment, empty bottles of hand sanitizers and food wastes are dumped in the wetland and in the areas of the nature reserve. Many animals, reptiles and birds have died because of suffocation after eating them.

The government has given supply of electricity to the camps and the quarters by using unprotected electric wires. It is reported in a local media that many migrant birds have died in the area because of electrocution. The environmentalists express their serious concern as to the selection of the area for the camps and the quarters. They state that there are many areas, without environmental sensitive issues and without human settlement, are available for the camps and the quarters. They further state that the decision to select the island for the camps and the quarters was a politically motivated decision. The authorities state that they are not aware of the activities in Kuruluwatte.

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

A leading Non-Governmental Organization requests you to submit a paper based on the violations of the principles of the relevant international Conventions and the violations of the provisions of the relevant statutes in the above scenario.

Write the paper.

6. Assume that you have been appointed as a member of an expert committee to make suggestions to amend the statutes that protect the environment in Sri Lanka. The Chairman of the Committee has requested you to identify **any three statutes** that require amendments on priority basis to achieve the objectives of the statutes and make suggestions for amendments of the statutes with justifications for the suggestions.

Submit your expert report.