

University of Colombo, Sri Lanka

Faculty of Graduate Studies

Master of Environment Management, 2015/2016

Semester II Examination

MEM 6310 – Environmental Law

(Three hours)

Total number of questions: 07

Answer **FOUR** questions only and **no more**.

(Candidates will be penalized for illegible handwriting.)

1. Govenerica is an island State in the Indian Ocean. Fraudson is the Minister of Development in Govenerica. He acquired a valuable marshy land of 350 acres in the surroundings of the capital of Govenerica for construction of a housing scheme for slum dwellers in the capital. Later, he transferred about fifty acres of the land to his brother Murdernon to construct a luxury apartment. It is believed that the sand in the other part of the acquired land contains some valuable minerals. The Minister entered into an agreement with a foreign Company to permit the Company to extract the minerals in the land. The authorities are not aware of the agreement that he had entered into with the foreign Company.
 - (a) Discuss the extent to which the concepts/principles of environmental law have been violated by the Minister. (12 Marks)
 - (b) Some people in the area wish to know whether they could file legal action under the provisions of the Constitution against the Minister. Advise them. (13 Marks)
Assume that the Constitution and the legal system of Govenerica are similar to the Constitution and the legal system of Sri Lanka.

(Total 25 Marks)

2. (a) Discuss whether the Central Environmental Authority (CEA) has adequate powers to protect the environment. (08 Marks)
- (b) Siva has an animal Farm with about 300 goats in Mullaitivu. He has not obtained any licence under the National Environmental Act for the Farm. Discuss whether he has violated any provisions of the National Environmental Act. (08 Marks)
- (c) Green Wing Company intends to construct a Hotel with 150 rooms in a scenic area in Hatton. The management of the Company wishes to know the procedure to be followed to obtain necessary approval under the National Environmental Act for the construction of the Hotel. Advise. (09 Marks)

(Total 25 Marks)

3. Discuss the effectiveness of the Coast Conservation and Coastal Resource Management Act in protecting the coastal environment of Sri Lanka.

(25 Marks)

4. (a) Explain the legal provisions relating to protection of the coastal environment and marine environment from pollution. (13 Marks)
- (b) Explain the provisions of the Criminal Procedure Code Act relating to abatement and removal of public nuisance. (12 Marks)

(Total 25 Marks)

5. Blue Jet is a ship owned by the Blue Waters Company and registered in Panama. The ship is anchored within the territorial waters of Sri Lanka, and it is noticed that a large amount of oil leaks out from the ship. However, the owner of the ship has not taken any action to mitigate the pollution. Environmentalists state that the oil pollution causes serious damage to the marine environment, and it may affect fishing activities and tourism in the area. Discuss the extent to which the provisions of the relevant legislation have been violated and the types of liabilities for the violation.

(25 Marks)

6. North-Lanka Chemical Company has a factory at Kallundai in the Jaffna District. The Factory commenced its operation in 1996. As this area had been affected by the war, people in the area had left the area, and the lands and the houses had been abandoned by the people when the Factory commenced its operation in 1996. After the end of the war, the people returned to the area and they found that the chimney of the Factory emits gases that have a bad smell and cause nausea to the people. The Factory discharges waste water mixed with chemicals into a canal along the main road. It also causes a bad smell and nausea to the people using the road. The people in the area wish to know whether they can take any legal action for the nuisance caused by the Factory. Advise them.

(25 Marks)

7. Green Matha Movement is an Environmental Organization and it organizes an International Conference in Environmental Law under different themes relating to environmental protection. The Organization has requested you to submit a short paper discussing the principles of the important international conventions that deal with protection and conservation of bio-diversity. Write the paper.

(25 Marks)
