

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LLB DEGREE PROGRAMME 2023/2024
LEVEL 5
LLU 5811 – ENVIRONMENTAL LAW
2ND CONTINUOUS ASSIGNMENT TEST
DURATION ONE (01) HOUR-



Date: 10.01.2025

Time: 1.30 p.m. - 2.30 p.m.

Answer the following question.

Illegible handwriting will be penalized.

1. Neela, is a ten-year-old child living in the Southern Province of Sri Lanka. Her village has been subject to floods and droughts in the past three years. Her father, a farmer, is unable to cultivate crops to support his family. Neela has not gone to school for the past year. The Government has also proposed to build another coal power plant close to the village where Neela lives.

Neela has filed a fundamental rights petition in the Supreme Court through her father. She alleges that the Government of Sri Lanka is not taking sufficient steps to mitigate the impacts of climate change and support farmers like her father to continue their livelihood in agriculture. She further alleges that her fundamental rights have been violated as she, and other children in her village have been unable to attend school for one year. She also argues that the Government's plan to build another coal power plant is unsustainable and will contribute to climate change.

Assume that you are the judge in this case. Explain how you would address the arguments made by Neela on the basis of the provisions of the Sri Lankan Constitution, other Sri Lankan laws and case law and principles of environmental law. You may consider the Pakistan case of *Rabab Ali v. Federation of Pakistan & Another (Constitution Petition 2006)* and any other relevant case from other jurisdictions in your judgement.

(20 Marks)

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