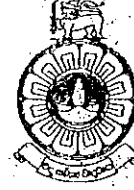


**THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL. B DEGREE PROGRAMME
CONTINUOUS ASSESSMENT TEST 1 – 2023/2024
LEVEL V
ENVIRONMENTAL LAW- LLU 5811
DURATION – ONE HOUR**



Date: 07.11.2024

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

Illegible handwriting will be penalized.

Answer ALL questions

'Forum for Grassroots' is a non-governmental organization which works on the rights of people in a country named Pearl. Following is an extract from the fact-finding report by Forum for Grassroots;

Pearl faced the worst economic crisis in its history in 2022. Despite being considered an 'agricultural' country, Pearl heavily depended on food imports. In this context, in the beginning of 2023, X Sugar Cane (Pvt) Ltd initiated a public-private partnership to cultivate sugar cane on 10,000 acres of land in Pakkaraipattu in the eastern region of the country. According to the partnership agreement 51% of the ownership of the company was vested in the State, while 49 % was owned by X Sugar Cane (Pvt) Ltd. From the middle of 2023, X Sugar Cane (Pvt) Ltd produced bottled sugar cane drinks for export purposes. In order to do so the company obtained a licence to withdraw water from the local water resources.

Last month the local residents of Pakkaraipattu began several protests complaining that their wells were running dry and they had no water for household or agricultural purposes. They also complained that the river running between their village and the sugar cane plantation had become polluted and fish were dying. Human rights activists produced medical and scientific

evidence to support these claims. Local farmers were pushed to look for other employment through internal and external migration. Several farmers had debts with banks and many had pawned their jewellery to cover the costs of cultivation. Over the last four months, seven farmers committed suicide.

Assume that the legal system of Pearl is the same as Sri Lanka and answer the following questions. You must cite case law from Sri Lanka and other jurisdictions in support of your answer.

- (a) A local non-governmental organization wishes to institute litigation on the grounds that the State is violating principles of environmental law in continuing with the sugar cane plantation. Identify the relevant principles and discuss how it could formulate this argument.

(10 Marks)

- (b) A local school teacher wishes to file a case on behalf of her daughter who is 7 years old on the grounds that her daughter's right to health and to a healthy environment. Discuss whether she could formulate a valid argument

(10 Marks)

You must support all your answers with relevant statutes and case law from both Sri Lanka and other jurisdictions.

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