

ශ්‍රී ලංකා විවෘත විශ්වවිද්‍යාලය  
 මානව ශාස්ත්‍ර හා සමාජ විද්‍යා පීඨය  
 නීති අධ්‍යයන දෙපාර්තමේන්තුව  
 නීතිවේදී උපාධි පාඨමාලාව - 5 වන මට්ටම  
 අඛණ්ඩ ඇගයීම් පරීක්ෂණය II - 2017/2018  
 පරිසර නීතිය - LLU5811/LWU3314  
 කාලය පැය (1) යි



දිනය - 2019 අගෝස්තු 13

වේලාව - පෙ.ව. 11.00 - මධ්‍යහන 12.00

මුළු ප්‍රශ්න සංඛ්‍යාව - 01

අපැහැදිලි අත්අකුරු සඳහා ලකුණු අඩු කරනු ලැබේ.

1. ශ්‍රේෂ්ඨාධිකරණය විසින් ලබාදුන් රචිත ගුණවර්ධන කාර්යවසම් එරෙහිව මධ්‍යම පරිසර අධිකාරිය (SC FR Application No. 141/2015) නඩු නීත්ද්‍රව ආශ්‍රයෙන් පහත කරුණු සාකච්ඡා කරන්න.

අ) පෙත්සම්කරුගේ පරිසරය සඳහා වූ අයිතිය ආරක්ෂා කිරීම උදෙසා පරිසර නීතියේ මූලධර්ම හා සංකල්ප සහ 1978 ශ්‍රී ලංකා ආණ්ඩු ක්‍රම ව්‍යවස්ථාවේ ප්‍රතිපාදන කවර ප්‍රමාණයකින් අදාල කරගෙන තිබේද? පරිසරය සඳහා වූ අයිතිය, වර්ධනය කිරීම උදෙසා ආණ්ඩු ක්‍රම ව්‍යවස්ථාවේ පවතින ප්‍රතිපාදන අධිකරණය විසින් යොදාගෙන තිබෙන ආකාරය කෙරෙහි අවධානය යොමු කරන්න.

(ලකුණු 10)

ආ) නඩු නීත්ද්‍රවේ දැක්වෙන පරිසර දූෂණය පාලනය කිරීම සඳහා වූ නීතිවල සඵලතාවය (effectiveness) විවේචනාත්මකව අගයන්න. මධ්‍යම පරිසර අධිකාරිය සිය අරමුණු සාක්ෂාත් කරගෙන තිබේ යැයි ඔබ සිතන්නේද? මෙම නීති වඩාත් ඵලදායී කිරීම සඳහා ඔබ නිර්දේශ කරන යෝජනා මොනවාද?

(ලකුණු 10)

- හිමිකම් ඇවිරිණි -

**THE OPEN UNIVERSITY OF SRI LANKA  
FACULTY OF HUMANITIES AND SOCIAL SCIENCES  
DEPARTMENT OF LEGAL STUDIES  
LL.B DEGREE PROGRAMME- LEVEL V  
SECOND CONTINUOUS ASSESSMENT TEST- 2017/2018  
ENVIRONMENTAL LAW – LLU5811/LWU3314  
DURATION- (01) ONE HOUR**



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Date: 13<sup>th</sup> August 2019

Time: 11.00 a.m- 12.00 noon

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Total number of questions 01

Students will be penalised for illegible hand writing

1. In the light of the Supreme Court decision in *Ravindra Gunawardena Kariyawasam Vs. Central Environment Authority, SC FR Application No.141/2015*, discuss the following:

(a) To what extent have the principles and concepts of Environmental law and the provisions of the Constitution of Sri Lanka of 1978 been applied to protect the right to environment of petitioner? Highlight how the existing provisions of the Constitution have been used by the court to develop a right to environment.

(10 Marks)

(b) Critically evaluate the effectiveness of the environmental pollution control laws mentioned in this case. Do you think the Central Environmental Authority has achieved its objectives? What recommendations you would suggest to make these laws more effective?

(10 Marks)

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இலங்கை திறந்த பல்கலைக்கழகம்  
 மானுவியல் மற்றும் சமூக விஞ்ஞானங்கள் பீடம்  
 சட்டக்கற்கைகள் திணைக்களம்  
 சட்டமாணி பட்டப்படிப்பு நிகழ்ச்சித் திட்டம் - மட்டம் 4  
 தொடர் மதிப்பீட்டுப் பரீட்சை II - 2017/18  
 LWU3314/LLU5811 - சுற்றாடல் சட்டம்  
 காலம் : ஒரு (01) மணித்தியாலம்



திகதி : 13.08.2019

நேரம் : மு.ப 11.00- நண்பகல் 12.00

மொத்த வினாக்களின் எண்ணிக்கை - 01  
 தெளிவற்ற கையெழுத்திற்கு புள்ளிகள் குறைக்கப்படும்.

1. *Ravindra Gunawardena Kariyawasam Vs. Central Environmental Authority, SC FR Application No.141/2015* எனும் உயர் நீதிமன்றத்தின் தீர்ப்பின் மீது பின்வருவனவற்றை ஆராய்க:

(அ) 1978 ஆம் ஆண்டின் இலங்கையின் அரசியலமைப்பின் உறுப்புரைகளும் சுற்றாடற் சட்டத்தின் கொள்கைகளும் கருத்தேற்புகளும் எந்தளவு தூரம் வழக்காளியின் சுற்றாடலுக்கான உரிமையை பாதுகாக்கும் பொருட்டு பிரயோகிக்கப்பட்டுள்ளன? சுற்றாடலுக்கான உரிமையை விருத்தி செய்வதற்கு அரசியலமைப்பில் உள்ள உறுப்புரைகள் எவ்வாறு நீதிமன்றத்தால் பயன்படுத்தப்பட்டுள்ளது என்பதனை எடுத்துக் காட்டுக.

(10 புள்ளிகள்)

(ஆ) இவ்வழக்கில் குறிப்பிடப்படும் சுற்றாடல் மாசடைதல் தடுப்புச் சட்டங்களது வினைதிறனான தன்மையினை நுணுக்கமாக ஆராய்க. மத்திய சுற்றாடல் அதிகார சபை அதன் இலக்குகளை அடைந்துள்ளதாக நீர் கருதுகிறீரா? இச்சட்டங்களை மேலும் வினைதிறன் மிக்கனவாக்க நீர் எடுத்துரைக்கும் பரிந்துரைகள் எவை?

(10 புள்ளிகள்)

- பதிப்புரிமை பெற்றது -

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(10 Marks)

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