

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.B DEGREE PROGRAMME – LEVEL 5
CONTINUOUS ASSESSMENT TEST II– 2014/2015
LWU3314 – ENVIRONMENTAL LAW
DURATION: 01 HOUR.



DATE: 16th November 2015

TIME: 09.30 a.m. – 10.30 a.m.

Answer the following question.

Candidates will be penalized for illegible handwriting.

- (01) The concept of “environmental justice” is one that is being increasingly defined, developed and applied in the environmental and human rights context. This concept has been interpreted in many different ways depending on the interests involved and the particular problems which are being addressed.

Prepare your answer in the light of the following guidelines:

1. What do you understand by the term “Environmental Justice”?
2. How do you relate environmental justice to human rights, particularly rights relating to environment and development?
3. Discuss recent events/problems in Sri Lanka where you think issues of environmental justice have arisen. Do you think these problems have been resolved so that the people/communities concerned have fulfilled their rights to environmental justice?

(20 Marks)

The RDA has decided to construct the north-south highway. It called for tenders and signed a contract with ABC Construction Company based in Restoria. After six months from the date of commencement of work the RDA terminated the contract with the ABC Company and signed a new contract with a foreign company in which the Minister of Highways of Restoria is a major shareholder.

A public protest was organized against the north-south high way construction by an organization called *Save the State*. The protest was based on the following grounds:

- (a) Assigning the construction to a foreign company denies the rights of local employees.
- (b) The highway construction cost has not been reviewed by the authorities.
- (c) The design was not approved by the relevant authorities and an environment impact assessment was not carried out.
- (d) Conflict of interest.

(20 marks)

02. "Principles of procedural due process are not restricted to purely procedural steps which are preliminary to decisions but extend to control the material upon which the decision itself can properly be based".

Minster of Immigration and Ethnic Affairs v. Poch(1980) 31 A.L.R. 666(F.C.Aust.),p, 687-688.

Critically discuss the above statement in the light of the natural justice principles.

(20 marks)

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