

JUDICIARY REVIEW ON ENVIRONMENTAL IMPACT ASSESSMENT IN SRI LANKA

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Failure to comply with Environmental Impact Assessment (EIA) laws has been a common feature of the highest Court of Sri Lanka's fundamental rights and writ cases on environmental issues. The Environmental Impact Assessment procedure has been established under Sri Lanka's legal system as a mandatory requirement for prescribed projects. However, this legal requirement has been given less attention by the decision-making process by the state agencies, those who are ultimately exercise the sovereignty of the people. The objective of this research is to analyse the applicability of laws in relation to the environmental impact assessment in Sri Lanka in controversial environmental cases. The methodology of this research is doctrine and based on the analysis of the Supreme Court and Court of Appeal decision on environmental issues and other relevant case law, related statutes such as National Environmental Act No. 47 of 1980 with amendments and relevant regulations and the principles and concepts of international environmental law. Public authorities have made arbitrary decisions by ignoring the legal provisions of the Environmental Impact Assessment, which have deprived public participation in the process, leading to an environmental crisis that has eventually led to a public protest and a violation of fundamental rights and directive principles of state policies. Judiciary decisions have been made that the actions or omissions of the public authorities have contributed to the failure of the doctrine of public trust, the concepts of sustainable development, accountability, transparency, good governance and, ultimately, the sovereignty of the people of Sri Lanka.

Keywords: *Environmental Impact Assessment, Judiciary in Sri Lanka, Fundamental Rights, Doctrine of Public Trust, Concept of Sustainable Development*