Challenges of Implementing the Environmental Protection Law in Sri Lanka

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Rationale
There is an environmental police unit in Sri Lanka, but it has been difficult to maintain the environmental friendly behaviour due to legal, social, economic, political and environmental factors.
• It is the general belief that the environmental police unit will work for the protection of environment.
• The primary task of the police is to enforce the law and order in keeping with the legal framework.
• To carry out their duties towards a better environment legislators must provide laws pertaining to environmental matters.
• The laws governing environmental issues and the punishments must be sensible to make them practical to implement by the police.
• Specially the environmental laws prevailing in Sri Lanka are outdated and belong to the colonial era.
• Therefore these colonial laws must come under reformation.
Ancient Sri Lanka

Rules and regulations for better environment was not new to Sri Lanka.
Former penalties were adequate to keep the cities and towns to be equally cleaned.
The law enforcement body of a peaceful society is the police.

The police is provided to interfere in to the breach of environmental matters ONLY under the Criminal law to protect the peaceful nature of the society.

Therefore it was clearly evident to the researchers the prevailing law in the country does not provide new environmental protection laws to be put in to enforce.
• It is expected ordinary decent people will follow the environmental laws of the country in order to protect the natural environment.
• At a time of environmental crisis the police is always helpless as their scope of implementing the law is limited.
• But there is an environmental authority and environmental protection laws and regulations.
• So it is clear that there is a wide gap to be bridged by the legislators who are responsible of framing laws.
• Therefore in this study researches see the problem is not due to the fact that lack of public awareness and peoples consciousness of protection of the environment.
Objective of the Study

To analyze the challenges of Implementing the environmental protection laws in contemporary Sri Lanka.
Literature Review

• According to Anthony Giddens (2009), “the environment is assumed to mean all of those non-human, natural surroundings within which human being exists - sometimes called the ‘natural environment’- and in it’s widest sense this is simply planet Earth as a whole” (Giddens 2009: 158).
As of M. Prasad (2006) states, “environmental measures to regulate emissions of air and water are important because of the limitations of market induced correctives” (Prasad 2006: 1).
J. S. Poesche (1996) mentions that “from a practical standpoint, flexible punishment rules and laws are needed in the field of environmental protection because of its dynamic nature and the diversity in the recipient’s characteristics, but care has to be taken to avoid a perception of partiality, favouritism and inequality” (Poesche 1996: 1080).
M. A. Rabie (1972) states “serious attempts to control legally certain forms of pollution have been made as long as the thirteenth century.

For example, the first smoke abatement law was passed in 1273 in England; enforcement by way of execution of offenders was not unknown” (Rabie 1972: 247).
With regard to China, as Carlos Wing Hung Lo and Sai Wing Leung (2000) mention, “despite the fact that environmental agencies are weak institutions within the bureaucratic setting in China, the Guangzhou experience has shown that they can create a more favourable context by obtaining greater extra-bureaucratic support for environmental protection” (Lo and Leung 2000: 703).
Methodology

Sources

Primary Sources
- Community
- Police officers

Secondary sources
- Acts/academic articles/
  police records
Study Area

Police Division Colombo 1

Police Division Colombo 2

Police Division Colombo 3
Data Collection Methods

- Pilot Survey
  - Interview Method
  - Questionnaire
  - Observation
Data Analysis - SPSS package
Ethnicity Distribution

- Sinhala: 68.1%
- Muslim: 17.4%
- Tamil: 14.0%
- Burger: 0.5%
Distribution of various Religions

<table>
<thead>
<tr>
<th>Religion</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buddhist</td>
<td>52.7</td>
</tr>
<tr>
<td>Christian</td>
<td>18.4</td>
</tr>
<tr>
<td>Islam</td>
<td>17.9</td>
</tr>
<tr>
<td>Hindu</td>
<td>9.7</td>
</tr>
<tr>
<td>Other</td>
<td>1.4</td>
</tr>
</tbody>
</table>
Marital Status of the Sample

- Married: 84%
- Single: 16%
Distribution of Age

BELOW 15 15-19 20-29 30-39 40-49 50 & abv

.5 3.9 17.9 28.0 23.7 26.1

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Level of Education

- Degree: 1.4
- Passed A/L: 8.2
- Up to A/L: 4.5
- Passed O/L: 24.1
- Up to O/L: 37.7
- Passed Grade 10: 0.9
- Up to grade 10: 1.4
- Passed Grade 9: 1.8
- Up to grade 9: 0.5
- Passed grade 8: 0.9
- Up to grade 8: 0.9
- Passed grade 6: 0.9
- Up to grade 6: 0.9
- Student: 0.9
- No Education: 15.0

ANUSHA EDIRISINGHE/ WRF 2015 - DAVOS
Respondents from Police Stations of Colombo

- Grandpass: 39.1
- Peliyagoda: 21.3
- Modara: 14.2
- Dimsata: 11.7
- Maligaw: 5.1
- Borella: 3.0
- Orugoda: 2.5
- Wellampi: 2.5
- Bluemen: 0.5
Environmental Issues

- Garbage: 38.9
- Drainage: 25.1
- Mosquito problem: 18.2
- Drinking water: 5.3
- Dengue hazard: 4.6
- Spilling toilet gully: 4.0
- Air Pollution: 2.0
- Rat problems: 1.0
- No Problem: 1.0

ANUSHA EDIRISINGHE/ WRF 2015 - DAVOS
Respondent awareness on Environmental Police

60.2% YES
39.8% NO
Contribution of Environment Police

- Very Good: 6.3
- Good: 0.5
- General: 48.7
- Weak: 19.6
- Very Weak: 9.0
- Don't Know: 15.9
Assistant of Environment Police at Environmental Issues

- Least Attention: 53.0
- No problem: 18.2
- The visiting happen only: 10.6
- No Idea: 9.1
- No Act: 4.5
- Really Search: 3.0
- Only Dengue case observed: 1.5

ANUSHA EDIRISINGHE/ WRF 2019 - DAVOS
Community perspective of changing the way of Environmental Oriented Law
Feedback of People on the Police of Environmental Issues

- Weak: 51.5%
- Very Satisfied: 25.8%
- Satisfied: 13.6%
- Unsatisfied: 4.5%
- No idea: 3.0%
- Moderate: 1.5%
Satisfaction of Preventive Measures

80.1

19.9

No

Yes
Distribution of Respondents (Police Officers)

- Inspector of Police (IP): 5.4%
- Sub Inspector (SI): 27.0%
- Sergeant (Sgt): 10.8%
- Police Constable (PC): 56.8%
Experience on Environmental Police

- Below 12 Months: 17.9%
- 1 Year - 3 Years: 60.7%
- 4 Years - 6 Years: 21.4%
The Environmental Police With Special Training

- Yes: 43.2%
- No: 56.8%
Duty on Urban Areas

- Yes: 83.8%
- No: 16.2%
Satisfaction with the Legal Provisions

- Very satisfied: 19.0%
- Satisfied: 21.6%
- Generally satisfied: 56.7%
- Not satisfied: 2.7%
Requirement of Imposing New Laws

53.3% Yes
46.7% No
Proposal for Resolving Environmental Issues

The involve of URBAN COUNCIL or MUNICIPAL COUNCIL to cleaning on time
Amending the Police Ordinance
Changing attitudes of Government officers to take immediate action against environment pollution
Maintain all waste-pipe, channel and other public areas by systematic period
Conducting awareness programms to staff of provincial council to take immediate action according to environmental pollution
Conducting awareness programms to general public about the environmental pollution aware about the law against environmental pollution
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Using of Enactment for Environmental Related Matters
Penal Code,
National Road Ordinance,
Criminal Procedural Code
Mine & Mineral Ordinance,
Wildlife Act,
National Environmental Act,
Agrarian Development Act,
Archeology Act,
Land Reclamations Act and
Police Ordinance
The Newly Stipulated Agencies related to environmental Issues

Central Environmental Authority
Dept. of Coastal Conservation
Dengue prevention Authority vested around Public Health Office
Urban Council/Provincial Council
Agrarian Department
Low Land Development Authority
The Environmental Police Dependence on Implementation of Environmental Laws under,

• Police Ordinance - Article 63
• Criminal Procedure - Article 98 & 262
The acts passed by the legislators to safeguard the environment are very attractive, and the agencies created by the acts are vested with powers to protect the environment.

BUT to enforce the legal authority of the said stipulated agencies must have the support of the police.
Suggestions ......
Modifying the penalty of breach of environmental protection laws, to give the full weight of the law to the offenders.
Empowering the Sri Lankan Police to implement the environmental protection laws by giving the necessary authority with the new set of legal enactments.
Opinion of the researchers is that presently they do not suggest with new areas of environmental laws.
Sri Lanka Today

New socio-environmental demands.

Call for a new legal framework to be drafted and ratified.
THANKS

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