

## ABSTRACT

Law is a creation of men, which is expected to protect their conduct by themselves. Environment has their own natural laws and people use of environment as their sole owners and benefitted from it without any gratefulness towards the environment while forgetting that a man too is a limb of the environment. Gem mining also is man-made activity, which creates environmental damage and hazards. The man-made disasters always should be minimized by respective laws imposed by the government.

In spite of the very long history of gem mining in Sri Lanka, there had been no any major studies to examine environmental hazards arising from gem mining in relating to legal context. Previous studies on environmental hazards arising from gem mining do not relate legal provisions and those studies are not based on theoretical aspects.

Research Problem for the present study is **“Why gem mining creates environmental hazards, despite laws are in force regulating gem mining”** Therefore data collected from laws and existing literature is adopted with relevant theoretical aspects to analyze the environmental hazards arising from gem mining in the context of laws regulating Gem mining. It is further expected to analyze whether there are any gaps in the Sri Lankan laws in theoretical perspectives in light with South African gem mining laws.

Most of the developed countries have their own structured processes of law regulating gem mining and controlling environmental hazards. However previous researches carried out under the geological aspects have been matriculated to discover gem deposits of Sri Lanka in the contexts of economical desires. Most of these studies have been concerned income generation without attentive on environmental hazards.

In this study, the reason for choosing South Africa is that South Africa is a country with a hybrid legal system, which is a mixture of both the English common law and the Roman - Dutch legal principles. Qualitative data analyzed with the present legal context of Sri Lankan law relates to South African legal context of gem mining.

Through this study author has attempted to introduce a list of recommendations and suggestions to guide the legal arena preventing of environmental hazards arising from gem mining in comparison with the experiences in Sri Lanka with these of the South African experiences.