

**POWER DELEGATION VERSUS POWER DEVOLUTION: A STUDY BASED ON THE 13TH AMENDMENT AND ITS EFFECTS ON ENVIRONMENTAL RELATED ISSUES IN NORTH WESTERN PROVINCE, SRI LANKA**

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**Abstract**

The environment is a trans-boundary subject. Hence, natural resources like inter-provincial rivers, inter-provincial forests, lagoons, quality of the air fall under the central government dominance. Article 27(14) to the Constitution states that 'The State shall protect, preserve and improve the environment for the benefit of the community' Hence, each person in Sri Lanka has a fundamental duty towards the protection of the environment and further to maintain the assets with respect to the protection of the environment (Article 28(f) to the Constitution). Even though it is nicely described in the Constitution of Sri Lanka, 1978, we know that there has been unmitigated environmental pollution. However, in 13th amendment, 1987, the delegation of powers was introduced to the constitution of Sri Lanka and the subject of "Environment" was outlined under the both Provincial Council List (List I) and the Concurrent List (List III). It has lead ambiguity as the protection of the environment is differently interpreted with respect to the law-making capacity based on powers vested with the Provincial Council and the Central Government. The Provincial Council of North-Western enacted the North Western Provincial Environment Statute No 12 of 1990 for the purpose of establishing the North Western Provincial Environment Authority (Provincial Environment Authority). It was the blueprint of the National Environment Act 47 of 1980. In the province of North-Western, there are numeric issues regarding pollution of the environment, and all those issues were ending with statutory conflicts or pending with endless court trials. Therefore, industries and people of North-Western province are presently encountered with improbable legitimate coverage for their environment-related issues. In this research, it is aimed to carry out a critical evaluation on the 13th amendment to the Constitution of Sri Lanka with reference to the "Environmental Law". The research will be based on facts by analyzing the statutory status in North Western province concerning the environmental related issues faced by the people, industries and law enforcement authorities.

**KEYWORDS:** 13<sup>th</sup> Amendment to the Constitution, Power delegation, devolution power, Provincial Council, North Western Province