

IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF
SRI LANKA

In the matter of an Application in
terms of Article 126 of the ~~Con~~
Constitution

A. Lalanath M. de Silva

SC. Application

18/216, M.E.D. Dabare Mawatha,

No. 569/98

Colombo 05.

Petitioner

Vs.

01. Hon. Handimithra Ekanayake,

MP.,

Minister of Forestry and

Environment

Ministry of Forestry and

Environment

Sampathpaya,

Battaramulla.

02. Hon. Attorney General

Attorney General's Department

Colombo 12.

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3. Hon. Mahinda Wijesekera, M.P.

Minister of Forestry and

Environment

Ministry of Forestry and

Environment

Sampathpaya,

Battaramulla.

Added Respondent

Before

Fernando, J.

Dheeraratne, J

Wadugodapitiya, J.

Gunasekera, J. &

Ismail, J.

Counsel

Petitioner in person

K. Sripawan DSG with Mrs. B. Tillakeratne
for the respondents

Argued &

Decided on

15.10.1999 & 02.11.1999.

Fernando, J.

Section 32 of the National Environmental Act No. 47 of 1980 (as amended by Act No. 56 of 1988) confers power on the Minister to make regulations on various matters including those specified in paragraphs (b) to (f) of Section 32(2). In the exercise of those powers, the Minister specified Ambient Air Quality Standards applicable throughout Sri Lanka, by a notification dated 5.10.1994, published in Gazette 850/4 of 20.12.1994.

The petitioner's complaint is that in fact those Ambient Air Quality Standards are not being maintained in some parts of the Colombo metropolitan area; that this is due mainly to pollution caused by motor vehicles; and that in order to maintain those standards it is essential that the Minister should, in the exercise of his power under section 32, specify other standards as well.

The relief sought by the petitioner is for a

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specifying:

- i. Mobile Air Emission Standards;
- ii. Fuel Standards;
- iii. Vehicle Specification Standards for
importation.

Mr. Sripanan conceded that upon the specification of Ambient Air Quality Standards, the Minister was obliged, in order to ensure the equal protection of the law, to specify the aforesaid standards as well, within a reasonable time.

Despite the lapse of 5 years after the specification of Ambient Air Quality Standards, those other standards have not yet been specified. Mr. Sripanan states that they are under preparation, and that the 2nd 3rd respondent, the present Minister, will make and gazette regulations specifying these three standards on or before 01.06.2000. We make order accordingly, directing the 3rd respondent to make and gazette such regulations.

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The question of the implementation of such standards, when so made and gazetted, is not a matter for decision in this case.

There will be no costs.

Judge of the Supreme Court

Dharmaratne, J.

I agree.

Judge of the Supreme Court

Nadugodapitiya, J.

I agree.

Judge of the Supreme Court

Gunasekera, J.

I agree.

Judge of the Supreme Court

Ismail, J.

I agree.

Judge of the Supreme Court