

**THE FUTURE OF SUSTAINABLE CONSTRUCTION IN
SRI LANKA: AN ASSESSMENT OF PUBLIC INTEREST
LITIGATION UNDER THE ENVIORNMENTAL LAW**

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Department of Building Economics

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DECLARATION

I declare that this is my own work, and this dissertation does not incorporate without acknowledgement any material previously submitted for a Degree or Diploma in any other University or institute of higher learning and to the best of my knowledge and belief it does not contain any material previously published or written by another person except where the acknowledgement is made in the text.

Further, I acknowledge the intellectual contribution of my research supervisor Ch.QS Mr. Vijitha Disaratna for the successful completion of this research dissertation. I affirm that I will not make any publication from this research without the name(s) of my research supervisor(s) as contributing author(s) unless otherwise I have obtained written consent from my research supervisor(s).

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ABSTRACT

The Future of Sustainable Construction in Sri Lanka: An Assessment of Public Interest Litigation under the Environmental Law

The global push for sustainable development exerts significant pressure on the construction industry to adopt sustainable practices. This necessitates a balanced approach that considers environmental stewardship, social consciousness, and economic viability when making decisions, especially in developing nations like Sri Lanka. There's a growing recognition of the need for robust legal and administrative frameworks to address formulation and enforcement challenges in developing countries. Various international agreements advocate for sustainable construction alongside existing environmental law, crucial for achieving sustainable development goals. However, numerous studies highlight deficiencies in Sri Lanka's Environmental Impact Assessment (EIA) process, including legal loopholes, implementation hurdles, community awareness gaps, technological limitations, and insufficient public engagement. Additionally, Sri Lankan courts often draw inspiration from Indian jurisprudence, particularly regarding the evolution of Public Interest Litigation (PIL). This study aims to pinpoint these challenges and explore recommended practices in PIL to enhance sustainable construction in Sri Lanka.

The research approach involved a thorough examination of literature, documentaries, case law review, and qualitative survey to achieve the research aim. To identify key shortcomings in the application of environmental law in Sri Lanka, a semi-structured survey involving expert interviews was carried out. Seven experts, selected through purposive sampling, were chosen for their expertise in sustainable construction and environmental law in Sri Lanka. The gathered information was then analysed using a manual content analysis approach. The study uncovers the absence of a reliable PIL tool in Sri Lanka thus far. It recommends industry practitioners in the construction sector to adhere to EIA process, aligning with global standards to streamline their operations while meeting cost, time, and performance objectives. These findings serve as foundational insights for academics and researchers to explore strategies for integrating PIL within the Sri Lankan context and addressing shortcomings in the application of environmental law.

Keywords: Construction, Environmental Law, Public Interest Litigation (PIL), Sri Lanka

DEDICATION

I wholeheartedly dedicate this piece of work to my beloved mom, dad, my two brothers and last but not least my ever-loving son who continually provide their moral, spiritual and emotional support and guidance....

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It is my obligation to express sincere appreciation to those who have contributed to the success of this effort. This work is not the result of individual effort, and credit is due to many.

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This dissertation is a final outcome of the collective efforts of numerous professionals in the Sri Lankan construction industry. Their insights, conclusions, and recommendations gathered during the data collection process greatly contributed to the completion of this study.

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LIST OF ABBREVIATIONS

BELA	- Bangladesh Environmental Lawyers Association
BIM	- Building Information Modelling
BREEAM	- Building Research Establishment Environmental Assessment Method
CEA	- Central Environmental Authority
CIDA	- Construction Industry Development Authority
COC	- Certification of Conformity
EIA	- Environmental Impact Assessment
EIAR	- Environment Impact Assessment Report
EPL	- Environmental Protection Licence
GDP	- Gross Domestic Product
ICJ	- International Court of Justice
IEE	- Initial Environment Examination
IEER	- Initial Environment Examination Report
IT	- Information Technology
LEED	- Leadership in Energy and Environmental Design
NEA	- National Environmental Act
NGO	- Non-Governmental Organization
OSHA	- Occupational Safety and Health Act
PAA	- Project Approving Agency
PIL	- Public Interest Litigation
R&D	- Research and Development
SCP	- Sustainable Construction Practices
SDG	- Sustainable Development Goals
SLSDA	- Sri Lanka Sustainable Development Act
TBL	- Triple Bottom Line
TEC	- Technical Evaluation Committee

UDA	- Urban Development Authority
UNCCD	- United Nations Convention to Combat Desertification
UNCED	- United Nations Conference on Environment and Development
UNFCCC	- United Nations Framework Convention on Climate Change
VOC	- Volatile Organic Compounds
WCED	- World Commission on Environment and Development
WTO	- World Trade Organization

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