

ENVIRONMENTAL LEGISLATION ENFORCEMENT CAPACITY OF GOVERNMENT THROUGH DIVISIONAL SECRETARY: SOME EMERGING ISSUES.

H.M.V. Herath

Central Environmental Authority.

The Divisional secretary (DS) is the chief administrative officer at divisional level for both the central government and the provincial councils. This paper attempts to examine the level of authority held by the DS in relation to environmental management related legislation enforcement. Data was collected through individual discussions with relevant officers of different institutes, people concerned, and through participatory observations of in Mihintale area and by participating District Environmental Law Enforcement Committee (DELEC) meetings.

According to the Environmental Act No. 58 of 1988 (Revised), DS has the authority of public lands (less than 200 hectare) and is responsible for issuing permits for any small scale industry while Pradeshiyasaba is responsible for monitoring. In addition, DS is responsible for public land resources management. Other officers such as the Rural Development Officer, the Community Development Officer, Samurdhi Managers, Samurdhi Development Officers etc., directed to DS office are responsible for duties relating to environmental protection and management. The majority of environmental complaints which are produced through Gramaniladharis to the DS are settled either through provisions in land legislation or by co-ordinating with other institutes. However these administrative officers do not have formal training on environmental management.

The paper also discusses some cases related to environmental pollution and the co-ordination of different institutions. In addition, social and political issues in environmental legislation enforcement are discussed. Attitudes and constraints of DELEC on legislation enforcement are also discussed.

Consideration of various institutes related to DS office as one unit in environmental management is very important and efficient. Though DS system is a legally and institutionally empowered and well organized institution for implementing environment legislation, it still runs in a traditional frame. Recommendations are made to improve and strengthen the environmental legislation enforcement capacity for proper management of resources.