
EXAMINING THE ROLE OF PUBLIC TRUST DOCTRINE FOR ADVANCING ENVIRONMENTAL JUSTICE IN INDIA

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ABSTRACT

The Public Trust Doctrine has gradually emerged as a cornerstone of environmental law, positioning the State as a guardian of natural resources, obligated to protect them for present and future generations. Its foundations lie in Roman law and the common law tradition, and its significance was further recognized in international instruments like the Draft International Covenant on Environment and Development (1995). In the Indian context, the doctrine draws strength from constitutional provisions most notably Article 21, which has been interpreted to encompass the right to a clean and healthy environment, and Article 48-A, which directs the State to safeguard forests and wildlife. Judicial interpretation has been pivotal in expanding this doctrine, as reflected in cases such as *M.C. Mehta v. Kamal Nath* and *M.I. Builders v. Radhey Shyam Sahu*, where the courts intervened to prevent ecologically harmful projects, thereby reinforcing environmental balance. At both national and global levels, the doctrine strikes a balance between development and sustainability, mandates affirmative state action, and empowers citizens to hold authorities accountable in matters of resource governance. Nonetheless, challenges such as inconsistent enforcement, competing public interests, and the pressures of economic growth complicate its effective application. Finally, by blending constitutional mandates with evolving international principles, the doctrine advances the cause of environmental justice, underscoring that natural resources must be preserved not merely as economic commodities but as a shared heritage of humanity.

Keywords: Public Trust Doctrine, Environmental Justice, Sustainable Development, Ecological Balance.

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I. INTRODUCTION

The era twentieth century has witnessed an alarming decline of natural resources on a massive scale owing to these issues there are multiple factors which are responsible such as escalating consumption, rapid population growth, environmental pollution, poverty, and armed conflicts have collectively intensified the strain on ecological systems. Emerging from this looming environmental crisis is the recognition that states bear an absolute responsibility to safeguard and conserve the environment, in alignment with the principles of sustainable development. Alongside the duty, individuals also possess fundamental rights to access and share information regarding activities that may harm the environment, as well as to participate meaningfully in decisions impacting natural resources. Despite international acknowledgment of these principles as essential for effective governance, their translation into concrete action at national and local levels often remains inconsistent. In this scenario, the doctrine of public trust emerges as a powerful mechanism to deal with these problems associated with environment and at the most protection of natural resources.

According to Redgwell, doctrine "combines a requirement of public accountability in respect of decision-making regarding public trust resources with a guarantee of public access to those resources." Moreover, the doctrine is not confined merely to shielding the public from inadequate implementation of planning regulations or environmental assessments; the doctrine also reflects a duty towards future generations, guaranteeing that their entitlement to access and benefit from natural resources is protected on par with the present generation.² At its foundation, the Doctrine affirms that essential natural resources are vested in the public, with the State assuming the role of trustee obligated to safeguard them, while the judiciary oversees compliance with this duty. Functioning as both a directive and a protective shield, the doctrine enables citizens to contest governmental inaction or misuse, thereby reinforcing accountability in the sustainable governance and conservation of shared resources³.

The Indian Constitution establishes a strong foundation to uphold these environmental and governance responsibilities. As a Principal charter of trust, it casts Rights in Part III as the entitlements of the people, while the Directive Principles in Part IV define the obligations of the state as a trustee. Every exercise of governmental power is guided by this fiduciary

² Jona Razzaque, "Application of Public Trust Doctrine in Indian Environmental Cases," 13 *Journal of Environmental Law* 221 (2001) available at: <http://www.jstor.org/stable/44248318> (last visited on Sept. 27, 2025)

³ Carol M. Rose, "Joseph Sax and the Idea of the Public Trust," 25 *Ecology Law Quarterly* 351 (1998).

framework, ensuring that constitutional duties are interpreted in a manner that promotes accountability across all spheres of governance. The state's trustee obligations are enforceable to the extent that the Directive Principles are deemed fundamental to national administration, compelling the government to integrate these principles when framing and executing laws⁴.

There is a noticeable and increasing focus in Indian jurisprudence on holding the state responsible as a trustee by extending the constitutional protections of Part III, which gives the state the authority to take proactive and constructive measures for the efficient enforcement of people's rights in order to provide environmental justice. Environmental protection serves as a prime example of this trend, where the mandate in Article 48A⁵ has been integrated into Article 21⁶. According to Article 32, this comprehension enables citizens to petition the Supreme Court directly for environmental remedies. Despite not being specifically mentioned, the public trust doctrine, which is at the heart of this judicial approach, holds that citizens, as beneficiaries, have the right to hold the state accountable through judicial intervention, thereby promoting environmental justice, while the state, acting as a trustee, has enforceable responsibilities to protect natural resources.

Finally, the purpose is to examine the many aspects of Doctrine and how it might expand the Indian legal definition of the 'right to a healthy and clean environment'. To guarantee that Article 21 is examined for reasonableness in view of duties placed on the state as trustee, the principle will be included into environmental governance. To put it simply, the doctrine views the state as the custodian of natural resources, answerable to the people as their beneficiaries. This gives the judiciary a framework to assess whether government actions or inactions concerning environmental management are in line with both constitutional mandates and the general welfare of the people. This approach reinforces the growing judicial trend of interpreting Article 21 expansively, incorporating environmental protection and democratic accountability, while operationalizing the state's obligations under Part IV Directive Principles and the broader constitutional trust.

II. NATURE AND ORIGIN OF THIS DOCTRINE

A. HISTORICAL BACKGROUND

⁴ The Constitution of India, art. 37

⁵ The Constitution of India, art. 48A

⁶ The Constitution of India, art. 21

The Public Trust Doctrine has its genesis in Roman law, which declared that some resources, including the air, flowing streams, the sea and its fisheries, belonged to everyone collectively (*res communes omnium*)⁷. These resources were deemed inherently public, and all individuals held the right to use them. However, with the fall of the Roman Empire, effective public administration weakened, and the concept of communal ownership eroded. Across Europe, control of these resources shifted to local authorities and feudal lords. Monarchs often asserted private claims over the seas and navigation rights, while lords acquired public lands either through royal grants or long-standing customary claims, marking a departure from the original ideal of universally accessible natural resources. This situation caused significant public inconvenience, yet it was not until the enactment of the Magna Carta that legal thought began to realign towards safeguarding the public interest. The Magna Carta acknowledged limited public rights, particularly in navigation and fisheries⁸. Through the works of Bracton, English law further developed the doctrine into two core concepts: *just privatum*, denoting the right to private ownership, and *just publicum*, referring to the king's duty to hold certain resources such as seas, rivers, and lands below the high-water mark in trust for the benefit of the public⁹.

In the United States, the public trust doctrine saw a modern renaissance as nineteenth-century courts progressively incorporated it into American common law. **The 'Illinois Central Railroad v. Illinois'** case serves as a seminal example of this¹⁰, in which the court asserted that the state cannot relinquish its trust over resources in which the public holds a beneficial interest, just as it cannot abdicate its police powers¹¹. The key principle established by this ruling is that judicial scrutiny must be applied to any governmental action that seeks to transfer or restrict a resource held in public trust for private advantage, thereby subordinating public interest to private gain. This foundational idea continues to gain recognition and influence in contemporary legal discourse.

B. NATURE AND BROAD PRINCIPLES OF PUBLIC TRUST DOCTRINE

Originally, the doctrine applied primarily to water bodies and submerged lands, protecting

⁷ Coquillette, "Mosses from an Old Manse: Another Look at Some Historic Property Cases about the Environment," 64 *Cornell Law Review* 761, 801 (1979).

⁸ Note, "The Public Trust in Tidal Areas: A Sometimes Submerged Traditional Doctrine," 79 *Yale Law Journal* 762 (1970).

⁹ Susan D. Baer, "The Public Trust Doctrine – A Tool to Make Federal Administrative Agencies Increase Protection of Public Land and its Resources," 15 *Environmental Affairs Law Review* 385 (1988).

¹⁰ *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892).

¹¹ *Ibid.*

public activities like fishing, boating, and swimming. Over time, its reach has significantly broadened. In the landmark ‘*Illinois Central case*’, Court referred to it as a “trust connected with public property and property of a special character,”¹² indicating the doctrine is not rigidly confined. That scope has grown and is now flexible enough to include any natural resource or public asset of major public interest. In a similar vein, over time, the goals for which the public trust is used have changed to meet the people's changing needs and interests. According to the doctrine in modern times, natural resources of a public nature are entrusted to a public trust, which requires the state to manage and utilize them in line with the trust's tenets. The state's authority over public trust resources is distinctly defined. These resources must be managed, developed, and preserved strictly for public purposes. Challenges emerge when determining the exact scope of what constitutes a “public purpose.”¹³ The issue is relatively straightforward when a private interest is advanced at the expense of the public. However, complexity arises when a project demonstrates a clear public justification or involves balancing competing public interests.

The state's main responsibility as a trustee of public resources is to protect and manage the trust corpus for the public's benefit. This responsibility emphasizes the trustee's need to protect the trust assets, which are public lands. Environmental remedies have historically focused on assessing a resource's usefulness or advantages to people. This idea is conceptually represented in ‘Article 2 of the Draft International Covenant on Environment and Development (March 1995)’, which states that all life is valuable and should be protected, regardless of how useful it is to humans, and that nature in its entirety deserves respect.

III. GROWTH OF THE DOCTRINE IN INDIA

According to Article 21 of the Indian Constitution, the judicially expanded definition of the right to life now includes the ‘right to a clean and healthy environment as well as the right to livelihood’. Another facet of this privilege is reflected in the application of the public trust doctrine, which safeguards and conserves public lands and natural resources for the good of society at large. Both fundamental rights and directive principles are acknowledged by the Indian Constitution as governing principles. The right to life is guaranteed by Article 21¹⁴,

¹² *Supra* note 11

¹³ Jane F. Carlson, “The Public Trust and Urban Waterfront Development in Massachusetts: What is a Public Purpose,” 7 *Harvard Environmental Law Review* 71 (1983).

¹⁴ Constitution of India, art.21.

which has been judicially interpreted to include the ‘right to a healthy environment and livelihood’. In addition, Article 48-A, created by the 42nd Constitutional Amendment, mandates that the State protect and improve the environment, especially forests and wildlife. These clauses collectively provide the constitutional framework upon which India's public trust doctrine is based. By rendering numerous important rulings, courts have broadened the definition of these rights.

There is series of development of this doctrine profoundly can be seen by active and positivist role by judiciary. In ‘*R.L. Kendra v. State of Uttar Pradesh*’¹⁵, Court highlighted the responsibility of State to safeguard ecological balance while considering developmental activities. The Court stressed that development projects must not come at the cost of environmental degradation, thus laying early ground for environmental protection under Article 21. Further, ‘*T. Damodar Rao v. Municipal Corporation of Hyderabad*’¹⁶, Court held that the right to life under ‘Article 21 includes the right to live in a pollution-free environment’. It observed that uncontrolled urbanization and construction cannot compromise citizens’ quality of life, reinforcing environmental protection as an extension of fundamental rights. In series, ‘*Koolwal v. State of Rajasthan*’¹⁷, Court went further by holding that Article 21 not only provides the ‘right to live in a healthy environment’ but also imposes ‘a duty on citizens to protect and preserve it’. This case thus emphasized environmental protection as both a right and a responsibility, deepening the scope of sustainable development in constitutional law. Development has not ended yet there is greater emphasis and crisis can be seen environmental protection through the lens of ‘Right to clean and healthy environment’.

The case of ‘*Charan Lal Sahu v. Union of India*’¹⁸, arising in context of Bhopal Gas Tragedy, Court recognized that ‘right to life encompasses environmental safety and protection from industrial hazards. The Court held that the State, as trustee, has a duty to ensure that citizens are not exposed to toxic and unsafe conditions. In ‘*Subhash Kumar v. State of Bihar*’¹⁹, the Court categorically held that the ‘right to life includes the right to enjoy pollution-free water and air’. The case arose from industrial pollution caused by coal washeries, where the Court

¹⁵ AIR 1985 SC 652

¹⁶ AIR 1987 AP 171

¹⁷ AIR 1988 Raj

¹⁸ AIR 1990 SC

¹⁹ AIR 1991 SC

recognized that environmental degradation directly infringes upon citizens' fundamental rights.

Additionally, the judiciary has extended the right to life to include livelihood. In what is sometimes referred to as the "pavement dwellers case," '*Olga Tellis v. Bombay Municipal Corporation*'²⁰, Court ruled that 'right to livelihood is a part of the right to life under Article 21'. It noted that evicting slum dwellers without providing them with rehabilitation was a violation of their constitutional rights because no one can survive without the means to support themselves.

Further, in '*Delhi Development Horticulture Employees' Union v. Delhi Administration*'²¹, the Supreme Court reiterated that the right to life encompasses not only the right to livelihood but also the right to live with human dignity. The Court emphasized that employment and environmental well-being are interconnected, as healthy surroundings are essential for dignified living.

Another landmark case that underscores the State's fiduciary responsibility over natural resources is '*M.C. Mehta v. Kamal Nath*'²². In this case, Court dealt with the illegal transfer of forest land to a private company for commercial purposes, which violated environmental regulations. The Court underlined that natural resources are held in trust for the public's benefit and that the State cannot renounce its responsibility as trustee. This case is especially important because it demonstrates how India's public trust theory is applied, which states that the government must guarantee the sustainable use of public resources and forbid their exploitation for private benefit. The ruling reaffirmed that the State's duties under Articles 21 and 48-A include safeguarding ecological balance and prohibiting economic encroachment on forests.

In '*M.I. Builders v. Radhey Shyam Sahu*'²³, the Supreme Court struck down the construction of an underground shopping complex in a public park at Lucknow, holding that the State acts as a trustee of community resources. The Court ruled that once land is dedicated for public use, it cannot be diverted for private or commercial gain, as this would violate the Public Trust Doctrine. Importantly, the decision extended doctrine beyond rivers and forests to urban green

²⁰ AIR 1986 SC 180

²¹ (1993) 4 SCC 99

²² (1997) 1 SCC 388.

²³ (1999) 6 SCC 464

spaces, underscoring that environmental justice also requires the protection of recreational areas in cities.

Through these decisions, the Indian judiciary has interpreted Articles 21 and 48-A harmoniously. The State, as a trustee, is constitutionally obligated to balance developmental needs with ecological preservation, while citizens enjoy the ‘right to a clean environment and livelihood as part of their fundamental right to life’. Collectively, these cases strengthen doctrine, ensuring that natural resources are preserved for both present and future generations.

IV. CONSTITUTIONAL AND LEGAL BASIS OF THE DOCTRINE

Owing to its constitutional genesis which lies with Article 21 of the Indian Constitution guarantees that “No person shall be deprived of his life or personal liberty except according to procedure established by law.”²⁴ Over the years, the Supreme Court has interpreted the “right to life” expansively to include the ‘right to a healthy environment’²⁵. This interpretation aligns closely with the Doctrine, as natural resources such as air, water, and forests are essential for sustaining life. Pollution, deforestation, and industrial encroachments compromise these resources, thereby infringing on citizens’ fundamental rights. Judicial pronouncements, have consistently used Article 21 to direct the protection of public natural resources, effectively recognizing the State’s obligation to act as a trustee of these resources for the benefit of the public.

A. LEGAL PROVISIONS AMONG VARIOUS LEGISLATIONS

1. Environment Protection Act, 1986

The Environment Protection Act, 1986 (an umbrella legislation) was enacted to provide a comprehensive framework for environmental governance in India. The Act gives the Central Government the authority to set criteria for pollutant emissions, control or outright forbid industrial operations that degrade the environment, and take other actions required to safeguard and enhance the environment under Sections 3, 6, and 7. This Act operationalizes the State's responsibility as a trustee of natural resources within the framework of the Public Trust Doctrine. It makes it possible for court orders to be carried out, guaranteeing that environmental

²⁴ Constitution of India, art.21

²⁵ *Subhash Kumar v. State of Bihar* (1991) 1 SCC 598

preservation is not just a goal but also legally binding, protecting resources for current and future generations.

2. Water (Prevention and Control of Pollution) Act, 1974

The Water (Prevention and Control of Pollution) Act, 1974, complements this framework by specifically addressing water resources, which are quintessential public trust assets. Through Sections 3, 24, 25, and 26, The Act forbids the release of pollutants into water bodies in excess of allowable limits, creates Central and State Pollution Control Boards, and gives authorities the authority to enforce corrective measures and punish infractions²⁶. By providing practical enforcement mechanisms, the Act translates the abstract principles of doctrine into tangible governance tools, protecting citizens' right to clean and safe water a vital component of environmental justice under Article 21.

3. Forest Conservation Act, 1980

Likewise, the Forest Conservation Act of 1980 strengthens the state's responsibility as a trustee for forest resources. The Act's Sections 2, 3, and 5 forbid using forest land for purposes other than forests without first obtaining permission from the Central Government and give authorities the authority to punish infractions. Forests, as public trust assets, must be conserved to maintain ecological balance and serve the public interest²⁷.

4. Wildlife Protection Act, 1972

The Wildlife Protection Act, 1972, further extends the PTD framework to the conservation of fauna and habitats. Through Sections 2, 9, 11, and 38, the Act defines protected species and their habitats, prohibits hunting, regulates trade in wildlife, and empowers authorities to manage sanctuaries and enforce penalties for violations.²⁸ By treating wildlife and ecological habitats as public trust resources, the Act obligates the State to manage and protect them for the collective benefit of society.

These laws operationalize the idea that the State holds natural resources in trust for the benefit of the public, as stated in the Public Trust Doctrine. The laws guarantee the preservation of

²⁶ Water (Prevention and Control of Pollution) Act, 1974, §§ 3, 24–26.

²⁷ Forest Conservation Act, 1980, §§ 2–3, 5.

²⁸ Wildlife Protection Act, 1972, §§ 2, 9, 11, 38.

resources such as water, forests, and animals for present and future generations by granting the government statutory authority to enforce environmental protection and by putting obligations on citizens. The Acts also provide the necessary legal mechanisms to implement judicial directives in environmental cases, thereby advancing environmental justice.

V. ENVIRONMENTAL JUSTICE THROUGH THE DOCTRINE

'The Public Trust Doctrine' emphasizes transparency and accountability in governmental decision-making, serving as a key safeguard against abuse of power. In the United States, courts have relied on the public trust framework to enhance the political influence of a scattered and less organized majority. This is often achieved by referring relevant cases back to the legislature after public awareness has been generated or by requiring government agencies to seek public input before making decisions that impact resources held in trust for the public.

Citizen participation is important as it enhances the quality of decision-making and helps ensure that outcomes are both credible and widely accepted. Moreover, it reflects the principle that the public possesses an intrinsic moral right to be involved in decisions that affect their interests²⁹. This idea is embodied in 'Article 12 of the Draft International Covenant on Environment and Development', which gives everyone the right without requiring proof of a personal stake to access, receive, and disseminate information about actions or policies that have an adverse effect on the environment or may have an impact in the future. Additionally, it upholds the public's right to take part in environmental protection decision-making procedures.

A well framed Public Trust Doctrine would strengthen the legitimacy of governmental decision-making by requiring active public involvement, ensuring that choices concerning the management and use of trust resources are transparent and observable. Additionally, it would reinforce state accountability, allowing citizens to approach the courts to seek remedies whenever the State fails in its fiduciary duty or arbitrarily breaches the trust placed in it.

The **Mono Lake case**³⁰ is a landmark example of this Doctrine in action. Mono Lake's ecological and recreational values were threatened by the City of Los Angeles' water diversions, which drastically reduced the lake's levels despite the city having obtained water

²⁹ L. Rajamani and S. Tadepally, "Public Participation in Environmental Protection", *Deccan Herald*, 12Feb. 1995

³⁰ *National Audubon Society v. Superior Court*, 1983

rights to the non-navigable feeder streams. By ruling that Doctrine applies to all navigable waters, the California Supreme Court requires the state to safeguard public trust resources and take ecological effects into account when distributing water. This decision strengthened governmental accountability, underlined the value of citizen participation in environmental governance, and showed that prior private rights can be curtailed to protect public interests.

In '*T.N. Godavarman Thirumulpad v. Union of India*'³¹, Court addressed the diversion of forest land and unlawful destruction. The Court prioritized conservation and sustainable use by limiting the use of forest land for uses other than forests. Forests were specifically recognized as resources of public trust, and the State was required to protect them for present and future generations. The application of this doctrine to Indian forest management and environmental governance is best illustrated by this case.

The '*Vellore Citizens Welfare Forum v. Union of India*'³² addressed pollution from tanneries and industrial effluents in Tamil Nadu. The Court gave the idea of 'sustainable development and implemented the Polluter Pays Principle'³³, making businesses responsible for environmental damage. This ruling reaffirmed that natural resources, such as soil and water, are assets of the public trust, and that their exploitation cannot jeopardize the general welfare.

Finally, in '*M.C. Mehta v. Kamal Nath*'³⁴, Court considered illegal limestone mining operations causing environmental degradation. The Court clarified that property rights are subordinate to public trust obligations, meaning that private interests cannot override the State's responsibility. This case directly connects 'Public trust doctrine with environmental justice, emphasizing the judiciary's role in balancing development with ecological sustainability'³⁵.

By guaranteeing that natural resources are maintained wisely and fairly for all, including future generations, the Doctrine advances environmental justice. Equal access to vital natural products is ensured and private monopolization or exploitation is avoided by treating rivers, forests, water bodies, and wildlife as resources held in trust by the state. By empowering citizens to engage in government and providing underprivileged communities with a voice, the theory

³¹ (1996) 2 SCC 267

³² (1996) 5 SCC 647

³³ *Ibid.*

³⁴ (1997) 1 SCC 388

³⁵ *Ibid.*

upholds state responsibility through open and rational decision-making.

VI. CHALLENGES AND SOLUTIONS

One of the primary challenges in implementing the Doctrine in India is the lack of awareness and understanding among policymakers, government authorities, and the general public. This gap often limits meaningful citizen participation, which is essential for ensuring that decisions regarding natural resources are transparent and accountable. Without widespread awareness, the public cannot effectively monitor or influence the management of trust resources, reducing the practical impact of the doctrine³⁶.

Another significant challenge is the conflict between economic development and environmental protection. Rapid industrialization, urban expansion, and infrastructure projects frequently encroach upon rivers, forests, wildlife habitats, and other natural resources. In such situations, the interests of private and corporate entities often take precedence over public trust obligations, leading to environmental degradation and loss of ecological balance.³⁷

A further hurdle is the fragmentation of legal and institutional frameworks. Multiple laws, agencies, and authorities sometimes operate with overlapping jurisdictions, creating confusion and inefficiencies in the enforcement of environmental regulations. Limited judicial and administrative capacity can also delay the resolution of environmental disputes, allowing ongoing violations of public trust resources to persist.

To overcome these challenges, public awareness and participation must be strengthened through environmental education, outreach programs, and platforms that facilitate citizen engagement. Clear legislative articulation of the Doctrine within national and state laws would provide a stronger statutory basis for its enforcement. Additionally, empowering regulatory authorities with sufficient resources, technical expertise, and decision-making powers can improve compliance monitoring and management of natural resources.

VII. CONCLUSION

A fundamental tenet of environmental law is the Public Trust Doctrine, which holds that natural

³⁶ *M.C. Mehta v. Union of India*, 1997 2 SCC 353

³⁷ *M.C. Mehta v. Kamal Nath*, 1997 1 SCC 388

resources are res communis and that the State holds them in utmost trust for the public's benefit. The doctrine's ability to resolve disputes between ecological preservation and economic development is one of its most important features. It serves as a normative and corrective framework that directs policymakers and administrative authorities in resolving conflicts over resource allocation so that commitments to uphold the public trust are not jeopardized by developmental imperatives.

Finally, the Doctrine serves as a conceptual and judicial instrument for addressing resource conflicts that may lie beyond the immediate scope of statutory law. By providing a guiding jurisprudential framework, it ensures that the State adheres to its fiduciary obligations, reconciles competing interests, and promotes sustainable management and environmental justice.