
PUBLIC TRUST DOCTRINE IN INDIAN ENVIRONMENTAL LAW: A CRITICAL ANALYSIS OF JUDICIAL EXPANSION AND IMPLEMENTATION CHALLENGES

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I. ABSTRACT

The Public Trust Doctrine has emerged as a significant principle in Indian environmental law, placing an obligation on the State to protect and preserve natural resources for public use and future generations. Rooted in ancient legal traditions such as Roman law and later developed through common law, the doctrine has been incorporated into Indian law mainly through judicial interpretation rather than legislation. The Indian judiciary, especially the Supreme Court, has played a crucial role in expanding its scope to various environmental concerns, including forests, water bodies, air, and biodiversity.

This paper critically examines the evolution and judicial expansion of the doctrine in India, with particular reference to landmark cases such as *M.C. Mehta v. Kamal Nath*¹, where it was explicitly recognized as part of Indian law. While judicial interpretation has strengthened environmental protection, implementation remains inconsistent due to lack of statutory clarity, weak enforcement, and conflicts between environmental protection and development.

The paper argues that although the doctrine is a powerful tool, its effectiveness depends on stronger institutional mechanisms and clearer legislative support, along with better implementation at the ground level.

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

II. INTRODUCTION

In recent decades, environmental protection has become a critical concern in India due to rapid industrialisation, urbanisation, and excessive exploitation of natural resources. The growing pressure on natural resources such as air, water, forests, and land has led to serious environmental degradation and raised important legal and ethical questions regarding their use and ownership. One of the key legal responses to these challenges is the development of the Public Trust Doctrine, which has emerged as a significant principle in Indian environmental law. The Public Trust Doctrine is based on the idea that certain natural resources are of such great importance to the public that they cannot be subjected to private ownership or unrestricted exploitation. These resources are considered common to all and must be preserved for public use². The doctrine imposes a duty on the State to act as a trustee of these resources, ensuring that they are protected and used in a sustainable manner for the benefit of present and future generations.

The origin of the doctrine can be traced back to Roman law, particularly the concept of *res communis*, which recognised that certain resources like air, water, and the sea are common to all and cannot be privately owned. Over time, this principle was adopted into English common law and later developed further in American jurisprudence. In India, however, the doctrine has not been codified through legislation but has been incorporated primarily through judicial interpretation, reflecting the dynamic role of courts in environmental governance³. The Indian judiciary, especially the Supreme Court, has played a crucial role in recognising and expanding the scope of the Public Trust Doctrine. The doctrine was explicitly recognised as part of Indian law in the landmark case of *M.C. Mehta v. Kamal Nath*⁴, where the Court held that the State is the trustee of all natural resources and is under a legal obligation to protect them for public use. This case marked a significant turning point in Indian environmental jurisprudence and laid the foundation for the application of the doctrine in various environmental matters. Subsequent judicial decisions further expanded the scope of the doctrine beyond its traditional application to water bodies. The courts have applied it to a wide range of environmental issues, including protection of forests, wildlife, air quality, and ecological balance. This expansion reflects the evolving understanding of environmental rights under the Constitution, particularly under

² Joseph L., "The Public Trust Doctrine in Natural Resource Law" *Michigan Law Review* (1970).

³ "Public Trust Doctrine in India: A Constitutional and Environmental Perspective" *Indian Journal of Law and Legal Research* (2023).

⁴ *Supra* note 1.

Article 21⁵, which has been interpreted to include the right to a clean and healthy environment. Additionally, constitutional provisions such as Article 48A⁶ and Article 51A(g)⁷ reinforce the duty of the State and citizens to protect and improve the environment. An important aspect of the Public Trust Doctrine is that it not only places obligations on the State but also empowers citizens. It allows individuals to question governmental actions that may lead to the misuse or degradation of natural resources⁸. In this sense, the doctrine serves both as a tool for environmental protection and as a mechanism for ensuring accountability in governance. Despite its strong judicial foundation and wide applicability, the implementation of the Public Trust Doctrine in India faces several challenges. One of the major issues is the absence of a clear statutory framework defining its scope and application. As a result, the doctrine is applied on a case-by-case basis, leading to inconsistencies and uncertainty. Moreover, enforcement mechanisms remain weak due to administrative inefficiency, lack of coordination among authorities, and limited resources.

Another significant challenge is the conflict between environmental protection and economic development. With increasing demand for infrastructure, industrial growth, and resource extraction, there is often pressure on the State to prioritise economic interests over environmental concerns. This creates tension in the application of the doctrine, as the State must balance its role as a trustee with the need for development⁹. Furthermore, lack of awareness among citizens and limited public participation in environmental decision-making also hinder the effective implementation of the doctrine. While the doctrine empowers citizens, its potential remains underutilised due to inadequate legal awareness and access to justice. In this context, it becomes essential to critically examine the role and effectiveness of the Public Trust Doctrine in India. This paper seeks to analyse the evolution of the doctrine, its expansion through judicial interpretation, and the challenges faced in its implementation. It also aims to evaluate whether the doctrine has been successful in achieving its objective of environmental protection or whether it remains largely a judicial principle with limited practical impact¹⁰.

⁵ The Constitution of India, art. 21.

⁶ The Constitution of India, art. 48A.

⁷ The Constitution of India, art. 51A(g).

⁸ "Public Trust Doctrine in India", available at: <https://blog.ipleaders.in/public-trust-doctrine-india/> (last visited Apr. 19, 2026).

⁹ Ghosh, Shibani, *The Public Trust Doctrine in Indian Environmental Law* (Cambridge University Press, New Delhi, 2019).

¹⁰ *Supra* note 3.

Thus, the study focuses on understanding the gap between the theoretical strength of the doctrine and its actual application in environmental governance. By doing so, it attempts to highlight the need for stronger legal frameworks, improved institutional mechanisms, and greater public participation to ensure that the doctrine effectively serves its intended purpose of protecting natural resources for present and future generations.

III. RESEARCH OBJECTIVES

1. To critically analyse the theoretical foundations and historical evolution of the Public Trust Doctrine, and examine its transformation from a common law principle into a constitutional norm within Indian environmental jurisprudence.
2. To evaluate the role of judicial innovation in shaping and expanding the scope of the doctrine, with particular emphasis on its interpretation by the Supreme Court in environmental cases.
3. To examine the interface between the Public Trust Doctrine and constitutional principles such as the right to life under Article 21¹¹, and its implications for environmental rights and governance.
4. To assess the effectiveness of the doctrine as a tool of environmental protection by analysing its practical application and limitations in contemporary India.
5. To identify the structural, institutional, and legal challenges in the implementation of the doctrine, and to propose reforms for strengthening its enforceability and integration into environmental governance.

IV. RESEARCH QUESTIONS

1. How has the Indian judiciary, particularly through cases such as *M.C. Mehta v. Kamal Nath*, contributed to the recognition and expansion of the Public Trust Doctrine in environmental law?
2. What is the constitutional basis of the Public Trust Doctrine in India, and how has it

¹¹ *Supra* note 5.

been linked to Article 21¹² and other constitutional provisions through judicial interpretation?

3. What are the key challenges in the implementation of the Public Trust Doctrine in India, and how do they affect its effectiveness in protecting natural resources?

V. Conceptual Foundations and Evolution of the Public Trust Doctrine

The Public Trust Doctrine is a foundational principle in environmental law which establishes that certain natural resources are inherently public in nature and cannot be subjected to absolute private ownership. These resources- such as air, water, forests, and ecologically fragile lands- are considered essential for the survival and well-being of the community as a whole. The doctrine imposes a fiduciary duty upon the State to act as a trustee of such resources, ensuring their protection, preservation, and sustainable use for the benefit of present and future generations. The conceptual basis of the doctrine lies in the idea that some resources are so integral to human existence that their unrestricted privatization would be unjust and contrary to public interest¹³. The State, therefore, does not own these resources in a proprietary sense; rather, it holds them in trust for the people. This trustee relationship carries with it a legal obligation to prevent misuse, over-exploitation, or diversion of such resources for purely private or commercial purposes when such use harms the public interest¹⁴. Historically, the doctrine can be traced back to Roman law, particularly the concept of *res communis*, which recognised that certain things- such as air, running water, and the sea- are common to all and cannot be privately owned. This principle was later incorporated into English common law and further developed in American jurisprudence, where it acquired a more structured legal form. In the United States, courts used the doctrine to restrict the transfer of public resources to private entities when such transfer would interfere with public rights, especially in relation to navigable waters and shorelines.

In India, the Public Trust Doctrine was not introduced through legislation but evolved primarily through judicial interpretation. The Indian legal system, being rooted in common law traditions, provided scope for the incorporation of such principles. The judiciary, particularly the Supreme Court, recognised the doctrine as part of Indian environmental jurisprudence and

¹² *Supra* note 5.

¹³ Leelakrishnan, P., *Environmental Law in India* (LexisNexis, New Delhi, 5th edn., 2019).

¹⁴ Gurdip Singh, *Environmental Law in India* (Macmillan, New Delhi, 2nd edn., 2000).

applied it in cases involving misuse of natural resources. Through this process, the doctrine transitioned from a general common law concept to a binding legal principle within the Indian context¹⁵.

A significant aspect of the doctrine in India is its close connection with constitutional principles. Although not expressly mentioned in the Constitution, the doctrine has been linked with the right to life under Article 21, which has been interpreted to include the right to a clean and healthy environment. Additionally, Directive Principles such as Article 48A and Fundamental Duties under Article 51A(g)¹⁶ reinforce the obligation of the State and citizens to protect and improve the environment. This constitutional grounding has strengthened the normative force of the doctrine and expanded its scope beyond traditional common law limits. Another important dimension of the Public Trust Doctrine is its emphasis on intergenerational equity. The doctrine recognises that natural resources are not only meant for present use but must also be preserved for future generations. This creates a continuing obligation on the State to manage resources in a sustainable manner. It also aligns the doctrine with broader environmental principles such as sustainable development and precautionary approaches. Furthermore, the doctrine serves as a mechanism for ensuring accountability in governance. By establishing that the State holds resources in trust, it allows citizens to challenge governmental actions that result in environmental degradation or unjustified allocation of natural resources to private entities. In this sense, the doctrine functions both as a substantive principle of environmental protection and as a procedural tool for judicial review of administrative action.

However, while the conceptual foundations of the doctrine are strong, its application is not without ambiguity. The absence of clear statutory recognition means that its scope and limits are largely defined through judicial decisions, which may vary across cases. This raises concerns regarding consistency and predictability in its application. Additionally, the broad nature of the doctrine sometimes makes it difficult to determine the exact extent of the State's obligations and the circumstances under which private use of resources may be permitted.

Despite these limitations, the Public Trust Doctrine remains a vital element of Indian environmental law. Its evolution reflects the proactive role of the judiciary in addressing

¹⁵ "Public Trust Doctrine", available at: <https://ielrc.org/content/a0804.pdf> (last visited on April 19, 2026).

¹⁶ *Supra* note

environmental concerns and filling legislative gaps. By embedding the principle of trusteeship within the legal framework, the doctrine provides a strong normative basis for protecting natural resources and promoting sustainable environmental governance.

5.1. Contemporary Applications and Developments

A. Air Quality and Atmospheric Protection

In recent years, the Public Trust Doctrine has been extended to issues of air pollution, particularly in urban contexts. The judiciary has increasingly treated clean air as a public resource, linking it to the right to life under Article 21. In *Vardhaman Kaushik v. Union of India*¹⁷ The Supreme Court underscored the State's obligation to ensure air quality and directed the implementation of measures such as the Graded Response Action Plan (GRAP). These developments reflect the evolving application of the doctrine to contemporary environmental challenges¹⁸.

B. Water Resources Management

The doctrine finds its most established application in the context of water resources. Courts have consistently affirmed that rivers, lakes, and groundwater are held in trust by the State and cannot be subjected to private exploitation. In *Hinch Lal Tiwari v. Kamala Devi*¹⁹, the Supreme Court protected a traditional water body from encroachment, emphasising that such resources are meant for community use. This approach reinforces the protection of both natural and traditional water systems²⁰.

C. Biodiversity Conservation

The scope of the Public Trust Doctrine has also expanded to include biodiversity and ecological preservation. Courts have recognised that natural habitats and wildlife form part of the common heritage of the public. Judicial interventions in cases involving habitat destruction and wildlife corridors demonstrate the State's duty to safeguard ecological balance and prevent irreversible

¹⁷ *Vardhaman Kaushik v. Union of India*, (2016) 9 SCC 412.

¹⁸ "Public Trust Doctrine and Environmental Protection" *International Journal of Novel Research and Development* (IJNRD) (2024).

¹⁹ *Hinch Lal Tiwari v. Kamala Devi*, (2001) 6 SCC 496.

²⁰ Vani, M.S., *Water Law in India* (Oxford University Press, New Delhi, 2nd edn., 2015).

environmental harm.

D. Climate Change and Emerging Concerns

More recently, the doctrine has begun to influence discussions on climate change and global environmental issues. Although still developing, there is growing recognition that the atmosphere and climate system fall within the ambit of public trust. The National Green Tribunal²¹ has, in several instances, relied on principles aligned with the doctrine while addressing climate-related concerns, indicating its gradual adaptation to emerging environmental challenges²².

VI. Constitutional Foundation and Judicial Development of the Public Trust Doctrine in India

6.1. Constitutional Foundation of the Doctrine

Although the Public Trust Doctrine does not find explicit mention in the Constitution of India, it has been firmly embedded within the constitutional framework through judicial interpretation. The Indian judiciary, particularly the Supreme Court, has played a crucial role in transforming the doctrine from a common law principle into a constitutional norm. This process of constitutionalisation has enabled the doctrine to acquire greater authority and enforceability in the field of environmental protection. The courts have derived the doctrine from various constitutional provisions, especially those relating to the right to life, Directive Principles of State Policy, and Fundamental Duties²³. Together, these provisions provide a strong normative foundation for recognising the State as a trustee of natural resources.

Expanding the Right to Life: Article 21

The most significant constitutional basis of the Public Trust Doctrine lies in Article 21 of the Constitution, which guarantees the right to life and personal liberty. Over time, the Supreme Court has adopted an expansive interpretation of Article 21, holding that the right to life includes the right to a clean, healthy, and pollution-free environment.

²¹ The National Green Tribunal Act, 2010.

²² *Supra* note 15.

²³ "Application of Public Trust Doctrine in India" *SSRN Electronic Journal* (2023).

By linking environmental protection with the right to life, the Court has elevated ecological concerns to the level of fundamental rights. Within this framework, the Public Trust Doctrine operates as a mechanism to ensure that the State fulfils its obligation to protect natural resources. The doctrine reinforces the idea that environmental degradation directly affects the quality of life and, therefore, falls within the ambit of Article 21.²⁴

Through this interpretation, the Court has effectively constitutionalised the doctrine, making it enforceable as part of the fundamental rights regime. This has allowed individuals to approach courts for the protection of environmental rights, thereby strengthening access to environmental justice.

Directive Principles of State Policy: Article 48A

The Directive Principles of State Policy further strengthen the constitutional basis of the Public Trust Doctrine. Article 48A specifically mandates that the State shall endeavour to protect and improve the environment and safeguard forests and wildlife.

Although Directive Principles are not directly enforceable by courts, they play a significant role in guiding legislative and administrative action. The judiciary has often relied on Article 48A to interpret and reinforce environmental obligations of the State. When read together with the Public Trust Doctrine, Article 48A²⁵ emphasises that the State has a positive duty to actively protect natural resources rather than merely regulate their use.

Thus, the doctrine complements the Directive Principles by providing a legal framework through which these constitutional goals can be realised.

Fundamental Duties: Article 51A(g)

Article 51A(g)²⁶ The Constitution imposes a fundamental duty on every citizen to protect and improve the natural environment, including forests, lakes, rivers, and wildlife. This provision highlights that environmental protection is not solely the responsibility of the State but a shared obligation between the State and citizens.

²⁴ *Supra* note 5.

²⁵ *Supra* note 6.

²⁶ *Supra* note 7.

In the context of the Public Trust Doctrine, this duty reinforces the idea of collective responsibility towards natural resources. While the State acts as a trustee, citizens are the beneficiaries as well as participants in environmental protection. The courts have often invoked this provision to encourage public participation and to justify judicial intervention in environmental matters²⁷.

This constitutional duty strengthens the moral and legal basis of the doctrine and promotes a participatory approach to environmental governance.

6.2. Judicial Recognition of the Doctrine

India, the Public Trust Doctrine has largely developed through judicial interpretation rather than legislative enactment. The judiciary, particularly the Supreme Court, has played a central role in recognising, shaping, and expanding the scope of the doctrine in environmental jurisprudence. Through a series of landmark decisions, the courts have transformed the doctrine from a traditional common law concept into a powerful tool for environmental protection and governance.

Judicial intervention has been especially significant in situations where legislative measures were inadequate or absent. By invoking the Public Trust Doctrine, the courts have imposed a duty on the State to act as a trustee of natural resources and have restricted their misuse for private or commercial purposes. The formal recognition of the Public Trust Doctrine in India can be traced to the landmark decision in *M.C. Mehta v. Kamal Nath*. This case is regarded as the foundational judgment through which the Supreme Court explicitly incorporated the doctrine into Indian environmental jurisprudence and declared it to be part of the law of the land. The case arose from a news report highlighting that a private company, Span Motels Pvt. Ltd., had been granted a lease of forest land along the banks of the River Beas in Himachal Pradesh. The purpose of the lease was to construct a motel. It was alleged that in order to protect the motel from flooding, the natural course of the river was altered by diverting its flow. This interference with the river's natural ecology raised serious environmental concerns and prompted the Supreme Court to take suo motu cognisance of the matter.

²⁷ "Environmental Law and Public Trust Doctrine (Chapter 6)", available at: <https://www.orientblackswan.com/pdfs/opaccess/html/9789352875795/chapter6/chapter6.html> (last visited on April 19, 2026).

The central issue before the Court was whether the State could transfer ecologically sensitive land and permit the alteration of a natural resource for private commercial use. In addressing this issue, the Court relied on the Public Trust Doctrine and examined its applicability within the Indian legal framework.

The Supreme Court held that certain natural resources such as rivers, forests, air, and ecologically fragile lands are of immense importance to the public and cannot be subjected to private ownership or exploitation. The Court emphasised that these resources are held by the State in a fiduciary capacity, meaning that the State acts as a trustee and is under a legal obligation to protect them for the benefit of the public. It categorically stated that the State cannot abdicate its trust by transferring such resources for private use if it adversely affects public interest. Importantly, the Court declared that the Public Trust Doctrine is a part of Indian law, thereby giving it formal legal recognition. This marked a significant shift, as the doctrine was no longer merely a theoretical principle but an enforceable rule capable of guiding judicial review of State actions. Applying the doctrine to the facts of the case, the Court found that the lease granted by the Government of Himachal Pradesh constituted a clear violation of its fiduciary duty. By allowing the diversion of the river and leasing ecologically fragile land for commercial purposes, the State had failed to protect a resource that was meant for public use. The Court therefore quashed the lease agreement and directed the State to restore the environment to its original condition.

In addition, the Court applied the polluter pays principle and directed the private company to bear the cost of restitution of the damaged environment. It also ordered the removal of all constructions made in the riverbed and along its banks, reinforcing the idea that environmental restoration is an essential component of justice under the doctrine²⁸.

This judgment is significant not only for recognising the Public Trust Doctrine but also for establishing key principles that govern its application. First, it affirmed that the State is not the absolute owner of natural resources but merely a trustee. Second, it imposed a clear duty on the State to protect such resources from degradation. Third, it empowered courts to review and invalidate governmental actions that violate public trust.

²⁸ Rajamani, Lavanya, "Doctrine of Public Trust: A Tool to Ensure Effective State Management of Natural Resources" *Journal of Indian Law Institute*.

Furthermore, the case demonstrated the proactive role of the judiciary in environmental protection. By taking suo motu cognisance and applying the doctrine in the absence of specific legislation, the Court filled a critical gap in the legal framework. It also set a precedent for future cases, where the doctrine was invoked to protect various environmental resources. The recognition of the Public Trust Doctrine in this case laid the foundation for its subsequent expansion in Indian law. It provided a strong legal basis for challenging the misuse of natural resources and ensured that environmental concerns are treated as a matter of public interest rather than private discretion.

Following its recognition, the Public Trust Doctrine was further developed and expanded through subsequent judicial decisions. The courts extended its application beyond rivers and water bodies to include other public resources such as parks, lakes, and urban ecological spaces.

After its formal recognition, the doctrine was further strengthened in *Th. Majra Singh v. Indian Oil Corporation*²⁹, where the Court linked the Public Trust Doctrine with Article 21 of the Constitution. It was emphasised that the protection of natural resources forms an integral part of the right to life, thereby giving the doctrine a constitutional dimension. This development reinforced the idea that environmental protection is not merely a policy objective but a fundamental right enforceable against the State.

In *M.I. Builders v. Radhey Shyam Sahu*³⁰ The Supreme Court dealt with the construction of an underground commercial complex in a public park in Lucknow. The municipal authority had permitted the construction in the name of development. However, the Court held that the park was a public resource held in trust for the benefit of the people, and its conversion for commercial use violated the Public Trust Doctrine. The Court ordered demolition of the construction and restoration of the park, reinforcing the principle that public spaces cannot be sacrificed for private or commercial interests. This case is significant as it extended the application of the doctrine from natural resources like rivers to urban public spaces, thereby broadening its scope and strengthening its role in regulating urban environmental governance.

Similarly, in *Intellectuals Forum v. State of Andhra Pradesh*³¹ The Supreme Court dealt with

²⁹ *Th. Majra Singh v. Indian Oil Corporation*, (1999) 6 SCC 533.

³⁰ *M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu*, (1999) 6 SCC 464.

³¹ *Intellectuals Forum v. State of Andhra Pradesh*, (2006) 3 SCC 549.

the conversion of the Peruru and Avilala tanks in Tirupati into residential and commercial layouts, raising serious concerns regarding the destruction of ecologically significant water bodies. The petitioners contended that such actions would irreversibly damage environmental resources essential for groundwater recharge and ecological balance. The core issue before the Court was whether developmental objectives could override the State's obligations under the Public Trust Doctrine.

The Court reaffirmed that natural resources such as lakes and tanks are held by the State in trust for the public and cannot be alienated for private or commercial use where such use undermines environmental integrity. While acknowledging the necessity of development, it invoked the principle of sustainable development to emphasise that developmental activities must operate within ecological limits, particularly where the risk of irreversible harm is evident. By linking environmental protection to the right to life under Article 21, the Court further strengthened the constitutional foundation of environmental jurisprudence, underscoring that ecological preservation is not merely a policy concern but a legal obligation.

A similar approach was adopted in *Shailesh R. Shah v. State of Gujarat*³², where the Court emphasised the positive obligation of the State to actively protect natural resources such as lakes and wetlands. The decision reaffirmed that the State's role is not passive but requires continuous supervision and protection of environmental assets.

These cases illustrate how the judiciary broadened the scope of the doctrine to cover a wide range of environmental resources and situations.

The expansion of the Public Trust Doctrine in India reflects a broader trend of judicial activism in environmental matters. The courts have actively intervened to protect natural resources, particularly in situations where administrative authorities have failed to discharge their duties effectively³³. Public Interest Litigation has played a significant role in this process by enabling citizens to approach courts for the protection of environmental rights. Through such interventions, the judiciary has ensured that the doctrine is not merely symbolic but actively applied in practice. At the same time, this expansion has also raised certain concerns. The absence of a clear statutory framework means that the doctrine's scope is largely shaped by

³² *Shailesh R. Shah v. State of Gujarat*, (2002) 3 GLR 2295 (Guj).

³³ "Role of Indian Judiciary in Protection of Environment", available at: <https://www.lawctopus.com/academike/role-indian-judiciary-protection-environment-india/> (last visited on April 19, 2026).

judicial interpretation, which may vary from case to case. This can lead to uncertainty and inconsistency in its application. Moreover, reliance on judicial intervention alone may not be sufficient to ensure effective environmental governance without corresponding administrative and institutional support³⁴.

The judicial expansion of the Public Trust Doctrine in India has played a crucial role in strengthening environmental protection. Beginning with its recognition in *M.C. Mehta v. Kamal Nath*³⁵ the doctrine has evolved into a powerful legal principle that imposes obligations on the State and ensures accountability in the use of natural resources. However, its continued effectiveness depends on the development of clearer legal frameworks and stronger implementation mechanisms.

6.3. Public Trust Doctrine and Sustainable Development

The Public Trust Doctrine and sustainable development are deeply interconnected, both seeking to ensure the responsible use and preservation of natural resources. While the doctrine establishes a legal obligation on the State to act as a trustee of resources held for public benefit, sustainable development provides a normative framework for balancing environmental protection with economic and social advancement. Together, they reinforce the idea that natural resources are not objects of unrestricted exploitation but are subject to duties grounded in public interest.

The doctrine emphasises collective ownership, fiduciary responsibility of the State, and the principle of non-alienation, thereby limiting the State's power to transfer or exploit resources in a manner detrimental to the public. In this sense, it operates as a legal restraint that complements the broader developmental goals of sustainability.

6.3.1. Intergenerational Equity and Sustainable Resource Use

A central point of convergence between the two concepts lies in the principle of intergenerational equity. Both recognise that environmental resources must be preserved not only for present use but also for future generations. Sustainable development promotes a balanced approach through environmental protection, economic growth, and social equity,

³⁴ "Public Trust Doctrine and Relevant Case Laws", available at: <https://lawessential.com/all-blogs/f/public-trust-doctrine-and-relevant-case-laws> (last visited on April 19, 2026).

³⁵ *Supra* note 1.

while the Public Trust Doctrine imposes enforceable limits on the depletion of essential resources.

By embedding long-term environmental considerations into governance, the doctrine ensures that development remains ecologically viable and does not compromise the rights of future generations. This alignment strengthens the legal and ethical foundations of sustainable resource management³⁶.

6.3.2. Accountability, Governance and Developmental Balance

The Public Trust Doctrine plays a crucial role in enhancing State accountability by subjecting decisions relating to natural resources to judicial scrutiny. It ensures that governance remains transparent and aligned with constitutional principles, particularly in situations where environmental concerns are overlooked in favour of economic interests.

At the same time, the doctrine does not prohibit development but seeks to regulate it within ecological limits. It promotes a balanced approach in which developmental objectives are pursued without undermining environmental sustainability. Through judicial interpretation, this balance has been reinforced, highlighting that natural resources must be treated as public assets to be protected rather than commodities to be exploited³⁷.

6.4. Comparative Perspective and International Developments

Development of the Doctrine in the United States

The Public Trust Doctrine has been more systematically developed in the United States, where courts have clearly defined its scope and application. It has traditionally been applied to navigable waters, shorelines, and related resources, with the State acting as a trustee to ensure public access and use. Over time, its scope has expanded through judicial interpretation, providing a structured framework for environmental protection³⁸.

³⁶ “Public Trust Doctrine in India: A Constitutional and Environmental Perspective”, *available at*: <https://www.ijllr.com/post/the-public-trust-doctrine-in-india-a-constitutional-and-environmental-perspective> (last visited on April 19, 2026).

³⁷ Public Trust Doctrine”, *available at*: <https://lawnotes.co/doctrine-of-public-trust/> (last visited on April 19, 2026).

³⁸ “Comparative Analysis of the Evolution of the Public Trust Doctrine” *Iledu Journal* (2024).

Approach in Other Jurisdictions

In South Africa, environmental protection is constitutionally recognised, enabling courts to invoke principles similar to the Public Trust Doctrine to challenge environmentally harmful actions. Similarly, in countries like the Philippines, courts have applied the doctrine in cases concerning forest conservation and protection of natural resources. These jurisdictions reflect a broader trend of integrating environmental protection within constitutional and statutory frameworks. Other countries such as Canada, Australia, and South Africa have adopted similar principles, although not always under the same terminology. These jurisdictions emphasise State responsibility, environmental protection, and sustainable use of natural resources through legislative as well as judicial mechanisms³⁹.

A comparative analysis highlights that, unlike India, many jurisdictions provide clearer statutory backing to environmental principles. This reduces reliance on judicial intervention and ensures more consistent application. For India, these developments underline the need for a well-defined legal framework and stronger institutional support to complement judicial efforts and enhance the effectiveness of the Public Trust Doctrine. While India has made significant progress through judicial expansion, a comparative view suggests that a balanced approach involving legislation, institutions, and judicial oversight is essential for effective environmental governance⁴⁰.

VII. Implementation Challenges of the Doctrine

A. Absence of Clear Statutory Framework

One of the most significant challenges in the implementation of the Public Trust Doctrine in India is the absence of a clear and comprehensive statutory framework. The doctrine has evolved primarily through judicial interpretation rather than legislative enactment. As a result, there is no uniform law that clearly defines its scope, application, and limits.

This lack of codification creates uncertainty and inconsistency in its application. Different courts may interpret and apply the doctrine differently depending on the facts of each case. Moreover, administrative authorities often lack clear guidelines on how to implement the

³⁹ “Public Trust Doctrine in Comparative Jurisprudence” *Journal of International and Comparative Law* (2020).

⁴⁰ “A Critical Examination of India’s Public Trust Doctrine” *SCC Online Blog* (2024).

doctrine in practice, which weakens its overall effectiveness.

B. Weak Enforcement by Authorities

Even when courts recognise violations of the Public Trust Doctrine and issue directions, effective enforcement remains a major challenge. Regulatory authorities responsible for environmental protection often fail to implement judicial orders properly.

This weakness in enforcement is due to factors such as lack of monitoring mechanisms, limited resources, and absence of strict accountability measures. As a result, environmental degradation continues despite the existence of strong legal principles, highlighting the gap between judicial pronouncements and ground-level reality.

C. Administrative Inefficiency

Administrative inefficiency further complicates the implementation of the doctrine. Government agencies responsible for managing natural resources often suffer from poor coordination, bureaucratic delays, and lack of technical expertise.

In many cases, decisions regarding resource allocation are taken without proper environmental assessment or long-term planning. This undermines the trustee role of the State and leads to misuse or over-exploitation of natural resources. Inefficiency within institutions thus limits the practical impact of the doctrine.

D. Conflict Between Development and Environmental Protection

A major challenge in the application of the Public Trust Doctrine is the constant conflict between economic development and environmental protection. Governments often prioritise infrastructure projects, industrial growth, and urban expansion, which place increasing pressure on natural resources.

In such situations, the State faces difficulty in balancing its role as a trustee with its developmental objectives. The doctrine is sometimes sidelined in favour of short-term economic gains, leading to environmental degradation. This tension highlights the need for a more balanced and sustainable approach to development⁴¹.

⁴¹ “Public Trust Doctrine in India”, *available at*: <https://blog.ipleaders.in/public-trust-doctrine-india/> (last visited on April 19, 2026).

E. Lack of Awareness and Public Participation

Another important limitation is the lack of awareness among citizens regarding environmental rights and the Public Trust Doctrine. Although the doctrine empowers individuals to challenge the misuse of natural resources, its potential remains underutilised due to limited legal awareness.

Additionally, public participation in environmental decision-making processes is often inadequate. Without active involvement of citizens, it becomes difficult to ensure accountability and effective enforcement of environmental norms.

F. Inconsistent Application Across Cases

The application of the Public Trust Doctrine in India is not always uniform. Since it is primarily judge-made law, its interpretation varies across different cases and contexts. This leads to inconsistency in judicial decisions and creates uncertainty regarding its practical application.

Such inconsistency reduces the predictability of the law and may weaken its effectiveness as a tool of environmental governance. A more structured and consistent approach is necessary to ensure that the doctrine is applied uniformly across cases.

VIII. Suggestions and Reforms

A. Need for Legislative Framework

A primary reform required for strengthening the Public Trust Doctrine in India is its codification through legislation. At present, the doctrine exists mainly as a judicial construct, which leads to uncertainty in its scope and application. A clear statutory framework would help in defining the nature of State obligations, the extent of protection afforded to natural resources, and the consequences of breach of trust.

Legislative backing would also ensure uniform application of the doctrine across jurisdictions and reduce dependence on judicial interpretation. It would provide administrative authorities with concrete guidelines, thereby improving consistency and effectiveness in environmental governance.

B. Strengthening Institutional Mechanisms

Effective implementation of the Public Trust Doctrine requires strong and efficient institutional mechanisms. Bodies such as the National Green Tribunal and Pollution Control Boards play a crucial role in environmental regulation, but their functioning is often limited by lack of resources, technical capacity, and enforcement powers.

Strengthening these institutions through better funding, capacity building, and enhanced autonomy is essential. Improved coordination between different regulatory bodies can also ensure more effective monitoring and enforcement of environmental norms. Without robust institutions, even well-developed legal doctrines cannot achieve their intended impact.

C. Enhancing Public Participation and Awareness

Public participation is a key element in the successful implementation of environmental principles. The effectiveness of the Public Trust Doctrine depends not only on judicial and administrative action but also on active involvement of citizens.

There is a need to increase awareness about environmental rights and responsibilities so that individuals can hold authorities accountable for misuse of natural resources. Mechanisms such as public hearings, access to environmental information, and community-based monitoring should be strengthened to ensure greater participation in decision-making processes.

D. Ensuring Better Accountability of Authorities

Another important reform is the establishment of stronger accountability mechanisms for public authorities. Since the State acts as a trustee under the doctrine, it must be held responsible for any failure to protect natural resources.

This can be achieved through stricter compliance requirements, regular environmental audits, and imposition of penalties for violations. Judicial directions must be supported by effective follow-up mechanisms to ensure their implementation. Strengthening accountability will help bridge the gap between legal principles and their practical enforcement.

E. Balancing Development with Environmental Protection

A crucial aspect of reform is achieving a balance between economic development and

environmental protection. The Public Trust Doctrine should not be seen as an obstacle to development but as a framework that ensures sustainable use of resources.

Policy decisions must integrate environmental considerations at every stage of development planning. Adopting sustainable development practices and long-term ecological planning can help reconcile these competing interests. This balance is essential to ensure that development does not come at the cost of irreversible environmental damage.

IX. CONCLUSION

The Public Trust Doctrine has emerged as a significant principle in Indian environmental law, imposing a duty on the State to protect and preserve natural resources for public use and benefit. Through judicial interpretation, particularly in cases such as *M.C. Mehta v. Kamal Nath*⁴² The doctrine has been firmly incorporated into Indian jurisprudence and expanded to cover various environmental concerns including forests, water bodies, and ecological resources.

This paper has examined how the judiciary has played a central role in transforming the doctrine from a common law concept into a constitutional tool for environmental protection. At the same time, it has highlighted that despite its strong legal foundation, the implementation of the doctrine remains inconsistent due to the absence of a clear statutory framework, administrative inefficiencies, and the ongoing tension between environmental protection and developmental objectives.

The importance of the Public Trust Doctrine lies in its potential to ensure accountability of the State and promote sustainable and equitable use of natural resources. However, for the doctrine to be truly effective, there is a need to strengthen institutional mechanisms and ensure better enforcement. Only then can the gap between legal principles and practical outcomes be bridged, enabling the doctrine to fulfil its role in achieving sustainable environmental governance.

⁴² *Supra* note 1.

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