

## PUBLIC TRUST DOCTRINE IN ENVIRONMENTAL LAW

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Natural resources are gifts from nature to humankind, and they are meant to be used by us. There are some resources of critical importance, such as water, air, forests, and the beach, that cannot be given to a few private individuals. The general public owns such resources, and the government is required to serve as a trustee on their behalf. This principle is called the Public Trust Doctrine. A trustee is someone who holds the property on behalf of a beneficiary for the beneficiary's sole benefit. The government/state is the trustee in this philosophy, and the beneficiaries are citizens. According to this doctrine, the government is the trustee of the people, tasked with looking after the public's resources for their use and benefit, as well as protecting them from overexploitation. Primarily, this legal theory was formed in ancient Rome and is based on the concept that certain resources are of such value to the public as a whole that making them a subject of private ownership would be wrong.

### OBJECTIVE OF THE DOCTRINE

Essentially, the Public trust doctrine is a check and balance system for natural resource management. It imposes an obligation on the government to make effective efforts to manage the resources, as well as giving citizens the right to question resource overexploitation.

Journal of Legal Research and Juridical Sciences

### EVOLUTION OF PUBLIC TRUST DOCTRINE IN INDIA

This theory has evolved in India through judicial interpretations. Although the doctrine's ideas are enshrined in the constitution, the Indian judiciary has attempted to infuse notions of public trust in India through several significant case laws.

**M.C Mehta v. Kamalnath, 1997<sup>1</sup>:** The public trust doctrine was emphasized for the first time in this case. In this case, the state government awarded a lease to the Spam Motel Company, a private company, to build a hotel near the Beas River's mouth. It also permitted the company to alter the river's course. The lease-deed by which forested land was leased to the Motel Company was overturned by the Supreme Court, which determined that the Motel Company's

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<sup>1</sup> M.C. Mehta v. Kamal Nath and Ors., AIR 1997 1 SCC 388

construction activities were not warranted. The Motel was ordered to pay cost compensation for the restoration of the area's environment and ecosystem. The court emphasized that the public trust doctrine is a part of the law of the land. As custodians of all-natural resources intended for general public use and enjoyment, the government should ensure that all-natural resources are properly managed. The environment and natural resources should not be depleted or wiped out as a result of their actions.

**M.I. Builders Pvt. Ltd. v. Radhey Shyam Sahu, 1999<sup>2</sup>:** In this case, The Lucknow City Corporation granted permission and entered into a deal with M. I. Builders to build an underground shopping complex in a public park. The Supreme Court ruled that the provisions of the agreement demonstrated that the clauses are unreasonable, and the court applied the Public Trust doctrine to the right to life, halting the construction of a shopping complex in the location of a public garden, citing the garden as a public resource. The City Corporation was ordered by the court to restore the park to its original position. The court stated that the public trust doctrine has evolved under Article 21 of the Indian constitution and it is invoked in India to preserve people's fundamental rights.

**Shailesh R. Shah v. State of Gujarat, 2002<sup>3</sup>:** This lawsuit is known as the Lake Protection Case. In this verdict, the Gujarat High Court emphasized the importance of the state's responsibilities. The court held that the state owns all of the resources, such as the lake, pond, natural gas, and wetlands, and as trustee, it is the state's responsibility to preserve and protect them for public use.

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## **PUBLIC TRUST DOCTRINE IN THE CONSTITUTION**

Although the Indian Constitution makes no explicit reference to this notion, it does contain provisions that make the state the trustee of natural resources. The right to life is protected by Article 21 of the Constitution<sup>4</sup>, and the Supreme Court of India has ruled that this doctrine should be included in the right to life which is a fundamental right since the doctrine of public trust supports a clean environment, which is also protected by Article 21. The state has the authority under Article 39(b) of the constitution<sup>5</sup> to direct its policies regarding the ownership

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<sup>2</sup> M. I. Builders v. Radhey Shyam Sahu, AIR 1999 SC 2468

<sup>3</sup> Shailesh R. Shah v. State of Gujarat, AIR 2002 SCC OnLine Guj 164 : (2002) 43 (3) GLR 2295

<sup>4</sup> INDIA CONST. art. 21.

<sup>5</sup> INDIA CONST. art. 39, cl. b.

and control of the community's material resources, as well as to make policies to help distribute these resources in the most efficient manner possible to serve all of the community's people. Furthermore, Article 47 of the Indian Constitution<sup>6</sup> stipulates that the State shall endeavor to maintain and promote the environment, as well as to safeguard the country's forests and animals.

## CONCLUSION

The environment and its resources are essential for human existence. It is the responsibility of both the state and the citizens to safeguard and utilize resources in the most efficient manner possible. Article 51-A (g)<sup>7</sup> of the Indian Constitution, which deals with citizens' fundamental duties, imposes an obligation on every citizen of India to safeguard and improve the natural environment, including forests, lakes, rivers, and animals. The Doctrine of Public Trust is currently in its early stages of development and is constantly in flux. In India, the theory has been developed to a large part by the Indian judiciary through judicial interpretations, which have been incorporated into numerous case laws. The doctrine is an excellent strategy to ensure environmental protection since it checks government administration and assures good management and protection of natural resources from over-exploitation.



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<sup>6</sup> INDIA CONST. art. 47

<sup>7</sup> INDIA CONST. art. 51, amended by The Constitution (Eighty Sixth Amendment) Act, 2002