Contents

AC	knowleagements	V
Ab	breviations	viii
1.	Recent Revival of the Doctrine of Public Trust 1.1. Overview of the Paper 1.2. The Three Recent Cases at a Glance A. Vasudeva Nanayakkara v K N Choksy and 30 Other the "LMSL" Case B. Sugathpala Mendis & Others v C B Kumaratunge and Others: the "Water's Edge" Case C. Vasudeva Nanayakkara v K N Choksy and Others: the "Sri Lanka Insurance" Case	1 1 3
2.	Possible Origins of Public Trust Doctrine 2.1. The Concept of "Trust" in Equity and English Public Law A. Public Trusts in English Public Law B. Principle of Trust in the Exercise of Public Power in English Administrative Law 2.2. Public Trust Doctrine in Environmental Law: International and Comparative Jurisdictions A. Origins of the Concept in Roman Law and its Adoption in English Law B. Use of the Concept in the United States C. Public Trust Doctrine in India	7 7 7 11 13 13 15 19
3.	Judicial Development of Public Trust Doctrine in Sri Lanka 3.1. Basis of the Doctrine 3.2. A Doctrine that Limits Exercise of Discretionary Power 3.3. Trusteeship of Natural and National Resources A. Trusteeship of Natural Resources B. Trusteeship of National Resources	27 27 28 30 30

	3.4. Public Trust: A Doctrine that Promotes the Rule of Law3.5. Public Trust as Revived in the Trilogy of Cases3.6. The Scope of the Doctrine	37 40 45
4,	•	51
	4.1. Public Trust Doctrine as a Re-articulation of Existing Principles of Public LawA. A Re-wording of Existing Principles of	51
	Administrative Law	51
	B. Public Trust Doctrine - A Component of	
	the Right to Equality	52
	4.2. The Sri Lankan Version of Public Trust Doctrine	53
	A. Public Trust Doctrine as a Separate Ground of	
	Review	53
	B. Public Trust Doctrine as Empowering the	
	Court and the Public Spirited Individual	55
	4.3. Centrality of Judicial Discretion in the	
	Public Trust Doctrine	56
	A. PTD in Fundamental Rights Cases;	
	the Supreme Court as the First and Final Court	57
	B. "Who guards the guards?"	59
5.	Proposals for Development of Public Trust Litigation	
	In Sri Lanka	63
	5.1. Questions of a Threshold and Constitutional Basis	63
5	5.2. Forum for Public Trust Litigation	65
	5.3. Standing in Public Trust Litigation	65
	5.4. Remedies and Follow up Mechanisms	66
6.	Public Trust Doctrine; A Judicial Pilgrimage?	70
Rot	Soroncos	72