

ABSTRACT

Democratic governing system grants a mandate to the executive, legislative and public authorities to exercise their discretion in making decisions for and on behalf of the citizens of the said state in utilization of resources and handling funds etc. Though it is expected to have an ethical binding on the said authorities in airing their discretion in such utilization, politically motivated, personal and environmental factors deviate such authorities from the ethical climate and compulsion, for which they cannot be made responsible, neither liable criminally nor its possible to compensate victimized parties, personnel or entities. Public Trust Doctrine (PTD) is a norm, which addresses the ethical compulsions of public bodies in controlling natural and national resources where inadequacy of absorption of it in to Sri Lankan constitution and legal system creates a space through which public bodies who violate Fundamental Rights and sovereign rights of people could be escaped without being made responsible for such violations. This research work hypothesises, "If undue discretion of public bodies could be curtailed in the light of public trust doctrine, then the sovereignty and fundamental rights of the people could be protected" through an inferential statistical analysis where researcher recommends making further steps in induction of public trust doctrine in to the constitution of Sri Lanka and to introduce parliamentary enactments to that effects. If violation of sovereignty of citizen of the state could be addressed through compensation, reversals, making such decisions null and void further to making violators individually liable to be prosecuted criminally and through all these if a severe deterrence could be mounted, it is inevitable that the democratic model of the state is preserved and flourished.