

From Ownership to Guardianship: Temple Lands, Buddhist Trusteeship and Ecological Constitutionalism after the *Nakolagane* Judgement 2026

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Introduction

Environmental degradation in Sri Lanka increasingly reflects a conflict between economic exploitation and ecological responsibility. Deforestation, biodiversity loss, climate vulnerability, and escalating human–elephant conflict continue to expose weaknesses in environmental governance and constitutional accountability. Within this context, the 2026 *Nakolagane Judgment* delivered by the Supreme Court of Sri Lanka represents an important development in environmental jurisprudence by integrating Buddhist philosophy, constitutional responsibility, and ecological governance.

The case concerned allegations of large-scale forest clearing around the Nakolagane Purana Rajamaha Viharaya for commercial agriculture. The petitioners argued that these activities intensified human-elephant conflict, damaged ecological systems surrounding the Palukadawala tank, and threatened the livelihoods of nearby rural communities. Central to the dispute was the claim that the temple lands belonged to the Viharadhipathi under an ancient *Sannasa*, thereby permitting unrestricted use of the property. However, the Supreme Court rejected the argument that temple lands constitute ordinary private property. Instead, the Court interpreted temple lands as a form of trusteeship governed by the Buddhist Temporalities Ordinance and broader constitutional obligations. Accordingly, the judgment adopted a guardianship-based approach to religious land governance informed by Buddhist ecological ethics.

The judgment illustrates how Buddhist philosophy may inform constitutional approaches to ecological responsibility. The Court referred to Buddhist teachings such as the *Kutadanta Sutta*, *Vahropa Sutta*, and *Agganna Sutta* to emphasise restraint against environmental destruction and ethical responsibility toward living beings. The Court also linked environmental degradation to constitutional protection under Article 12(1), supporting the development of environmental constitutionalism in Sri Lanka.

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Although Sri Lankan environmental jurisprudence increasingly recognises environmental rights, limited scholarly attention has been paid to the relationship between Buddhist trusteeship, temple land governance, and ecological constitutionalism. This study examines whether the *Nakolagane Judgment* reflects a transition from ownership-based understandings of temple property to a constitutional framework of ecological guardianship grounded in Buddhist philosophy.

Objectives

This research seeks to examine how the *Nakolagane Judgment* reinterprets temple lands under the Buddhist Temporalities Ordinance while analysing the role of Buddhist ecological philosophy in shaping constitutional environmental reasoning in Sri Lanka. It further examines how the Court's interpretation of trusteeship and environmental rights contributes to ecological constitutionalism and addresses the relationship between environmental degradation, human–elephant conflict, and constitutional accountability.

Methodology

This study adopts an interdisciplinary doctrinal methodology combining constitutional interpretation, environmental jurisprudence, and Buddhist ecological philosophy. The analysis is based on a critical examination of the *Nakolagane Judgment* alongside the Buddhist Temporalities Ordinance, relevant constitutional provisions, and leading Sri Lankan environmental jurisprudence concerning environmental rights and the public trust doctrine. Buddhist philosophical sources cited in the judgment are analysed to identify the ecological principles informing the Court's reasoning. The judgment is then evaluated through the analytical lenses of ecological constitutionalism and the public trust doctrine, with reference to principles of environmental justice and intergenerational equity. Comparative consideration of international environmental human rights jurisprudence and relevant scholarly literature provides contextual support for the analysis.

Results

The findings demonstrate that the *Nakolagane Judgment* reinterprets the legal understanding of temple lands in Sri Lanka by articulating ecological trusteeship, constitutional environmental accountability, and limitations on proprietary claims over religious lands as three interconnected principles.

First, the Court rejected the argument that temple lands may be treated as unrestricted private property solely on the basis of a *Sannasa*. Instead, the

decision reaffirmed that temple lands remain subject to statutory, ethical, and constitutional obligations under the Buddhist Temporalities Ordinance. The Court held that the Ordinance restricts the alienation and leasing of temple property and prohibits the use of temple lands for purposes contrary to Buddhist principles. Consequently, the Viharadhipathi was not recognised as an owner exercising absolute control, but rather as a trustee **subject to statutory duties and public responsibility**.

Second, the decision applied the concept of trusteeship within an ecological framework. Through its reliance on Buddhist teachings, the Court recognised environmental protection as an integral component of Buddhist moral responsibility. The Court's references to the *Kutadanta Sutta* and *Agganna Sutta* demonstrated that greed, environmental exploitation, and ecological destruction are incompatible with Buddhist ethical values. Similarly, the Court invoked the historical statement attributed to Arahant Mahinda that rulers are merely guardians of the land rather than owners. Taken together, these authorities support an interpretation of trusteeship grounded in ecological stewardship.

Third, **the judgment reinforces constitutional protection of the environment**. Although the Constitution does not expressly recognize a standalone right to a healthy environment, the Court reaffirmed that environmental protection forms part of Article 12(1) when interpreted together with constitutional obligations concerning governance and public welfare. This reasoning contributes to the developing jurisprudence on environmental constitutionalism in Sri Lanka.

The findings further reveal that the Court recognized the interrelationship between ecological destruction and social harm. Forest clearing and unauthorized electric fencing disrupted elephant migration routes, intensified human–elephant conflict, and threatened the livelihoods of agricultural communities dependent on surrounding ecosystems. Environmental degradation was therefore treated not merely as physical damage to land but as a constitutional issue affecting biodiversity, human security, water resources, and rural sustainability.

Importantly, the Court also criticised the prolonged inaction of state authorities despite repeated warnings regarding environmental destruction. Several state institutions possessed knowledge of the deforestation and its consequences but failed to adequately enforce environmental and wildlife protection laws. The Court therefore recognized that continuing omissions by state authorities may themselves may constitute continuing constitutional violations.

Finally, the findings indicate that the judgment extends beyond the traditional public trust doctrine and develops what can be understood as “Buddhist ecological trusteeship.” While the conventional public trust doctrine

primarily identifies the State as guardian of natural resources, the *Nakolagane Judgment* extends ecological responsibility to religious institutions managing temple lands. This approach illustrates how Buddhist ethical principles may inform constitutional environmental governance within the Sri Lankan context.

Discussion / Conclusion

The *Nakolagane Judgment* **marks an important development** in Sri Lankan environmental jurisprudence. Rather than treating environmental protection merely as a matter of statutory regulation, the Court approached it as a constitutional and ethical responsibility connected to Buddhist philosophy, ecological sustainability, and social welfare. In doing so, the decision interpreted temple lands not as spaces of unrestricted ownership but as lands held in guardianship for religious, ecological, and intergenerational purposes.

This transition from ownership to guardianship has broader implications for environmental governance in Sri Lanka. The judgment suggests that religious institutions are not isolated from constitutional environmental obligations. Instead, they may function as ecological trustees responsible for protecting biodiversity, ecosystems, wildlife habitats, and surrounding communities. This reasoning illustrates how ecological protection may be integrated into constitutional values, ethical governance, and cultural traditions.

The judgment also adopts a more contextual approach to environmental law. The Court connected ecological destruction with the lived realities of villagers, farmers, water systems, agricultural livelihoods, and elephant habitats. This supports a relational understanding of environmental harm that closely aligns with Buddhist notions of interdependence, coexistence, and compassion toward living beings.

At the same time, the decision raises important constitutional questions regarding the role of religion within judicial reasoning. The Court's reliance on Buddhist teachings illustrates how religious philosophy can shape environmental interpretation within a constitutional framework. While this may enhance the cultural legitimacy of ecological protection in Sri Lanka, it also requires careful balancing within a plural legal system to ensure constitutional inclusivity.

Ultimately, the *Nakolagane Judgment* extends beyond resolving a localised environmental dispute. By emphasising guardianship over ownership, the Court placed renewed emphasis on Buddhist principles of ecological stewardship, in which humans are understood not as absolute masters over nature but as temporary custodians within an interconnected ecological community. The judgment suggests that environmental protection is not merely a matter of

regulatory compliance but also an ethical responsibility grounded in restraint, coexistence, and ecological stewardship.

Keywords - Ecological Constitutionalism, Buddhist Trusteeship, Temple Lands, Environmental Governance, Nakolagane Judgment

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