

NEW POLICY BRIEF : ANNOUNCEMENT

THE CASE FOR THE COMMONS: LESSONS FROM IMPLEMENTATION OF THE LANDMARK JUDGMENT OF THE SUPREME COURT OF INDIA

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“There is not an inch of such land left for the common use of the people of the village, though it may exist on paper”, the Supreme Court (SC) of India made this important observation in January 2011 when it gave clear directions for the removal of encroachments for the protection of commons in the villages of the country.

A conservative estimate indicates that the SC’s judgment would impact about 15-25% of the entire landmass of India, based on the definition of common lands by various existing studies, a majority of which include wastelands and grazing lands. What has rolled out since the time the SC delivered its verdict are a series of measures, which different state agencies, and non-state actors have undertaken towards both compliance of the SC’s judgment as well as addressing the problem of encroachment on Commons.

This new policy brief was commissioned by the Foundation for Ecological Security (FES) and has been co-authored by Shalini Bhutani and Kanchi Kohli. It captures in one document the SC’s judgement, the course it has taken there after and the policy options that prevail. The document draws from information collected from government departments in several states & UTs, case papers and media reports to understand what is the status of implementation, the challenges in the realisation of the SC’s commons Judgment and where the strengths lie. Further, it points to the lessons that can be drawn from the judicial Orders and administrative steps to build a case for the Commons.

The policy brief is not only meant for government policymakers, but also for anyone who would like to either formulate policy or positively influence the policy process.

Please click here for a soft copy of the policy brief. If you like to receive a hard copy please write to kiran@fes.org.in.

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Annex: Judgement (Full Text)

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