
Strengthening Democratic Rights: A Policy Analysis of Common Land Rights for Scheduled Castes in Punjab

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Introduction

It would be edifying to quote the father of Indian constitution Dr B. R. Ambedkar, when he spoke on November 25, 1949, in the Constituent Assembly of India, “From January 26, 1950, onwards, we are going to enter a life of contradictions. In politics, we will have equality: one man, one vote, one value. In society and the economy, inequality will persist. In our social and economic lives, we shall, by reason of our social and economic structure, continue to deny the principle of one man-one value. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up”. Ambedkar’s prediction is true in the context of Indian democracy. Millions of Scheduled Caste people still struggle for their basic socio-economic rights. The proposed study focuses on Punjab state, where the scheduled caste people of the Malwa region (sub-region) of Punjab are struggling for their basic legal common land rights. The Government of Punjab enacted the Punjab Village Common Lands (Regulation) Act, 1961, which mandates that one-third of the Panchayati *shamlat* land be reserved for the Scheduled Castes. However, in practice, Scheduled Caste communities are often denied access to this common land by upper-caste (Jatt Sikh) groups, leading to recurring tensions and conflicts between the two communities in Punjab. In this situation, where Scheduled Caste people are still struggling for their legal rights even after 78 years of independence, enjoying their political rights is just a mirage.

Defining Democracy

Literally, democracy means rule by the people. The term is derived from the Greek word *demokratia*, which was coined from *demos* (“people”) and *kratos* (“rule”) in the middle of the 5th century BCE to denote the political system then existing in some Greek city-states. Democracy is a form of government in which the rulers are elected by the people. It must be based on free and fair elections, where those currently in power have a fair chance of losing. In a democracy, each adult citizen must have one vote, and each vote must have one value. In democratic governments, rules are set within the limits of constitutional law and citizen rights.

Democratic Rights amidst Socio-Economic Inequalities

India is the largest democracy in the world. Every citizen of India has equal political rights, such as the right to vote and contest elections. However, in the socio-economic sphere, there are huge inequalities, such as the caste system and gender

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discrimination. Caste plays a crucial role in every sphere of life in India. Therefore, the use and control of common land are not exceptions. Scheduled Caste people have long been excluded from land rights and denied access to these resources (Thorat, 2009). Their condition regarding land ownership is worse in Punjab than in other Indian states. According to the Census of India 2011, Punjab has the highest percentage of Scheduled Castes population in India (31.94%), but they own only 3.20 percent of the agricultural land. The majority of the SC population (73.33%) lives in rural Punjab, but only a few (6.02%) are cultivators.

There are multiple reasons for the limited access of SCs to Common resources. Continuous shrinkage and illegal occupation of these resources are major reasons for the limited access to SCs. The depletion and shrinkage of CPLRs is a worldwide phenomenon of great concern that has ignited scholarly debates over the last five decades. Different scholars have given different reasons for their gradual disappearance, such as urbanization, commercialization, commoditization, and increase in population (Bokil, 1996, p. 2254; Beck, 1994). Common property land resources have been steadily reduced in extent, and the increasing pressure on what is left has generally led to its progressive degradation and encouraging further expropriation (Arnold, 1990, p. 1). Illegal encroachment is a major cause of the shrinkage of these resources. Mostly, the dominant community encroaches upon these resources (Jodha, 1990). A-66; Pasha, 1992, p. 2499). In a country like India, the dominant communities generally belong to the upper castes. Although everyone has equal rights to access these commons, the Indian social setup prohibits some sections (SCs) of the people from accessing commons because of their caste.

Governments during the British period and after independence passed many acts to manage common land and other common resources in the state. These acts were "Punjab Civil Code 1854", "Punjab Tenancy Bill of 1868", "Punjab Alienation of Land Act 1901", "The East Punjab (Consolidated and prevention of Fragmentation of Holding) Act 1948", "the Punjab Occupancy Tenants (Vesting of Property Rights) Act 1952", "PEPSU Occupancy Tenants (Vesting of proprietary Rights) act 1953, the "Punjab Village Common Lands (Regulation) Act 1954", and the "Punjab Village Common Lands (Regulation) Act 1961". The Punjab Village Common Lands (Regulation) Act 1961 is important in this regard. This act vested the rights of managing common land in village Panchayats. Previously, the village proprietary body¹ used to manage the village common land.

The Punjab Village Common Lands (Regulation) Act, 1961, stated that one-third of the Panchayati Shamlati cultivable land of the village was reserved for Scheduled Caste population of the concerned village, to be given every year through auction. Although the Punjab Government has made this provision, its implementation at the ground level has been a matter of doubt. The share of Scheduled Castes in common land, which is their legal right provided by the Act of 1961, was used by the dominant caste of the concerned village (Mishra, 2016, p. 1; Singh, 2009, p. 25). Singh (2024), in his Ph.D. thesis, stated that in selected villages of the Malwa region of Punjab, the Punjab Village Common Land (Regulation) Act, 1961, is fully implemented in 45 percent of the villages, and SCs are getting and cultivating their legal share of common land. In 30 percent of the selected villages, the act is partially implemented. In these villages, either the SCs received less than one-third of their reserved land or they received less

fertile land. In 25 percent of the Scheduled Caste people of the selected villages are still yearning for ripening the benefits of legal 1/3 ownership rights of Panchayati Shamlati Cultivable land (Singh, 2024). Thus, one-third of the Panchayati cultivable land was legally reserved for SCs of the concerned village. However, upper-caste people deny SCs their legal land rights. Upper caste landholding people are not ready to give SCs their share of Shamlat land because they have been using this land for many years. Sometimes, they acquired this land through auctions against the names of dummy Scheduled Caste landless people. When SCs demanded their share of this land, conflicts occurred between the two communities. SCs were assaulted and boycotted in many villages in Punjab by the dominant agricultural community (Mishra, 2016).

SC women came ahead in this movement because they face more exploitation because of their dependency on the land of Jats for domestic fodder. They collectively started their struggle for their share in Panchayati cultivable land in many villages of Malwa (Sub Region of Punjab) like Balad Kalan, Barwala, Boupur, Badrukha, Bhado, Banera, Banra, Bena Heri, Dharopeeh, Deh Kalan, Gharacho, Jaloor, Kakrala, Khedi, Khudi Kalan, Khudi Khurd, Matoi Namol, Sekha, Sangerha, Sajpur, Tarka . As the law was not implemented at the ground level, the SCs started a movement to get their share of cultivable Panchayati land in the Malwa region of Punjab (Mishra, 2016). In the majority of the cases, local-level administration helped upper-caste agriculturalists in these conflicts. However, community-based organizations like ZPSC and KPMU came forward to help SCs, and political parties also played a significant role, especially BSP. The struggle was led by the BSP in Boupur village (Times of India, October 5, 2015). In many villages, SCs faced social boycott by the local dominant community.

Scheduled caste people first got reserved Panchayati land in 2014; before this, landholder Jats cultivated this land in the name of any SC person. According to some sources, Dalits have been aware of their land rights for a long time, but they have not had the guts or the ability to unite their efforts to get this land. Upper caste people have a dubious character because they do not allow SC people to enter their homes, but they do not hesitate to use the reserved land of the same SC people. Now, the Dalits have decided that they will not give up their share of Panchayati land to the landholders. They have decided to cultivate their share themselves. One of the local leaders from the Bahujan Samaj Party (BSP), Krishan Jassal, also helped them a lot in this struggle. He helped them start and lead this movement (Singh, 2015).

The struggle began in May 2014 when upper-caste landowners boycotted SCs and announced from the temple of Shiva that any person who would make any kind of relationship with SCs would be fined with Rs. 21,000. They immediately stopped the supply of drinking water to the SC people and the labor class of brick cline. The center government's scheme of MANREGA to provide 100 days of employment to the SCs and other deprived sections of the society with a guarantee was stopped by the Upper Caste people of the village. They have also stopped buying or selling milk to SCs in the village dairy. After that, the landlord beat up the priest of the Ravidass temple in the village. According to the sources, SCs were afraid and felt social insecurity in the village due to their social boycott. They were living under immense depression and pressure during the boycott. The Scheduled Caste Commission of Punjab also reported that the Scheduled Caste people of Boupur village are victims of Social Boycott (Times of India, July 4, 2014). Although they lived in an unsafe and insecure atmosphere, they

bravely faced such problems. However, Dalits have not renounced their land rights. They have not compromised their rights. In this hard time, they have made themselves stronger and not given their share of Panchayati agricultural land to landlords at any cost. They have united themselves and started struggling and agitating to get their share of the Panchayati cultivable land. Krishan Jassal, a local BSP worker, led this movement (Singh, 2015).

At that time, the SCs and some Upper Caste villagers who supported them began striking at the offices of the BDPO and DC at Sangrur. These people who were involved in the demonstration said that they had not received any assistance from government officials, except the police. They just gave them lollipops or false promises (Hindustan Times, May 31, 2014). The role of religious institutions was also negative at that time because such institutions were under the control of "Upper Castes" As mentioned earlier, temples and Guruduwara announced the boycott of Dalits. Although such institutions have been considered sacred places for all communities, they have played a negative role for SCs. Despite these incidents, Dalits are not afraid and have not lost their confidence. They regularly focused on their struggles. Finally, in 2014, they received their reserved Shamlati cultivable land, but the atmosphere in the village is still hostile. Landowning upper-caste people still discriminate against SCs in many ways (Sharma, 2014).

Approximately 121 acres of reserve Shamlati cultivable land is available in Balad Kalan village. The landlord of the village was cultivating the reserve land leased in the name of any dummy Scheduled Caste person. Scheduled Caste people started protesting in 2014 under the banner of the Zameen Prapti Sangarsh Committee. During the protest, a conflict occurred between the Scheduled Castes and the landowning upper-caste community of the village. The police and administration tried to keep the Scheduled Castes away from the auction and allowed only the dummy Scheduled Caste candidate to appear for the auction. SCs opposed the administration's favoritism towards big landlords. Finally, a clash erupted between SCs and the police, during which the police lathi-charged on SCs and arrested 41 persons. The majority of them were members of the ZPSC, and they were jailed for almost two months. As a result of their struggle, SCs got 121 acres of the reserve Shamlati land and started cultivating it through collective farming. The 11-member committee was formed to cultivate the land. SCs members collectively shared the benefits of cultivation after deducting the cost of production (Singh, 2016). Jolly (2015) also narrated an incident in his article in which members of the ZPSC informed Scheduled Caste people about their reserve common land rights on June 27, 2014. Subsequently, the Scheduled Caste people began agitation to get their reserved Shamlati land, and the police came to help the landlords and village Panchayat. The Police brutally beat the SCs and arrested 41 Dalits on the charge of 'attempt to murder.' The Police put them in jail, where they spent 59 days. On August 28, 2014, the police released them and surrendered their reserve Shamlati land after a mutual agreement with the village panchayat and the police (Jolly, 2015).

Conclusion

It is apparent from the above discussion that Scheduled Caste people are still discriminated against based on caste. They have equal rights in the political sphere but are discriminated against in socio-economic life. Their political rights, especially the right to vote, are useless without economic equality. In the field of land ownership, the

situation of the Scheduled Castes in Punjab is more miserable than in any other state in India. After independence, the Punjab Government showed some interest in granting land rights to the Scheduled Castes by passing the Punjab Village Common Lands (Regulation) Act, 1961. Despite the legal provisions to give 1/3 of the *Shamlat Deb* land to the Scheduled Castes of the concerned village, they were not allowed to set their share because the act was not implemented in reality. Their share of common land has been used by people of the dominant castes, which continues today. Therefore, in some places, disputes occurred between the two communities of landless Scheduled Castes and land-owning upper-caste people. The study finds that landlords openly displayed their casteist and feudal attitudes when SCs asserted their common land rights. Otherwise, both SCs and 'Upper Caste' people live normally in the villages of Punjab. However, conflicts have arisen between the two communities when SCs have demanded their land rights. In many cases, Scheduled Caste people face social boycott by landlords and are heavily fined for making any contact with Scheduled Caste. As per the provisions of the Act, SCs are entitled to one-third of the common land, but in reality, they are still struggling to get their legal rights. They are struggling for the right to equality, which Articles 14 – 18 of the Constitution of India provided long before. Here is a quote from Dr. B. R. Ambedkar's assertion that politically there is equality but in the social and economic spheres there are huge inequalities that we must overcome to strengthen democracy is true. The Government of Punjab must implement the Punjab Village Common Lands (Regulation) Act, 1961, at the ground level, without any conflicts between SCs and landlords. The social boycott of SCs must be considered a heinous crime, and strict steps must be taken to abolish it. SCs are resourceless people, and Governments (the Indian and Punjab) must take steps to include them in every sphere of life to strengthen the Democracy of India.

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