CHAPTER VI

SOCIAL-LEGISLATIONS UNDER THE DRAVIDA MUNNETRA KAZHAGAM (1967-1976)
CHAPTER VI

SOCIAL LEGISLATION UNDER THE D.M.K. RULE - 1967-’76

Development of Social Ideology - A Backdrop

The Justice Party was defeated in the 1937 elections and in Municipal elections in May 1936.¹ Many reasons were attributed to its defeat, such as lack of communication between public and the Zaminderi leaders, Brahmin and Non-Brahmin controversy and anti-Hindu agitation. The growing trend of the people was affiliation towards Indian National Congress and so the regional parties like Justice Party naturally bowed down. The Raja of Ecbibbi resigned from the leadership of the Justice Party in November 1938.² Subsequently E.V. Ramaswamy (EVR) was elected as the leader of the party by the Party Confederation held in Madras in December 1938. While he was undergoing imprisonment for his participation in the anti-Hindi agitation,³ EVR, who was already the founder leader of Self-Respect movement (1925) now fully strengthened his anti-Hindi agitation.

The most important impact of EVR assuming the leadership of Justice Party was the revival of communalism, which was shown in the anti-Brahmin attitude. In his Presidential Address of the

¹ Madras Mail, 4th May, 1936.
² Madras Mail, 6th November, 1938.
³ Madras Mail, 30th November, 1938.
Justice Party Confederation held at Coimbatore on 29th December, 1938, he said that a minority community of 3 percent population had been acting as a privileged and exclusive caste superior to all other castes and the rest of 97 percent population were kept at a distinct distance. Therefore, he wanted that "Communalism" should be the cardinal principle of Non-Brahmins' life. Thus, by his Self-Respect Movement E.V.R. was extending his social communalism, and after the leadership of Justice Party he further extended his fundamental creed of communalism to the political level. Thus, the anti-Brahmin feeling, both in society and politics became inevitable. By strengthening his anti-Hindi agitation, E.V.R. made it as the political policy of Justice Party. His demand for separate Dravida Nadu resulted with not only anti-Brahmin but also anti-nation. The Aryan (Brahmin) - Dravida controversy became the main theme of the Justice Party. Some of the leaders such as the Rajah of Bobbili and the Rajah of Venkatagiri who did not like the policy of E.V.R., resigned from the party.

In October 1939, Justice Party leaders issued a 'Manifesto' seeking communal representation in the legislature and in the public services. After the withdrawal of Hindi imposition by the Govern-

4 Medras Mail, 29th December, 1938.
5 Ibid.
6 The Hindu, 15th January, 1939; Medras Mail, 16th January, 1939.
7 The Mail, 11th October, 1938.
ment, E.V.R. demanded for separate Dravidas Nadu. Thus, the anti-Brahmin (Aryan dominance) and the anti-nation (Congress) policy of E.V.R. resulted in further divisions in the Justice Party and the party had decided to change the leader and the official name of the party. The Executive Committee of the Justice Party met at Salem on 24th November, 1943 and proposed to change the name into "South Indian Dravidian Federation".

Birth of Dravider Kazhagam

On 27th August, 1944 the Justice Party Confederation was held at Salem and the name of the party was changed into Dravider Kazhagam (Dravidian Association); E.V.R. and C.N. Annadurai (Anna) were elected as its leader and General Secretary. Thus, the old South 'Indian Liberal Federation' (Justice Party) started in 1917 now assumed the name 'Dravider Kazhagam' (D.K.) in 1944. Anna published the four principles of the party: (1) The party members should renounce all the titles such as Sir, Diwanbehadur, Raobehadur, Rooseheb etc., conferred by the British Government and they should not receive them again; (2) The party members should resign their honorary membership in the various committees appointed by the Provincial and Central Governments; (3) The party members should relinquish all posts connected with the Government; and (4) The party members should not contest in any elections. And those who would not abide by those principles would not be considered

8 Kudiarasu, 4th December, 1943.
as members of the party.⁹ By this declaration, the bad reputation the Justice Party had gained that it was the slave of the British was brushed out.¹⁰

From the formation of D.K., the rich Zamindars and English educated elite ceased to be its members and so it descended to the commoners. The Self-Respect Principle was completely absorbed by the D.K. and atheism became the cult among the D.K. members.

C. Sankaran Nair, a nominated member from Madras, during a debate in the Council of States, Delhi, in 1826, pleaded for the granting of complete dominion Self-Government status to ten Tamil Districts of the Madras Presidency.¹¹ E.V.R. pleaded for a separate Dravida Nadu based on linguistic proposition of four languages spoken in South India and racial (Dravidian) grounds.

Thus, the Dravidian Communalism and Dravidian Nationalism (on linguistic and racial grounds) became the embodiment of D.K. and it began to stand only on this bedrock. There were only two figures in the Kazhagam, E.V.R. and Anne. Anne made use of the mass media for propagating E.V.R. ideals. Through his Dravidian Actors Association called Kanchi Maru Malarchi Nadaga Manram, he propagated the ideals of the D.K. for students, Anne

---

⁹ Kudiasrus, 19th August, 1944.
¹⁰ Ibid.
started Dravida Manavar Kazhagam (Dravidian Students Association) at Kenchipuram in 1942. E.V.R. said, that there was no God and the religion was responsible for social evils and injustice among the people, one who believed in God was a fool and one who spread belief in God was a knave and scoundrel. But Anna said, that there was one religion and one God.

E.V.R. used his newspapers Viduthalai and Kudiarasu for war propaganda in support of the British but it was hated by the members of the Kazhagam. Anna started his own weekly Dravida Nadu in 1942 to express his ideas and propagating the ideals of Periyar.

E.V.R. was not the believer of democracy. But, he was firmly committed to social reforms. "Self-Respect before Self-Rule" was his policy. But Anna strongly believed in democracy and said that separate Dravida Nadu could be realised only through Parliamentary means.

When the Freedom of India was declared on 15th August, 1947, E.V.R. declared that Independence Day to be a "Mourning Day" because, according to Periyar in that day the British handed

---

12 Dravida Manavar Munnetra Kazhaga Manattu Malar, 1940, p.3.
14 Ibid.
over the Dravidians to Aryans. But Anna opposed him, and declared that it a 'golden day' whence the British yoke was broken after 200 years of slavery. Anna wanted him to distribute responsibilities among the youngsters.

On 28th June, 1949 E.V.R. depicted in Viduthalai that he was going to be legally succeeded by twenty six years old Maniammai. E.V.R. married Maniammai on 9th July, 1949 because he believed that there was no one who could take care of the party. Therefore, Anna and his followers severed connections with E.V.R. and left the D.K.

Anna and other leaders who left the D.K. and formed their own party called Dravida Munnetra Kazhagam (D.M.K.) (Dravida Progressive Party) on 17th September, 1949 and Anna became its General Secretary. However, the D.M.K. inherited almost all the ideologies of D.K. but with slight modification. While E.V.R. hated Brahmins, Anna hated Brahminism but not, an individual Brahmin. E.V.R. said, if you come across a poisonous snake and a Brahmin first kill the Brahmin and then the snake, because Brahmin had been poisoning the society for ever. Anna was a staunch believer of democracy policies of liberty, equality and fraternity. He converted his party as a family. They called him as Anna (elder brother) and he addressed them as Thambis.

17 Malei Mani, 18th September, 1949.
(young brothers). That treatment of Anna made his partymen to sacrifice anything for the party.\textsuperscript{18}

D.M.K. had 600 branches in 1950, 1,000 in 1956, 3,000 in 1960 and 9,000 in 1971. The party membership also steadily increased.

\begin{tabular}{|l|l|}
\hline
Year & No. of Members \\
\hline
1958-'59 & 2,50,000 \\
1969-'70 & 4,00,000\textsuperscript{19} \\
\hline
\end{tabular}

Anne believed in the importance to be given for the upliftment of the downtrodden economically poorer sections. His effective slogan "See God in the smile of the poor" attracted the mob. More and more number of youngsters and students community joined D.M.K. Depressed Classes were very much attracted towards D.M.K. This helped them to fill their vote Banks.

In 1956, the D.M.K. in its Provincial Conference at Trichy the question of D.M.K. entry into election was placed as a mandate and 58,942 members voted for electoral participation and 4,203 voted against it.\textsuperscript{20} So, D.M.K. entered in the Second General Elections held in March 1957 and won 15 seats to Assembly and

\begin{itemize}
\item \textsuperscript{18} Ramachandran, S., \textit{Anna Speaks}, Madras, 1971, pp.XVI-XVIII.
\item \textsuperscript{19} Chitti Babu, C., \textit{Ti.Mu.Ka. Veraleru} (History of D.M.K.), Madras, 1975, p.120.
\item \textsuperscript{20} D.M.K. Silver Jubilee Souvenir, Madras, 1974, p.143.
\end{itemize}
2 to Lok Sabha. The D.M.K. had achieved the status of a recognised political party. It became an opposition to the Congress in the State.

In 1962, Third General Elections, the D.M.K. won 50 Assembly seats and 7 Lok Sabha seats. Though Anna was defeated, later he was elected by his M.L.As to Rajya Sabha.


In the 1967 Fourth General Elections Congress was routed and dislodged from power after its 20 years of uninterrupted rule. On 6th March, 1967 C.N. Annadurai became the Chief Minister and he was on chair till his demise on 3rd February, 1969 though he was in office for a short duration. During his Chief Ministership Annadurai introduced an important social legislation, Suyamariyathai Thirumana Sattam (Self-Respect Marriage Act). So, the Hindu Marriage Act of 1955 was amended. The background under which this Amendment Bill was introduced must be known before its description.

22 Homeland, November 1957.
Suyamariyathai Iyakkam (Self-Respect Movement) was started by E.V.R. in 1925. He sought to restore the Suyamariyathai (Self-Respect) of Non-Brahmins which was denied to them by Brahmins. Its main object was 'social reform' and denial of superiority of the Brahmins and their faith in the caste-system or Varnasrama Dharma. When E.V.R. became the leader of Justice Party in 1938, his Self-Respect Movement turned as a Militant Movement. When the Justice Party was re-named as D.K. in 1944, Self-Respect Movement turned to be a vigorous social movement rather than a political movement. It was said that there was no "Self-Government without Self-Respect". Self-Respect Movement aimed at casteless society and condemned caste system, religion, rituals and traditions. Hence, besides being anti-Brahmin, it became anti-Hinduism also. The targets of attacks of the movement were the Brahmins and their scriptures such as Vedas, the Puranas and Epics. It called upon the people to improve the spirit of rationalistic outlook on life and eradicate 'superstition of orthodoxy' and the superstition of superiority of Brahmins. It aimed to secure liberty, equality and justice for all individual and to find rational, democratic end enlightened society.

As for the emancipation of women, they should have the same rights of inheritance as men, and he advocated that marriages

24 Madras Mail, 30th December, 1926.
25 The Hindu, 19th February, 1929.
26 Ibid.
should be terminated at the will of either party.²⁷ Hence, it broke the old tradition which insisted that even if the husband was a stone or grass he must be treated as the life partner.

The Movement insisted the Dravidians to eliminate the employment of Brahmin priests in rituals and ceremonies. Thus, this Movement gave a new and broader concept of Dravidianism.²⁸

Self-Respect marriages became popular from 1926 onwards and were reported every week in Kudiarasu. Periyar started Self-Respect Matrimonial Bureau and even intercestes marriages were arranged. In some places Self-Respect Marriages were opposed. It was reported in Kudiarasu that the procession of a Self-Respect Marriage was obstructed by blocking with tables and chairs. When it made its way through the Agraharam of the Perumkulum Village, Srivaikuntam Taluk, Thanjavur District and the procession was again held a week later with the Collector's permission and police protection.²⁹

A Self-Respect Marriage took place at Sukkilanatham Village, Aruppukottai Taluk, Ramnad District and it was conducted by Periyar E.V.R. himself.³⁰ After the marriage, it was registered

²⁷ Ibid.
²⁸ Irshick, E.F., op. cit., p. 343.
²⁹ Kudiarasu, 26th May, 1929.
³⁰ Kudiarasu, 3rd June, 1928, pp. 7, 8 and 17.
and thereby it obtained legal sanction.

In course of time, the Movement had the overwhelming support and the educated youths used to go for this kind of marriage. But, the educated people wanted a law to legalise the Self-Respect Marriage and so in 1936, they started an Association called Tamilnadu Prohita Maruppu Sangam (Anti-Prohita Association of Tamilnadu).

A group of people wanted the Special Marriage Act of 1872 (Act III of 1872) to be amended so as to legalise the Self-Respect Marriages. In 1850, the Colonial Government passed 'Caste Disabilities Removal Act' (Act XXI of 1850) and affected all the rights and disabilities of persons irrespective of their castes. This provision became the source of this Special Marriage Act of 1872. A male or female might be allowed to marry any person irrespective of his/her caste, religion or such thing under this Act and had the right of succession to any property as a person to whom the Caste Disabilities Removal Act, 1850 (XXI of 1850) applied.31

The aim and object of the Special Marriage Act was to enable the society to keep in space with the march of civilization in modern times. It permitted inter-communal and inter-caste marriage. For this good reason, the Special Marriage Act was amended and enacted by the Parliament in 1954. The President of India

31 The Special Marriage Act, Section 20.
gave consent on 9th October, 1954 and was published in the Gazette of India (Extra-ordinary, Part II, Section I, No. 48, 11th October, 1954).

The Hindu Marriage (Madras Amendment) Bill of 1967

The Hindu Marriage Act differed from the Special Marriage Act. Hindu Marriage is to be solemnized under certain provisions including rites and ceremonies conducted by a priest. The caste, custom and usage were the main criteria of the Hindu marriage. Apart from that, there were Kula, Gotra, blood relations etc. but in the special marriage, there was no restriction of caste, Kula, Gotra, religion etc.

The couples who solemnized their marriages under the Self-Respect Marriage were not recognized either under Special Marriage Act (or) under the Hindu Marriage Act. Therefore, as soon as Anna became the Chief Minister of Tamilnadu, the Hindu Marriage Amendment Bill of 1967 was introduced in the Assembly. The aim and object of this Bill was to legalize the Self-Respect Marriages conducted by Periyar and to cut across the caste barriers.

The Suyamariyathai Thirumanam (The Self-Respect Marriage) (or) Seerthirutha Thirumanam (Reformed Marriage) was between two Hindus, solemnized in the presence of relatives, friends or other persons; each party took the other to be his/her wife/husband; or by each party to the marriage garlanding the other
or putting a ring upon any finger of other; or by tying of the Thali (Marriage badge).

Here, the question of prohibita or priest does not occur. But, it is declared that all the Self-Respect Marriages conducted before or after commencing of this Hindu Marriage (Madras Amendment) Act of 1967 was valid in law.

The Hindu Marriage (Madras Amendment) Bill, 1967 (L.A.Bill No.19 of 1967) was passed as an Act with the main object to provide provision for the sanction accorded not only to the Suyamariyathai (Self-Respect) or Seerthirutha (Reform) Thirumanam (Marriage) to be performed in future but also to all such marriages that had taken place till then. Declaration by parties while exchanging of garlands, or rings or tying of the Thali is the essential provision of this Act; proof of evidence in the next important provision. A marriage which was void on any other ground in the Hindu Marriage Act, 1955 held good in this marriage also.

While the Bill was discussed in the Legislative Assembly, R. Ponnappa Nadar suggested that this sort of marriages should be registered so as to meet any challenge in future. The Bill was only an amendment of the Hindu Marriage Act of 1955 that was passed by the Parliament and so he wanted that there should be no repugnant to that Act and the Bill ought to be given assent.

by the President of India under Article 254(2) of the constitution.\textsuperscript{33}

Section 7 of the Principal Act was amended as follows: "Notwithstanding anything contained in Section 7 or in any other law or in any judgement, decree of order of any court all marriage shall be deemed to have been good and valid in law".\textsuperscript{34} The Act applied only to marriage contracted between Hindus. As for Muslims and others, there was the Special Marriage Act. So, it was clear that there was no provision for the marriage contracted between Hindus and Christians or between Hindus and Muslims or between Muslims and Christians.

C.N. Annadurai, the Chief Minister said, that the motive behind Bill was that the Hindu marriages were necessarily functioning on certain conventions which were not necessary, and to legalize certain non-conventional marriages this Bill had been introduced.\textsuperscript{35} Marriage was regarded as a sacrament by the Hindus. But this Act considered that marriage was more or less like a contract and the Hindu Law had been put down by this legislation. Therefore, Ponneppa Nadar welcomed the legislation and appreciated the Law Minister S. Madhavan.\textsuperscript{36}

\begin{itemize}
\item[\textsuperscript{33}] (a) M.L.A.D., Vol. XII, 28th November, 1967, pp.383-84; (b) The Fort St. George Gazette Extraordinary Part IV, Section 4, Madras Acts and Ordinances, 24th November, 1967, pp.73-76.
\item[\textsuperscript{34}] M.L.A.D., Vol. XII, 28th November, 1967, pp.383-84.
\item[\textsuperscript{35}] Ibid., p.385.
\item[\textsuperscript{36}] Ibid., pp.384-385.
\end{itemize}
While welcoming this legislation the leader of opposition P.G. Karuthirumaran said, that the Hindus were madly spending their money either in constructing their houses or in celebrating marriages, but this legislation saved the Hindus from their extravagant expenses. The particular provision said, "this section shall apply to any marriage between any two Hindus, whether called Suyamariyangai Thirumanam (Self-Respect Marriage) or Seerthirutha Thirumanam (Reform Marriage) or by any other name, solemnized in the presence of relatives, friends or other persons".

C.N. Annadurai said, that this legislation was not against prohita marriage or it was not compelling that the prohita marriage should be avoided, but the marriage performed without prohita was to be legalised. Prohita system was there with the Muslims and Christians but their prohitas were from their own communities. But in the Hindu prohita system, the prohitas were only from a particular community who were considered as the super class. Therefore, the self-respected Non-Brahmins wanted to avoid this high caste prohitas. 37

The member of the House had moved amendments and they were accepted and incorporated in the Bill. And at the end, the Law Minister moved the Bill successfully and one of the amendments made was that instead of tying the thali the word wearing or adorning was accepted. 38 C.N. Annadurai said, that even

37 Ibid., pp.387-89.
38 Ibid., p.394.
without tying or adorning thali, the marriage was valid. Therefore, it was called "Thirumana Oppandam" (Contract of Marriage), tying thali was really a symbol of slavery. That was why, instead of the words tying thali, exchanging garland or wearing rings were used. These were all the significances of contract made between parties themselves but not on the direction of convention. 39

Thus the Hindu Marriage Act, 1955 (Central Act 25 of 1955) was amended by the D.M.K. Government so as to legalise the Self-Respect Marriages that were conducted by E.V.R.

The public felt, that to conduct a Hindu marriage by a prohita was not an expensive one, whereas conducting the Suyamariyathai Thirumanam was expensive. The presiding bigwiggs and the facilitating persons were to be paid.

The motive behind this as stated by C.N. Annadurai was to fulfill the conducts of E.V.R. But statistics prove now-a-days this sort of marriages are rare even among the followers of E.V.R. and of C.N. Annadurai.

Anyhow, the legislation received the assent of President on the 17th January, 1968 and became an Act.

There were certain impacts of this Act. Strictly speaking, they were due to the propaganda of E.V.R. and C.N. Annadurai.

39 Ibid., p.395.
VII. CONFIDENTIAL FILES


VIII. THE YEAR BOOKS


4. The Indian Annual Register, 1936.
of Rs.10,000 in the budget of 1967 for granting awards to parties who entered into inter-caste marriages. 41

Out of this fund set apart for granting awards, gold medals worth 1½ sovereigns were awarded to those who married Harijans. This scheme was continued by M. Karunanidhi after C.N. Annadurai. The number of gold medals awarded from 1968 to 1975 is shown below. 42

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Gold Medals Awarded</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968-'69</td>
<td>48</td>
</tr>
<tr>
<td>1969-'70</td>
<td>35</td>
</tr>
<tr>
<td>1970-'71</td>
<td>65</td>
</tr>
<tr>
<td>1971-'72</td>
<td>20</td>
</tr>
<tr>
<td>1972-'73</td>
<td>29</td>
</tr>
<tr>
<td>1973-'74</td>
<td>80</td>
</tr>
<tr>
<td>1974-'75</td>
<td>40</td>
</tr>
<tr>
<td>1975-'76</td>
<td>100</td>
</tr>
</tbody>
</table>

Total: 417

The Self-Respect Movement was confined almost entirely

41 Ibid.

to the Tamil districts and there was little support or propaganda in the other lingistic regions. This was mainly due to E.V.R.'s ability to speak only in Tamil and not in any other South Indian languages. Further the Telugu districts were absorbed in their agitation for an Andhra Province. 43

Certain Non-Brahmin factions also reacted against the activities of Self-Respect Movement. Non-Brahmins of Congress Party began to counteract the claims of Justice Party who were the spokesman of high caste Non-Brahmins. This led to the founding of the Madras Presidency Association in September 1917 with the object of communal representation. 44

The orthodox group of Justice Party who opposed the change of party's name as D.K. in 1944, remained in under the old name Justice Party. And P.T. Rajan was elected as its leader besides three other regional leaders, R.K. Shanmugam Chettiar, B. Ramachandra Reddi and M. Giriappa. 45 This group did not accept the activities of Self-Respect Movement.

When the Self-Respect Movement was burning Manusmriti, C. Rajagopalachari criticised the idea and said, that the zeal of some protagonists of Non-Brahmin progress in South India had

44 Madras Mail, 21st September, 1917.
45 The Mail, 9th and 10th May, 1945.
taken "particularly the ignorant and suicidal form of an unthinking attack on the most sacred books of India" and that such an exhibition of lack of historic sense would be only amusing, if it did not tend to delay national consolidation. 46 Thus, the scheme of burning scriptures was opposed by the Brahmans and also by orthodox non-Brahmins. In this manner the Self-Respect Marriage was also opposed by these groups.

From 1926 to 1936 in almost all Justice Party Conferences, resolution was moved to opening its membership to Brahmans also but it was rejected. The Self-Respect Marriage was an open challenge to Brahmans. This open hostility towards one community resulted in the defeat of Justice Party in the 1937 elections. Moreover, the Brahmin Associations were strengthened and they were united. The custom and usage, rules and rituals in certain temples and Maths were relaxed. The performance of Self-Respect Marriage was not new to Untouchables. From time immemorial they never engaged Brahmin priests in their marriages or in other ceremonies. As a political stunt, the members of the Movement used to celebrate this sort of marriage.

Visve Brahmans and Lingayets etc., also did not employ Brahmin priests in their marriages or ceremonies. Hence, the Self-Respect Marriage did not become popular in Tamilnadu. 47

46 The Hindu, 12th April, 1928.
47 Thangavelu, G., Tamil Nila Varalaru (History of Tamilnadu), Madras, 1973, p.250.
Moreso, the religious minded people opted for the ritualistic ceremonies with the priest. By the Self-Respect Marriages only the leaders had gained popularity and converted the marriage halls as public platform to deliberate the ideology of their party. It never reached to the people at the grass-root level and ignored by the people on high level. In course of time it was faceded because, the Self-Respect Marriage was performed even by the self-respecters. Most of the heirs of the self-respecters never crossed their caste barriers and married inter-caste grooms or brides. In this regard onething could be said, that the inter-caste marriages were much invited rather performed by Brahmin Community. Some Brahmin brides got married Depressed Class grooms particularly to those who were employed in central services.

So, the self-respect and inter-caste marriages not became popular among Non-Brahmins who wanted respect from Brahmins but it became popular between Brahmins and Depressed Classes. Now-a-days the couples who got inter-caste marriages never applied for 'Gold Medals'.

Almost all the Depressed Class bridegrooms used to celebrate their marriages in temples and solemnized by pucca Brahmin priests with all sorts of ceremonical rituals. Except love marriages no inter-caste marriages were celebrated with the consent of both parties. Therefore, the term 'Self-Respect Marriage' is an unknown term to the present generation.
PROMOTION OF DEPRESSED CLASSES PEOPLE UNDER THE D.M.K.

Article 17 of the Indian Constitution declared that "Untouchability" was abolished and its practice in any form was forbidden. The enforcement of any disability arising out of "Untouchability" should be an offence punishable in accordance with law. 48

This Article simply said, 'Untouchability should be an offence and punishable in accordance with law'. It did not furnish the nature of offence. Therefore, in 1955 a Special Act was passed by the Central Legislature called 'The Abolition of Untouchability (Offences) Act, 1955'. But this Act also did not provide sufficient explanation to 'offence'. It was not enforced properly by the then Ruling Party, the Congress. When the D.M.K. came to power, the Act was amended in the Parliament and it was vigorously enforced by the D.M.K. Government in Tamilnadu. After the amendment on November 1972, the amended Act was called Protection of Civil Rights Act. This Act made all kinds of Untouchable offences as 'cognizable' and 'non-compoundable'. When M. Karunanithi was the Chief Minister of Tamilnadu, the Protection of Civil Rights Act was enforced in November 1972. 49

According to the provisions of the Act, the Untouchable offences were subject to fine and imprisonment, the cases were

cognizable and were not compoundable. The status were permitted to impose collective fines; and preaching and practicing of untouchability either directly or indirectly was considered as a punishable offence.

This Act conferred upon the State Governments, the power to promote legal aid to Scheduled Castes; to appoint officers for execution, supervision and for promotion of this Act; to set up special courts for the trial of offences under this Act; to set up committees to assist the Government in enforcing this Act; to conduct periodic survey of the working of this Act; to identify the areas where persons were under any disability arising out of untouchability and to adopt relief measures.

The D.M.K. Government constituted Harijan Welfare Boards at State, District and Taluk levels to enforce the provisions of the Protection of Civil Rights Act. At taluk level, Special Tasildars for Harijan welfare were appointed. The Special Tasildar, the Panchayat Union Commissioner and the Deputy Superintendent of Police were to act as official members of the Board and the Taluk Welfare Officer to be the Secretary of the Board. At the District level, a District Harijan Welfare Board, consisting of the District Collector as the Chairman, the Superintendent of Police, the District Welfare Officer and all Chairmen of Taluk, Harijan Welfare Boards as members were set up. The District Welfare Officer to be the Secretary of the Board.
In 1972, the Government set up Mobile Police Squads in rural areas of the Districts. The Squads were to check untouchability offences and to prevent physical violence and atrocities against the Harijans. The Mobile Police Squads prevented the atrocities committed on Harijans by the Caste Hindus and tried to eradicate the practice of untouchability effectively.

The Mobile Police Squads were organised in six select districts, Coimbatore, Tinnevelly, Tiruchirapalli, Madurai, Thanjavur and South Arcot.

Statement showing the number of cases detected and disposed of under the Protection of Civil Rights Act, by the Mobile Police Squads during the quarter ending 11th March, 1975 were as follows.


52 Programmes of Welfare and Development of Scheduled Castes and Scheduled Tribes in Tamilnadu, Department of Harijan Welfare, Madras, 1976, p.46.
<table>
<thead>
<tr>
<th>S.No.</th>
<th>Nature of Cases</th>
<th>During Quarter</th>
<th>Present Quarter</th>
<th>Up to the end</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>No. of cases reported</td>
<td>271</td>
<td>-</td>
<td>3,642</td>
</tr>
<tr>
<td>2.</td>
<td>No. of cases changed</td>
<td>266</td>
<td>17</td>
<td>3,610</td>
</tr>
<tr>
<td>3.</td>
<td>No. of cases convicted</td>
<td>68</td>
<td>30</td>
<td>2,441</td>
</tr>
<tr>
<td>4.</td>
<td>No. of cases acquitted</td>
<td>-</td>
<td>34</td>
<td>532</td>
</tr>
<tr>
<td>5.</td>
<td>No. of cases compounded</td>
<td>-</td>
<td>13</td>
<td>384</td>
</tr>
<tr>
<td>6.</td>
<td>No. of cases pending in the country as on the end of quarter</td>
<td>198</td>
<td>-</td>
<td>253</td>
</tr>
<tr>
<td>7.</td>
<td>No. of cases referred</td>
<td>3</td>
<td>-</td>
<td>30</td>
</tr>
<tr>
<td>8.</td>
<td>No. of cases under investigation</td>
<td>2</td>
<td>-</td>
<td>2</td>
</tr>
</tbody>
</table>

Tamilnadu is the only State which took utmost interest in eradicating untouchability of all the States of India. That is why, the D.M.K. Government implemented the Untouchable (Offence) Act, 1956 to its fullest extent and fulfilled the ideology of Periyar and Anna. But, however, certain sections of Untouchables did not want to apply for the award of "Gold Medal" and reluctant to celebrate the Harijan Week and participate in the Sama bandh Bojanaam (interdining). Though, the untouchability was abolished against deterrent punishment of Article 17 of the constitution, every year on the Martyrs' Day (30th January) the pledge is being taken against the practice of untouchability.

When untouchability is still existing, there is no meaning of the constitution and all the legislations connected with the Untouchable offences and punishments were futile attempts. However, by these measures, untouchability is hoped to be sunk in Tamilnadu.

The crimes against the Depressed Classes like murder, rape and arson had increased during the D.M.K. rule. Between 1972 and 1975, 13,642 criminal cases against the Depressed Classes were reported under the Untouchability (Offence) Act, 1955 (The Protection of Civil Rights Act of 1972) of these 6,610 were charged, 2,441 persons were convicted, 532 persons were acquitted and 384 cases were compounded. The rest were either pending in the courts or under investigation. The following was districtwise statistics relating cases of Untouchability Act South Arcot - 778, Thanjavur East 65, Thanjavur West 163, Trichy 588, Madurai South 241, Madurai North 226, Tirunelveli 442, Coimbatore Urban 972 and Coimbatore rural 134.54

The Tamilnadu Hindu Religious and Charitable Endowments (Amendment) Act, 1970 (The Archaka Bill)

After the demise of C.N. Annadurai the Chief Minister of Tamilnadu on 3rd February, 1969, V.R. Nedunchezian was appointed as the Chief Minister for a period of seven days i.e., from 3rd February, 1969 to 10th February, 1969. After him, M. Karunanithi

54 The Hindu, 3rd August, 1976.
was elected as the leader of the D.M.K. Legislatures and assumed the office of Chief Ministership on 10th February, 1969 and he was in office up to 15th March, 1971. During his Chief Ministership M. Karunanithi wanted to introduce the Archaka Bill. Archaka or priest who was performing pujas in the Hindu temples was only from the Brahmin Community. This post became an hereditary one and no other community or caste was not allowed to take up the job of Archakas. When D.M.K. became the Ruling Party of Tamilnadu, as a policy of equality on social justice wanted to establish an egalitarian society and therefore the Bill was introduced.

When the D.M.K. Government had taken up the Archaka Bill, they were forced to amend the "Hindu Religious Endowments and Charitable Act of 1959" (Tamilnadu Act 22 of 1959) also known as the Principal Act.

In this Act there were two sections, Section 55 and Section 56 which stood as the deadlocks to pass the Archaka's Bill.

Section 55 dealt with the appointment of office-holders and servants in the religious institutions. According to this section (1) "Vacancies, whether permanent or temporary, among the office-holders or servants of a religious institution shall be filled up by the Trustee in cases where the office or service is not hereditary", (2) "In Cases where the office or service is hereditary, the person next in the line of succession shall be entitled to succeed", (3) "Where, however, there is a dispute
respecting the right of succession", and (4) "Any person aggrieved by an order of the Trustee under Sub-section (3) may, within one month from the date of the receipt of the order by him appeal against the order to the Deputy Commissioner".

By this section it was confirmed that the post of Archaka was a hereditary one, and nothing could shake this hereditary right, if so the aggrieved person could seek legal remedy.

In short, Section 55(1) empowered the Trustee to fill up vacancies whether permanent or temporary among the office-holders or servants of religious institution, all cases, where the office or service was not hereditary. But in other cases where the office or service was hereditary, the person next in the line of succession should be entitled to succeed and this was the general law.

Section 55(4) said that under extraordinary circumstances the Trustee might appoint a fit person to perform the functions of the office until another person succeeded to the office. If any person aggrieved by this appointment of the Trustee within one month he might appeal against the order to the Deputy Commissioner. 55

Section 56 of the Principal Act, spoke about the punishment

of office-holders and servants in religious institutions. According to this section, Trustees in the interest of administration should lead the powers of control over all classes of office-holders and servants. Such power of control and disciplinary jurisdiction was conferred on the Trustees of religious institutions under Section 56. Such a power of control would include imposition of fine, suspension, removal or dismissal or breach of trust, incapability, disobedience of orders, neglect of duty, misconduct or other sufficient cause. 56

Section 55 depicted the hereditary right of Archakas and Section 56 depicted the controlling and punishing power of the Trustees. These two sections was to be suitably amended to pass the Archaka Bill. First the hereditary right of Archaka was to be repealed and the Trustees powers should be taken out. So, K.V. Subbaiya, the Minister for Religious Endowments moved on 2nd December, 1970 in the Assembly the 'Hindu Religious Endowments and Charitable Endowments (Amendment) Bill, 1970' (L.A.Bill No.45 of 1970).

When he introduced the Bill in the Assembly he explained the aim and object of the Bill. He said, that the aim of the amendment Bill was to abolish the hereditary right of the Archakas and to appoint suitable persons, irrespective of their castes or class.

56 Ibid., p.130.
Archaras, Pujaris, Gurukkal etc., were the servants of the temples under the Local Board Acts. Their important duties were performing Pujas, chanting Mantras, Vedas and Thevarams and performing other rituals of the temples. In the past, temples were thrown open to the Harijans for worship and thereby untouchability had been vanishing. But the amendment would be for the abolition of the social hierarchy; abolition of the hereditary right was now not a new subject to the Government and it was already done in Andhra. 57

Further, K.V. Subbasiys had pointed out the Supreme Court judgement in the Gazula Desaratha Rama Rao versus State of Andhra Pradesh (1961 I.S.C.J. 310) case. The Supreme Court held that Section 6(1) of the Madras 'Hereditary Village Offices Act, 1895', (Madras Act III of 1895) embodying the principal of hereditary right in the matter of appointment of village officers involved in a discrimination on the ground of descent only, and was therefore, in contravention of Article 15(2) of the constitution and void. 58

In the constitution, Article 15(2) says, "No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State". Under this article, the hereditary right of village officials were

---


58 Appeal Case Supreme Court I.S.C.J., 1961, 310.
revoked by Andhra Government, because it was against the constitution. 59

K.V. Subbaiya again cited the report of the Committee on untouchability, economic and educational development of the Scheduled Castes appointed in the 1969 by the Government of India under the Chairmanship of L. Elaye Perumal, Member of the Parliament. It was known as Elaye Perumal Committee.

The Elaye Perumal Committee had recommended that Harijans should be appointed in the Hindu temples as Archakas and other temple officials, then the vigorous of untouchability would vanish. 60 The Committee has suggested that the hereditary priesthood in the Hindu society should be abolished, and the system could be replaced by an ecclesiastical organisation of men possessing the requisite educational qualifications who might be trained in recognised institutions in priesthood, and that the line should be opened to all candidates, irrespective of caste, creed or race. The Government had decided to remove the hereditary right of Archakas and to appoint any qualified persons in Agamas, chanting Mantras, Devaram, Thiruvavakam etc., and also to perform pujas and other rituals according to the prescribed rules of scriptures. 61


Therefore, K.V. Subbaiya said, that in the light of the Supreme Court judgement and on the recommendations of the Committee and also as a further step towards social reforms, the Government considered that the hereditary principal of appointment of all officers in the Hindu temples should be abolished. And accordingly it was proposed to amend Sections 55, 56 and 116 of the Tamilnadu Hindu Religious Charitable Endowment Act of 1959 (Tamilnadu Act 22 of 1959).

K. Ramamurthy, Congress (O) member, during the discussion in the Assembly on the amendment Bill seeking to scrap the hereditary system of appointments to offices in temples, said, educational qualifications and training in priesthood were not the only requirements for one to be an Archaka; much more important than that was a strong belief in idol worship and rituals. The monetary aspect might not attract many in the job of a temple priest but those who wanted to sabotage Hindu religion and temple worship could get into the temples under the new dispensation, which would cause, a great harm to the ancient institutions. 62 He requested the members not to wound the orthodox people.

A. Subburaj, an Independent member said, that fear of God was the main instrument with which the ancient people ensured the right conduct of temple priests. A temple priest had to have

an emotional attachment to his profession to discharge his duties sincerely. 63

M.P. Sivagnanam of Tamilarasa Kazhagan said, in bringing forward the Bill the D.M.K. had done only its duty as a Government and did not display its disbelief to God. Further, he said, Hindu religion by itself did not create any caste or communal differences and they were all man-made. 64

R. Ponnappa Nader of Congress Party said, the priesthood called for rigorous self-discipline and in throwing open the jobs to all castes, the Government should see that this discipline did not suffer. 65

N. Rajangam of D.M.K. said, this Bill would allow the Depressed and downtrodden people who were denied freedom of worship in temples to go to the Sanctum Sanctorum and serve God. 66

K.E.S. Mani of Republican Party of India wanted some posts of the Archakas to be reserved for Harijans. 67

At the end of the discussion, the mover K.V. Subbariya,

64 Ibid.
65 Ibid.
66 Ibid.
67 Ibid.
promised the House that the Bill would not wound the feelings of Hindus. Even after this reform, the "Essence of Hindu Religion" would remain unchanged. So many religious reforms were undertaken in the past such as abolitions of Sati, Devedasi System and animal sacrifices in the Hindu temples, but the essence of Hinduism had remained in tact. There was no doubt that only those who professed Hinduism must be appointed as Archakas. There were Non-Brahmin Archakas already working in the temples. Then the Assembly Bill No.45 of 1970 was passed by the Assembly as an Act on 2nd December, 1970.

On the same day i.e., on 2nd December, 1970, K.V. Subbaiai, the Hindu Religious Endowment Minister, introduced the 'Tamilnadu Religious and Charitable Endowments (Amendment) Bill, 1970' (L.A. Bill No.45 of 1970) in the Tamilnadu Legislative Council. Most Revered Kunrakudi Adigalar said, that this Bill should have been circulated to the religious leaders for their suggestions but he assured that he never opposed the Bill because it was for social reform. K. Arivazagan, R. Krishnasami Naidu, A.P. Janarthanam, P. Krishnasamy Naidu and many other supported the Bill. Therefore, it was passed in the Council also.

The Bill received the assent of the Governor on the 8th January, 1971, became an Act and published in the Fort St. George

68 Ibid., p.468.
Gazette on 12th January, 1971. This was called Tamilnadu Religious and Charitable Endowments (Amendment) Act, 1970' (Act No.2 of 1971).

Caravan a fortnightly journal had contributed its view on the Temple Archaka Bill under a title "Bold Innovation in Temple worship".

The Brahmins in almost in every temple had been enjoying the temple lands, and income by performing pujas and offerings. Hundreds of Brahmin families were living entirely on the temple income and they formed themselves as a separate class. Their performance of worships were passed on from father to son.

Even E.V.R. did not object temple worship but he attacked the supremacy of Brahmins. But M. Karunanithi, the Chief Minister of Tamilnadu, was bold enough to introduce Tamil Archana in the temple and allowed the Harijans into temple to worship the Shrines. The appointment of Harijans as Archakas was his next step. Sanskrit was ousted and it became the sole property of the Brahmin Community. Therefore, for any Tamilan appointed as an Archaka, it became easy to chant mantras in Tamil. Archakes were made as Government servants. It had its merits and demerits too. They formed associations to voice their grievances and rise against the Government too if necessary.

69 Fort St. George Gazette - Extra-ordinary, Madras, 12th January, 1971, Part IV, Section 4, p.3.

The aims and objects of the Act of 1959 was to control and decentralise the temple administration. These aims and objects began to materialise slowly and steadily between 1960s and 1970s. After 1967 when D.M.K. came to power the temple administration became more and more progressive. It further promoted the social ideology under the strict and direct control of the Government over the temple. The D.M.K. as per its 'Election Manifesto' had pursued significant welfare measures in temple administration.

From this Amendment Act it was clear that the hereditary right of the Pujaris and Archakas was repealed. Some of the Archakas who stood as locustandi made writ appeals to the Supreme Court. 71 The Supreme Court set aside all the appeals and held that the amendments was valid on the grounds, that they did not interfere with religious freedoms of the religious institutions such as they never touched the usage and custom of performing pujas or any rituals of day to day performances. The aims and objects of the amendments were to regulate secular appointments of Archakas to the temples.

Further the Supreme Court explained to the petitioners that the Archaka had been in his office from generation to generation. It was nothing but individual appointment and so it might be called hereditary right. This had been done not only on hereditary basis on the basis of qualification too.

71 1972 Z.S.C.C., p.11.
The Sub-section (2) of Section 55 of the Act of 1959 as amended by the Amendment Act of 1970, clearly said, that the Trustees could appoint suitably qualified person as an Archaka but not an unqualified person on his hereditary basis.

After Independence, the country is being ruled by its own constitution, and it is republic and democratic in character. Article 25(1) of the Indian Constitution clearly depicted "...all persons are equally entitled to freedom of conscience and the right freely to progress, practice and propagate religion" (Article 25(1) of Indian Constitution - "Right to Freedom of Religion"). Further, it was emphasised that the Hindu Religious Institution of public character should be thrown open to all classes of section of Hindus, if it were needed for the social welfare and reform. Therefore, Supreme Court declared that the appointment of Archakas on the usage of hereditary right, was against the constitution of India.

Thus, this amendment empowered the Trustees to appoint or remove any servants including Archakas. For first time the Trustees were given full power over the religious institutions.

Secondly, the hereditary right of Archakas was wiped out at one stroke of pen. However, the amendment Act never stood on the way of a qualified person even though he was a Archaka's son. Many appealed in the Supreme Court that the appointment of Archakas from all caste other than the Brahmins was against

72 Article 25(2) of Indian Constitution "Right to Freedom of Religion".
the Agamas. This was denied by the court. Supreme Court observed in the appeal case of "Seshammal and others versus State of Tamil- 
nadu", 73 that the amendments did not affect any rites of Agamas.

However, the Government had to bow before the change of time for the sake of social welfare. Even the rites specified by Agamas could be amended or repealed. Even in earlier time Sri Ramanuja, had taken Harijans into Hindu temples as against the Agamas. Thus, the caste barrier was overlooked by this great Acharyya for the sake of communal harmony and to protect the Hindu religion in tact. Animal sacrifice was believed as a religious rite, but for the sake of social welfare, the Government abolished it by an Act with penalties and punishments. 74 So also the amendments of the Sections 55 and 56 of the Principal Act of 1959 were for the sake of social reform and it was accepted by the Central Government and instructed to other States to fall in line. This was unavoidable and became compulsory of time.

Logically, after over-riding the existing rites of Agamas the amendments became custom and usage. Hence, outdated tradition vanished and newly adopted custom would become usages. To prevent certain classes of Hindu from converting to Christianity and Islam, the rites should be liberalised. Thus, the amendments


saved Hinduism and as well as Hindu culture.

Appointment of Harijans as Temple Trustees

When M. Karunanithi was the Chief Minister of Tamilnadu, the Tamilnadu Hindu Religious and Charitable Endowments (Amendment) Act, 1972 (Tamilnadu Act 29 of 1972) was passed in August, 1972. According to amendments it was made obligatory on the Government to appoint members of the Scheduled Castes and Tribes as Trustees in temples having an annual income of Rs.20,000. After these amendments considerable number of Scheduled Castes and Tribes was appointed as Trustees in the important temples of Tamilnadu. As on 19th August, 1972 there were only 491 Harijan members as Trustees in the Hindu temples. But afterwards their number increased to some thousands.

When the discussion was going on in the Legislative Assembly, M. K. Karunanithi, Minister for Religious Endowments, announced a new proposal that the rule of compulsion with regard to the appointment of Harijan candidates in Government departments had been extended to Temple Administration also. This was a very commendable measure that was pending for a long time. When appointments to all the departments were made under Communal G.O., this was not carried out in the Temple Administration. So, the D.M.K.


Government, as a first time in the history of Tamilnadu, extended the cream of Communal G.C., to Temple Administration. Seeking social justice was aptly fulfilled by the D.M.K. Government.

The second proposal that Kannappan announced in the Assembly was the abolition of hereditary Trustees in the temples and to that direction, he proposed to introduce Archeaka Bill.

The third proposal of Kannappan was announced in the party meeting. Accordingly, the D.M.K. Government was ready to throw open the Hindu temples for entry by Non-Hindus. The State Government had approached the Government of India with a request to amend the constitution for the purpose.  

The D.M.K. since coming to power, formed 1,380 temple trusts largely to induct the party members into them. During the debate on the 1972 amendments in the Assembly Mrs.T.N. Anandadass, a Congress member, accused the D.M.K. Government of selecting Trustees mainly on political basis, even though they did not believe in God. Whatever the abuses might be against the D.M.K., it fulfilled the ideology of social justice by appointing Depressed Classes Trustees in the Hindu temples and had shakened

77 The Illustrated Weekly of India, Bombay, 3rd September, 1972, p.11.

78 The Hindu, 18th October, 1972.

79 The Illustrated Weekly of India, Bombay, 3rd September, 1972, p.11.
the hereditary caste ridden right of Archeakes' appointment. In the modern society even after Independence, equality before God should be followed as moral ethics and constitutional materialism.

COMMUNAL G.O. DURING D.M.K. RULE

During the D.M.K. rule the 'Backward Concept' in the administration was felt very much. The 'Backward Concept' had a longer history. The term 'Backward' was first employed during the Governorship of Lord Hobart (May 1872 to April 1875). During Lord Mayo's Viceroyalty (January 1869 to January 1872) Government collected educational and employment statistical data among Hindus and Muslims and found that Muhammadans were backward in education. In order to encourage them in education, special privileges were given to them and preference was given to them in Government employment. Thus, the idea of 'Backwardness' and of employment in public services was a remedy to remove such backwardness that entered in Madras Administration in the third quarter of the nineteenth century. The concept of backwardness first employed in the field of recruitment to Government jobs was then logically extended to the area of public education which produced the candidates for the public services.

81 Ibid.
82 Sreerawathi,S., Minorities in Madras State, op.cit., p.108.
Then the term "Backward" was freely used in Education Department and "illiterate" and "indigent" castes were considered as "Backward Classes". They were given privileges and also financial help to educational institutions. Here, their castes were taken into consideration rather their religion for the purpose of calculating them as "Backward Classes". Therefore, many castes wanted to include them into "Backward Classes". Hence, the number of Backward Castes which was thirty-nine in 1895 rose to 113 in 1913, 128 in 1920 and 152 in 1950. This increase was due to the social educational concessions offered by the Government.

The 'Backward Classes', in course of time turned as a single unit called 'Non-Brahmin' which was politically utilised by the Justice Party. After the first amendment of the Indian Constitution in 1951, the Backward Classes wanted to be identified distinctly and so demanded the appointment of a Commission. So, in 1955 "Backward Classes Commission" was appointed by the Government of India to make enquiry and prepare the 'Backward Classes List'. The Commission toured over the Madras Presidency and received 102 replies to its questionnaires and 384 memorials and interviewed 178 persons. The Commission had recommended 156 castes in Madras Presidency to be treated as Backward. It was calculated that 70 percent of the population was Backward.

83 C.G.Ms.No.511, Education, 7th August, 1907.
85 Ibid., p.9.
In 1963, the State specified 72 Scheduled Castes, 42 Scheduled Tribes and 212 Other Backward Classes (OBC).

Here, the Backward Classes Commission applied 'Caste' as the criterion of backwardness but not religion. So, the term 'Backward' was extended to Christians and Muhammadans also who were mostly converted from Backward Classes. So, they also applied to enlist their names in the 'Backward Classes' on the basis of their original castes. Among the Converted Christians, too untouchability prevailed. Hence, among the Christians, those who were converted themselves from any of the listed Scheduled Castes were regarded as 'Backward' and among the Muslims Labbai, Mappilla and Dudekula were included in the Backward list.

On this ground, the reservation for Backward Classes was periodically increased. During the Congress rule the percentage of reservation to Backward Classes was twenty-five percent but it was increased to thirty-two percent during the D.M.K. rule. The causes for the increase in the percentage of Backward Class reservation was due to their increase in population. The Converted Christians and Muhammadan from the Backward Classes were taken into account as Backward Classes and they themselves wanted to include them in the Backward Community list. This was taken on the basis of their original castes but not for their present religions.

When the Backward Class list was enumerated the caste
condition and socio-educational backwardness were also taken into consideration. Hence, the Backward Class list was increased and the percentage of reservation was also increased simultaneously. Even the Muslim converts from Scheduled Castes were also counted as Backward Community. During the D.M.K. rule the Communal G.O. as follows:

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Community</th>
<th>Percentage of Reservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Backward Classes</td>
<td>32</td>
</tr>
<tr>
<td>2.</td>
<td>Scheduled Castes and Scheduled Tribes</td>
<td>18</td>
</tr>
<tr>
<td>3.</td>
<td>Open Competition</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td><strong>Total:</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

During the Congress rule, the percentage of reservation of Backward Classes was twenty-five but the D.M.K. rule increased it from twenty-five to thirty-two and of Scheduled Castes and Scheduled Tribes from sixteen to eighteen. Since the D.M.K. ministers were called themselves as Dravidians and sudras they were cent percent Backward Classes. M. Karunanithi often used to say that he was a "Backward man" and a commoner and he was born only to uplift the Backward Classes only with this motive he created a separate department and minister called Backward Classes Department and minister for Backward Classes until this time. The Welfare and Backward Classes were looked after by the Depart-
ment of Adi-Dravida Welfare. Therefore, it was nature that during the D.M.K. rule the reservation to Backward Classes was increased from twenty-five to thirty-two.

In the Communal G.C. of the D.M.K. rule, the percentage of reservation for Scheduled Castes and Scheduled Tribes was raised from sixteen to eighteen percent but it turned down their special privilege of 'backlog'. Suppose persons from Scheduled Castes and Scheduled Tribes were not available to fill up particular vacancy, it should be kept in abeyance for two years to be filled up by suitable persons, provided the total reservation did not exceed above forty-nine percent. This was the judgement of the Supreme Court. But the reservation under the D.M.K. rule was 50 percent (Backward Community 32 percent, Scheduled Castes and Scheduled Tribes 18 percent). Hence, the Scheduled Castes and Scheduled Tribes had lost their golden chance of 'backlog' and so the lacking period of two years arise. This was the gravest injustice done to the Scheduled Castes and Scheduled Tribes. 86

Moreover, there was a High Power Committee during the Congress rule to review the enforcement of the Scheduled Castes and Scheduled Tribes reservations. This was headed by the Chief Minister. But during the D.M.K. regime there was no such Committee to check up the reservation quota of Scheduled Castes and Scheduled Tribes from 1967 to 1976. 87

86 Sathiyavani Muthu, My Agitations, Madras, 1982, p.47.
87 Ibid., p.50.
Most of the higher jobs under the State Government reserved for Scheduled Castes and Scheduled Tribes were not filled up during the D.M.K. rule as there were no suitable candidates. Ultimately these were filled up by the Backward Class candidates. 88

During the A.I.A.D.M.K. rule, Chief Minister M.G. Rama-chandran, had raised the quota of Backward Class reservation from 32 percent to 50 percent and the quota of the Scheduled Castes and Scheduled Tribes had remained unchanged i.e., 18 percent. He bluntly over-ruled the judgement of Supreme Court. According to the Supreme Court judgement, total reservation should not exceed 50 percent but M.G. Ramachandran exceeded the limit and 68 percent reservation was made as 50+18. When D.M.K. came to power in 1989 the Scheduled Tribes category was given one percent separately. So, the total percentage of reservation became (50+19) 69 percent.

Review of Communal G.O.

From its beginning the Communal G.Os did not benefit the Scheduled Castes and Scheduled Tribes as expected but the Backward Classes were the only category which enjoyed the benefits of Communal G.O. Their quotas were increased periodically. During Congress rule it was 25 percent and during D.M.K. rule it was 32 percent and under the A.I.A.D.M.K. rule it was 50 percent. The reservation quota of the Scheduled Castes and Scheduled Tribes

88 Ibid., p.49.
during the Congress regime was 16 percent, during D.M.K. rule it was 18 percent and again it was 18 percent during the A.I.A.D.M.K. rule. The reservation was given on the basis of population.

After 1947, Brahmins, Anglo-Indians and Muhammadans were removed from the reservation. Even then, the reservation for Backward Classes were periodically increased. In the second revised Communal G.O. of 1925 there were two categories of reservations to Non-Brahmins and Backward Classes; Non-Brahmins 43 percent and Backward Classes 14 percent, and a total of 57 percent.

Article 335 of the Indian Constitution reserves 18 percent to the Scheduled Castes and Scheduled Tribes. Therefore, their reservation is a constitutionalised one. It could not be wiped out as in the case of Brahmins, Indian Christians and Muhammadans and Anglo-Indians.

Therefore, it was concluded that the reservation policy of the Tamilnadu Government was of the Backward Classes, by the Backward Classes and for the Backward Communities not much for Scheduled Castes.
DOWRY PROBLEM IN TAMILNADU

The Principle of Dowry Prohibition Act, 1961 (Act No.28 of 1961) passed by the Central Government was not enough to strictly enforce the Act in the offences of dowry cases. Therefore, it was amended in 1968 and passed as the "Dowry Prohibition (Amendment) Act of 1968".

The Dowry Prohibition (Amendment) Act of 1968

Section 4 of the Dowry Prohibition Act lays down penalty for demanding dowry. "If any person demands directly or indirectly from the parents or other relations, or the guardians of a bride or bridegrooms as the case may be punishable with imprisonment for a term which shall not be less than six months, but which may extend to 2 years and fines which may extend to rupees ten thousand". Provided that the court may, for adequate and special reasons to be mentioned in the judgement impose a sentence of imprisonment for a term less than six months.

Under Section 3, taking and giving dowry is similarly punishable.

Criminal Laws

Dowry cruelty was punished under the Indian Penal Code. Section 498 deals with a husband of a woman subjecting her to cruelty whoever being the husband or the relative of the husband of a woman subjects such woman to cruelty, shall be punished
with imprisonment for a term which may extend to 3 years and shall be punished with imprisonment for a term which may extend to 3 years and shall also be liable to fine.

For the purpose of this section 'cruelty' means

(a) Any willful conduct which is of such a nature as is likely to drive the women to commit suicide or to cause injury or damage to life, limb or health (whether mental or physical) of the women, or

(b) Harassment of the women where such harassment is with a view to coercing her or any persons related to her to meet such demand.

Code of Criminal Procedure Section 174 Sub-section (3)

(i) When the case involved is a suicide by a woman within seven years of marriage, (or)

(ii) the case relates to the death of a woman within seven years of her marriage in any circumstance raising a reasonable suspicion that some other person committed an offence in relation to such woman, (or)

(iii) The case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request to this behalf, (or)

(iv) There is any doubt regarding the cause of death. (or)
(v) The police officer for any other reason considers it expedient to do so.

He shall, subject to such rules as the State Government may prescribe in this behalf forward the body, with a view to its being examined; to the nearest Civil Surgeon or other qualified medical man appointed in this behalf by the State Government, if the State of the weather and the distance admit of its being so forwarded without risk of such purification as the road, as would render such examination useless. 89

Thus, it is assessed that the modern dowry system and its problems are the outcome of political, social and economic changes of India. The legacy of British rule in India resulted in the birth of modern dowry system. In 1920, Justice Party Government passed an Act for education to all classes of people; In 1922, it brought Communal G.O. So, the English educated non-Brahmin youths got white-collar jobs and thus their prestige and social status were raised. After, Independence all the jobs that so far occupied by the British officials had fallen in the hands of Indians. Hence, irrespective of their caste or colour Indians occupied these jobs and further scanned in their positions. Their English education, professional and technical qualifications and entrepreneurship etc., raised them at the top of the society. Therefore not only the Brahmins but also others both elite and

wealthy wanted to lead sophisticated life. Dowry was also considered as one of the avenues of their income. Hence the brides became their sources of income for their luxurious lives.

Lectures, doctors, engineers, I.A.S., I.P.S. and Allied Service Officers, could get accelerated degrees of dowries. The parents of brides themselves tried their best to purchase these bridegrooms at any costs because of the well placed lives of their daughters. As soon as a daughter is born, the parents start to save money for her dowry and so they even stop her even to go for higher study so as to save her educational expenses for her dowry. The price of dowry also depends upon the colour, qualification and status and style of the girl.

Despite of the Dowry Prohibition (Amendment) Act of 1968, the crimes were continued because, many cases of dowry were not brought to court of law. The married women wanted to safeguard their position as 'house-wives' at any cost and so the ill-treatments and tortures would be borne with them. They have taken, that, suicide was better than divorce. The dowry system brought a rotten immorality in the society. It opened a new kind of prostitution. Many unmarried girls when they could offer to get suitable bridegrooms turned as 'Call-Girls' another avenue of prostitution to earn dowry money. Most of them became "Unmarried Mothers".
The Medical Termination of Pregnancy Act of 1971 (Act XXXIV of 1971) had facilitated them to get legalised abortion. This Act received the assent of the President of India 10th August, 1971. Even after marriage, the dowry tortures forced them to return once again to their old profession.

However Government wanted to punish the Government servants by inserting a new section in the Government Civil Service Conduct Rules in 1973. This new Section 3A made the giving or receiving of dowry by the Government servants as an offence. The State Government inserted this section following the 'Indian Civil Service Conduct Rule of 1964' (Section 3A) which prohibited the Government servants giving or receiving or even abetting the giving or abetting the dowry.

The Tamilnadu Government Civil Service Conduct Rule of 1973, Rule 3A made giving or receiving dowry by Government servants were unlawful. But, however, crimes connected with dowry were continued.

The dowry tortures, deaths and decline of families were highlighted in media. The Women's Indian Association, Madras


and other organisations attack this evil system gathering public opinion. Since 1930 the Provincial and Central Governments took some steps to abolish dowry system through legislation. In 1961, the Government of India passed the Dowry Prohibition Act but it became a dead letter. Subsequently in 1984 and 1986 the Dowry Prohibition Act was amended to award severe punishment to the dowry demanders and dowry tortures. Separate dowry cells were opened in districts and taluks headquarters. Tortures and deaths due to some other causes were also calculated as dowry for lives and deaths. Hence, it became a house to house problem. At present, there are separate women police stations and women police squads for dealing with dowry cases.

The unmarried youth should take oath not to go for dowry. And the unmarried girl should prepare their mind to marry any youth and not specific in highly placed youths. The unmarried girls must be prepared to run the life peacefully under any circumstances and they should be given sufficient earning and self-confidence. The parents of the unmarried girls should give them equal share in their assets and some more special as bonus so as to make them stand on their own legs even at the time of destitution. Therefore, the brides and bridegrooms themselves should make the society all right and they should not be ruled by legislation.
However, the legislation has got its own merits. To a little extent, it has brought the dowry demon under the control of the State. Provisions must be made by the Government for the normal course of marriages without fear or favour by setting aside the customs and usages. Conducting of mass-marriages is an inevitable trend to reduce the dowry deaths. Inter-caste marriages may be encouraged by the Government by providing employment opportunities to the married couples and this would definitely reduce the dowry tortures and deaths.

The reform organisations and the media should highlight the dowry system as a Criminal Act. They should also create a consciousness not to give or receive dowry at any cost. Then only, the eradication of dowry system is possible.