

**CHAPTER-IX**

**PERIOD OF SMOOTH TEMPLE ENTRY  
AND ANTI-UNTOUCHABILITY  
MEASURES**

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### **PERIOD OF SMOOTH TEMPLE ENTRY AND ANTI-UNTOUCHABILITY MEASURES**

The hold of the **sanatanists** over temples gradually weakened owing to the Hindu Religious Endowments (H.R.E) Act and the propaganda made by E.V.R., demanding boycott of temples on the grounds of inequality practised in the matter of temple entry. The growth of rationalist movement urged the non-Brahmins to move towards a new set up where inequality was not practised. Above all, since the formation of Justice Ministry, agitation became a common factor in Tamil Nadu, demanding education, right of equality, public right and even right to entry into temple. These factors made the caste-Hindus leaders to think about the numerical importance of the untouchables to the national solidarity against the imperialistic attitude of British administrators. Madurai temple entry proved the fact that the **sanatanists** could not withstand the formidable and invincible force of the majority people.<sup>1</sup>

#### **Opening of More Temples**

The opening of more temples to the untouchables was considered as something most remarkable and a landmark in the history of Tamil Nadu as far as Hinduism was concerned.<sup>2</sup> In this connection, temple entry conferences were also held at Tiruchendur, Palani, Srivilliputhur and Tirunelveli in the year 1939. In Ramanathapuram district, the Harijans were allowed to enter the temples of three villages known as Pachcheri, Piramanur and Pallarpachcheri.<sup>3</sup> Two small

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1. Rajaram, T.R., *Vargam, Jathi, Nilam*, (Tamil), Madurai, 1988, p.74.
  2. Avula Gopala Jeevaratnam, *op.cit.*, pp.218-219.
  3. Sankaran, V., (Comp.), *A. Vaidyanatha Iyer's Noortrandu Vizha Malar*, (Tamil), Madurai, 1990, pp.51 and 69.

temples viz; Sri Vinayakar temple and Sri Kamatchiamman temple in Coimbatore district and Mariamman temple in the Nilgiris and Senaakesara Perumal temple in Hosur and Chitrai Vinayakar temple in Karaikudi were opened to Harijans. <sup>4</sup>

Between 1939 and 1945, some sporadic temple entry events happened due to the Second World War<sup>5</sup> and resignation of Congress Ministry in Madras.<sup>6</sup> The Maharajah of Ettaiyapuram decided to open his two family temples of Lord Siva and Vishnu to the untouchables<sup>7</sup> on his birthday on 21<sup>st</sup> September, 1945. Congress leaders like Rajaji, V.I. Muniswami Pillai, T.K. Chidambaranatha Mudali, A. Vaidyanatha Iyer, Veerabahu Pillai of Tuticorin, Krishnasami Bharathi and M.P. Sivagnanam participated in the function. When Rajaji performed the opening ceremony, about 2000 untouchables entered the two family temples of the Maharajah. The priests of the temples offered **prasadam** (consecrated food offered to god) to them. Not content with the opening of temples, the Maharajah also permitted the untouchables to take water in the Ettaiyapuram Samasthanam's temple tank. He even allowed them into the Samasthanam Durbar.<sup>8</sup>

### **Kalugumalai Temple Entry**

On 19<sup>th</sup> May, 1947, it was advertised that the temple entry of Harijans would take place at Kalugumalai Kalukasamurthy temple between 8.30 am and 11 am on 20<sup>th</sup> May, 1947. On that occasion, it was expected that J. Shiva Shanmugam Pillai, the Speaker of Madras

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4. Ramasami, A., *Tamil Nattil Gandhi*, p.626.
  5. Somayajulu, S.N., *Madurai Maavatta Sudanthira Poratta Varalaru*, (Tamil), Tirunelveli, 1980, p.272.
  6. Ramasami, A., *Tamil Nadu Gazetteers, Ramanathapuram*, Madras, 1972, p.8.
  7. Nandabalan, *Koilai Thiravunkal*, (Tamil), Tiruchi, 1946, p.41.
  8. *Kalki*, (Tamil Monthly), 4 November 1945, pp.36-37.

Legislative Assembly, the Maharajah of Ettaiyapuram, R. Krishna Moorthy, the editor of Tamil Journal *Kalki*, Chinna Annamalai of *Tamil Ponnai*, N. Duraisamy Nadar and Nellai M.R. Meganathan would participate in temple entry along with the Harijans.<sup>9</sup>

The Speaker J. Shiva Shanmugam, Murthy the Zilla Congress Committee member, and M.R. Meganathan arrived at Kalugumalai, a place situated between Kovilpattai and Sankarankoil in the Tirunelveli district at 10.30 a.m. on 20<sup>th</sup> May, 1947. They were invited by the Sankarankoil taluk Congress Committee leaders like S. Ramanujam, V. Poosaiappa Pillai and Dinadayala Lala. A large number of people who gathered near the temple were received by the leaders with slogans. The Congress **Sevathala** workers were in procession. A police bandobust party and a reserve party were posted to avoid any untoward incident in case of temple entry. The Speaker, along with a Harijan party including the leader of Indira Kula Vella Sangha leader, entered the Kalukasamurthy temple. Around 5000 people participated in the event.<sup>10</sup> The temple entry party sang hymns in praise of Gurudeva and Lord Muruga. The Ettaiyapuram Zamin officials like Sheshadri Iyer, Peishkar Mahadeva Iyer and Sthanigars invited the party inside the temple and provided all traditional offerings and respect. The Harijans were freely allowed to visit all the Mandapas, pathways and inner parts of the temple. The **archakas** performed ritual ceremonies and distributed holy ash and **prasadams** to the Harijans for the first time inside the temple.

In the evening of the temple entry, a public meeting was organized and it was presided over by S. Ramanuja Naickar. For a

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9. *Dhinamani*, Chennai, 20 May 1947, p.3

10. *Ibid.*, 22 May 1947, p.3.

while, N. Somayajulu, the President of temple entry committee, in his speech appreciated the Ettaiyapuram Maharajah and the dedicated Congress workers who successfully completed the temple entry in Kalugumalai. In their speeches, leaders like Arumugam and Meganathan spoke that Hinduism will flourish in the event of temple entry. While addressing the public meeting, J. Shiva Shanmugam pointed out that as the Speaker, he was above the political party to which he belonged. The temple entry at Kalugumalai took place on an auspicious occasion of Amavasai, Tuesday and in the month of Karthigai. On that occasion, 'I was blessed to worship Lord Muruga', he noted. He proceeded thus: Hinduism is a broad religion. If the ignorance of some orthodox people were to be removed, the untouchability would automatically disappear the next moment. He thanked all of them who worked for this auspicious day.

'Kalki' R. Krishnamoorthy in his speech noted that the 'Speaker is a great devotee of Lord Muruga and left his thoughts at the foot of Lord Muruga and hence he did not speak much. I recommend the police to take his thoughts and entrust the same to the Speaker'. He also viewed that Lord Muruga is a Tamil deity and any particular caste can not claim the peculiar right of worshipping him and entering his temple. He highly praised the people of Tirunelveli district because they opened around 300 temples to Harijans. In the vote of thanks, V. Pooraiappa Pillai said that like the Kalugumalai temple entry, all the temples of Tamil districts should be thrown open to the untouchables.<sup>11</sup>

Thereafter, J. Shiva Shanmugam Pillai along with R. Krishnamoorthy and Chinna Annamalai undertook a hectic temple entry campaign on their way to Madras. In the same evening, they participated in the

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11. *Dhinamani*, Chennai, 23 May 1947, p.4.

Virudhunagar temple entry event. Following it, they participated in the temple entry events at Tiruparankuntram and Dindigul.<sup>12</sup> At last, the Speaker went to Madurai Meenakshi Amman temple and worshipped the presiding deity of the temple. Thus, the temple entry campaign of Shiva Shanmugam Pillai was successfully completed. At the same time, it showed that citadels of orthodox temples were thwarted and temples were opened to the untouchables with only slight disturbance. As a Harijan member, Shiva Shanmugam took a lot of interest, and in a responsible way, led the temple entry events in the southern districts of Tamil Nadu based on the principles laid down by the Congress and its leaders.

After the Ettaiyapuram and Kalugumalai temple entry, the temples at Thiagarajaswami temple and the Nalliappaswami temple of Tiruvarur were opened to untouchables. On 1<sup>st</sup> January, 1947, Jagajeevanram, the Labour Minister to Interim Government, entered those temples along with untouchables and worshipped the deities devotionally. It inspired the seekers of temple entry.<sup>13</sup> In order to fulfill his earlier promise that he would enter Madurai Meenakshi temple with Harijans, M.K. Gandhi entered this temple and Murugan temple at Palani along with some Harijan leaders including V.I. Muniswami Pillai.<sup>14</sup>

### **Temple Entry Authorisation Legislation**

In the meantime, the **sanatanist** leaders in Madras city made a representation to the government. They demanded exemption by saying that the government should reserve some temples for them and these

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12. *Ibid.*, 21 May 1947, p.3.

13. Ramasami, A., *Tamil Nattil Gandhi*, pp.626-627.

14. *Ibid.*, pp.992-996.

temples should be left to their charge for their own use. In order to rectify the loopholes in the previous Act, T.S.S Rajan drafted 'the Temple Entry Authorization Bill' and introduced it in the Madras Legislative Assembly on 1<sup>st</sup> April 1947.<sup>15</sup> This bill incorporated certain new clauses. Accordingly, all classes of Hindus were allowed to possess the right to bath in or use the water of any sacred tank, well, spring or water-course appurtenance to the temple, whether situated within or outside the temple precincts. They were also freely allowed to go any sacred place, which included a hill or hillock or a road, street or pathway, leading to the temple. Another clause of the bill authorized the trustees to make regulation for the maintenance of order and decorum to conduct rites and ceremonies in temples. Further, another clause of the bill remarked that the cases instituted for the damages and for offences that came out of temple entry could not be continued without the sanction of the government. The bill also authorized the state government to decide whether a place was a temple or not. Another section of the bill imposed a fine to the extent of Rs. 100/- on any person who attempted to prevent a Hindu. Secondly, those who attempted to molest or obstruct a Hindu from the exercise of his right to enter temple, was to be sentenced to six months imprisonment or to pay Rs. 500/- or with both.<sup>16</sup>

On its introduction, T.S.S. Rajan viewed that if the bill was passed, the 'low' and 'high' class people could mix in the temple as brothers and sisters and untouchability would be eroded even at the most sacred heart. He also stated that there was no need for allotment of separate temples for the **sanatanists**. He advised them that if they aspired for

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15. The Madras Code, Vol.IV, Madras, 1953, p.2468.

16. *Ibid.*, Vol.IV, 1947, p.2417; Chandra Mudaliar, *The State and Religious Endowments in Madras*, p.110.

such temples, they should maintain their houses as temples. To support his view, he expressed the great increase of income to Meenakshi Amman and Alagarkoil temples after the entry of untouchables. V.I. Muniswami Pillai observed that the introduction of this bill was considered as a red letter day in the annals of the Harijan upliftment. It was a great achievement in the history of Congress and fulfilment of one of the items of Constructive Programme of M.K. Gandhi.<sup>17</sup> N.M.R. Subbaraman of Madurai pointed out that the bill was necessary to remove the obstacles provided by ten per cent **sanatanists** against the ninety per cent enthusiasts of temple entry.<sup>18</sup> B.S. Murthi, a Harijan member, remarked that the bill was a milestone in the history of Hindu religion and a reform which would remove the blackest sin ever perpetrated in human history. A Muslim member, Muhammed Razakhan, pointed out that mere temple entry could not solve the perennial problems of the untouchables. Therefore, he urged for economic upliftment of the Harijans. For this purpose, the hidden wealth of temples should be allowed to be utilized by the untouchables. P. Kandasami Pillai, while supporting the bill appealed for the constitution of a committee consisting of four party members A.S. Varadachari, A.S. Sahajanandam and V.I. Muniswami Pillai to see the effective implementation of the provisions of the Act.<sup>19</sup> A. Kaleswara Rao demanded that 1<sup>st</sup> April, 1947, be observed as a historic day in the Province. The bill was the last stage in the great social revolution'.<sup>20</sup>

On the approval of the Assembly, the bill was piloted in the Council on 3<sup>rd</sup> April, 1947. While introducing the bill, T.S.S. Rajan

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17. M.L.A.D., Vol.V., 1947, pp.481-507.

18. G.O. No. 69, L.D., 4 June 1947, pp.97-98.

19. M.L.A.D., Vol.V., 1947, pp.493-510.

20. G.O. No. 69, L.D., 4 June 1947, pp.87-88.

said that it was one of the biggest instruments for removing untouchability and appealed to the members to provide constructive criticism. H.M. Jaganathan, a Harijan member at once criticised the bill as a political stunt in order to exhibit to the outside world that the caste-Hindus were lenient towards the untouchables. He believed that without economic upliftment, the social justice could not be attained through measures like temple entry. V.K. John, another critic pointed out that a provision in the bill for the distribution of surplus funds of temples was to be included for the upliftment of untouchables. He further said that the temple entry would provide social democracy while the upliftment through temple funds would provide economic democracy to the Harijans. He also pointed out that another provision should be included for the abolition of caste system because it was the root cause of untouchability and the related social evils including communal riots. Finally the bill was passed into law on the same day of introduction. Thus the Temple Entry Authorization Act of 1947 proved to be an improved and a comprehensive Act.<sup>21</sup> This Act received the assent of the Governor-General on 11<sup>th</sup> May, 1947 and published in the Fort St. George Gazette on 13<sup>th</sup> May, 1947.<sup>22</sup> It was implemented with effect from 2<sup>nd</sup> June 1947.<sup>23</sup>

After the implementation of the Act of 1947, many public temples in Tamil Nadu were thrown open to Harijans.<sup>24</sup> On the same day of the implementation of the Act, 148 temples, including that of Tirupathi Venkateswara temple, were opened. Reports from the Tamil

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21. Government of Madras, Madras Acts, 1939-1948, Madras, 1949, p.2467.
  22. Government of Madras, Harijan Welfare in Madras State, Madras, 1955, p.5. (For the Details of the Madras Temple Entry Authorization Act, 1947- Appendix-XII).
  23. Government of Tamil Nadu, The Tamil Nadu Code 1922-1948, Vol.III, Madras, 1979, pp.959-862.
  24. Government of Madras, Harijan Welfare in Madras State, p.5.

districts indicated that there was not much opposition from the **sanatanists** and phenomenal improvement in the social position of untouchables was noticed. By this Act, some of the very big and the most highly sacred shrines of Tamil Nadu like Srivilliputhur, Srirangam, Thiruvarur and Kancheepuram were opened to untouchables without any sort of trouble, police interference or criminal violence. In 1947, Hundreds of caste-Hindus welcomed the untouchables and entered the temples along with them. It clearly showed that the social consciousness of the Caste-Hindus prompted them to extend social justice to the untouchables who were denied it for long. The untouchable leaders like V.I. Muniswami Pillai and A.S. Sahajanandam witnessed and darshaned the deities in Hindu temples. T.S.S. Rajan himself witnessed the scene of the Harijans entry into temple at Kancheepuram. Besides, in the same year, the temples at Tirunelveli, Chidambaram, Palani and Triplicane were opened to untouchables. J. Sivashanmugam Pillai, his fellow caste-men and others worshipped in the once prohibited temples.<sup>25</sup> In addition to the above temples, the temples at Tiruchendur, Thiruvortiyur, Thiruparankundram, Sankarankoil, Kundrakkudi and Piranmalai temples were thrown open to all.<sup>26</sup> On First July, 1947, following the temple entry at Rameswaram, most of the temples of Tamil Nadu were thrown open to the untouchables.<sup>27</sup>

### **Temple Entry Authorisation (Amendment) Legislation**

In 1948, the Chief Minister, O.P. Ramasamy Reddiar, drafted a bill to rectify certain anomalies in the Act of 1947 known as 'The Madras Temple Entry Authorization (Amendment) Bill.' The bill was published on

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25. *Harijan*, 13 July 1947, p.232; Dhandapani, T., (comp.), *200 Methaikal* (Tamil), Madras, 1973, p.159.

26. Nandabalan, *op.cit.*, p.41.

27. Kher, V.B., (ed.), *op.cit.*, p.317.

8<sup>th</sup> February, 1949. It pointed out a lacuna in the Madras Act of 1947 that the right of religious worship in certain temples was confined to a section of Caste-Hindu community and the untouchables had no right to worship in that temple. Therefore, some of the courts holding this loophole, justified the refusal of entry to the untouchables in sectional community temples. By rectifying this anomaly, the bill sanctioned the entry of untouchables in all Hindu temples including those which were constructed for the benefit of particular sections of Hindu community. Secondly, the bill declared all offences, punishable under this section, cognizable. K. Madhava Menon, the Law Minister, introduced this Bill on 18<sup>th</sup> April, 1949 in the Madras Legislative Assembly and placed it for the consideration of the Assembly. A. Vaidyanatha Iyer, the Congress leader, hoped that the bill would emancipate god from the custody of a few **sanatanists** and would allow everyone of his worshippers to approach him. Thereupon, the bill was approved on the same day of introduction. After the passing of the bill in the Assembly, K. Madhava Menon, introduced the same bill in the Madras Legislative Council for its consideration and constructive suggestion on 20<sup>th</sup> April 1949, and after a meaningful deliberation, it was passed in the same day. The Governor-General gave his assent to the bill on 17<sup>th</sup> June, 1949 and it became a Law known as 'The Madras Temple Entry Authorization (Amendment) Act,' 1949, and was numbered as Madras Act XIII of 1949 and published in Fort St. George Gazette on 28<sup>th</sup> June, 1949.<sup>28</sup>

### **Constitutional Safeguards and Civic Rights**

When the temple entry was successful, the leaders felt the need for other measures for the upliftment of untouchables. In this regard, they realised the importance of constitutional safeguards to secure civic

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28. Government of Madras, *The Madras Code*, Vol.IV, 1953, p.2469. Also G.O. No. 186, Legal Department, 6 December 1948. (For the Details of the Madras Temple Entry Authorization (Amendment) Act, 1949-Appendix-XIII).

rights to the untouchables. The Founding Fathers of Indian Constitution desired to secure civic rights in the social, economic and political fields for all citizens. They realised that the inequitable forces embedded in the socio-economic system and also political organisations, had resulted in deprivation and disadvantages for the depressed and the weaker sections of the society. They, therefore, considered it necessary to provide specific safeguards in the Constitution for the depressed people who, due to tradition and a combination of circumstances, were the most deprived, weak and vulnerable amongst the various sections of society. The various safeguards and protective measures sought to ensure civic rights for them and to attain all round development and freedom from exploitation and social injustice so that they could form part of the main-stream of the society.

The preamble to the Constitution of India provides for social, economic and political rights and equality of status and opportunity to all citizen of India. The Directive Principles of State Policy, as contained in Part IV of the Constitution, provide that “the State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the depressed people and shall protect them from social injustice and all forms of exploitation”. To facilitate the implementation of the Directive Principles, the Constitution of India provides for a number of safeguards, specifically, economic safeguards, specifically, educational and cultural safeguards, political safeguards and service safeguards.

Socially the depressed people were denied civic benefits. To rectify these defects, Article 17 says “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in

accordance with law.<sup>29</sup> Article 23 of the Constitution prohibits traffic in human beings and beggary and other similar forms of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention the depressed people but since the majority of bonded labour belong to depressed class, this article has a special significance for the depressed people.<sup>30</sup>

Article 24 of the Constitution provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment. Central and State laws are passed to prevent child labour. This article too is significant for the depressed people as a substantial portion, if not the majority, of child labour engaged in hazardous employment are drawn from the depressed people.<sup>31</sup> Article 25 (2) (b) provides that Hindu religious temples of a public character shall be thrown open to all classes and sections of Hindus. This provision is relevant as some sects of Hindus used to claim that members belonging to the depressed class have no right to enter the temples.

Economically the depressed people are impoverished and they are exploited to a large extent. The provisions of Articles 46, 23 and 24 form part of the economic safeguards. Article 275 (1) – provides that “there shall be paid out of the Consolidated Fund of India as

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29. *Civil Services Chronicle*, (Monthly), New Delhi, March 1997, p.78. (There are two important legislations relating to this article viz, the Protection of Civil Rights Act, 1995 and The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.)

30. *Ibid.* (In pursuance of this article there is the Bonded Labour System (Abolition) Act, 1976, and there is a centrally sponsored scheme for identification, liberation and rehabilitation of bonded labour.)

31. *Ibid.*, p.79.

grants-in-aid of the revenues of a State such capital and recurring sum as may be necessary to enable that State to meet the cost of such schemes of development as may be undertaken by the State for raising the level of the administration of the depressed people to that of the administration of the rest of the areas of that State.” A similar provision exists in this article for paying such special grants to the States covered under the Sixth Schedule out of the Consolidated Fund of India.

The Fifth Schedule contains provisions regarding the administration and control of the depressed people areas. There are eight states having depressed people areas. The Governors of these States have special responsibilities and powers. These States have Advisory Councils (In addition Tamil Nadu and West Bengal, which do not have any Scheduled Areas, also have statutory rules). The Governors of these eight states have the power to make regulations for the peace and good governance of any depressed people areas. They have the responsibilities to prohibit or restrict the transfer of land by or among members of the depressed class in such areas; to regulate the allotment of land to members of the depressed people in such areas; to regulate the carrying on of business as money-lender by persons who lend money to members of the depressed people in such areas.

The Sixth Schedule contains provisions relating to the administration of the depressed people areas in the hilly areas. There are Autonomous District Councils and Autonomous Regional councils in these areas which have a long tradition of self-management systems. These Autonomous Councils not only administer the various departments and development programmes but they also have power to make laws on a variety of subject, e.g. land, forest, shifting cultivation, village or town administration including village or town police and

public health and sanitation, inheritance of property, marriage and divorce and social customs.<sup>32</sup>

The depressed and backward people were not employed in proportion to the numerical strength of their population. Article 16(4) empowers the State to make “any provision for the reservation of appointment posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.”

The Government of India, however, considered it necessary to continue the existing dispensation providing reservation in promotion in the case of the depressed people as their representation in services had reached the required level. Accordingly, Article 16 was amended (vide Constitution Seventy-Seven Amendment Act, 1995) for empowering the Government to provide for reservation in promotion for the depressed people by inserting Clause 4A. It says, “Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the depressed people which in the opinion of the State, are not adequately represented in the services under the State”.

Article 335 points out that “The claims of the members of the depressed people shall be taken into consideration, consistently with the maintenance of efficiency of administration, in making

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32. *Employment News*, (Weekly), New Delhi, 20-26 December 1997, p.2. (The Supreme Court of India in their judgement dated 16 November 1992 in *Indira Sawhney* case viewed that the existing policy of reservation in promotion is not sustainable under Article 16(4) of the Constitution. The Supreme Court, however, allowed that the existing policy of reservation on promotion may continue for period of five years i.e. up to 15 November 1997.)

appointments to services and posts in connection with the affairs of the Union or of a State.” Article 320 (4) provides that consultation with the Union Public Service Commission or any State Public Service Commission shall not be required as respects the manner in which any provision under Article 16 (4) may be made or manner in which effect may be given to the provisions of Article 335.<sup>33</sup>

There are a number of laws, both Central and State, which provide for safeguards to the depressed people. Some of these emanate from the various constitutional provisions. Acts and regulations are in force in different states to prevent alienation of land belonging to the depressed people. In some states, such provision exists in the Land Revenue Code. There are acts in different states for restoration of alienated land to the depressed people.<sup>34</sup>

The depressed were denied education for a long period. The Constitution ensures education to them. Article 15 (4) empowers the State to make any special provision for the advancement of any socially and educationally backward class of citizens or depressed people. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which amended several articles. This provision has enabled the State to reserve seats for the depressed people in educational institutions including technical, engineering and medical colleges. In Article 16 (4), the term ‘backward classes’ is used as a generic term and comprises various categories of backward and

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33. *Ibid.*, p.3.

34. *Ibid.*, p.3. (They are the protection of Civil Rights Act, 1995; the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; the Bonded Labour System (Abolition) Act, 1976; and the Child Labour (prohibition and Regulation) Act, 1986.)

depressed classes viz, Scheduled Tribes, (Other) Backward Classes, Denotified Communities and Nomadic/Semi-Nomadic Communities.

Article 29 (1) provides that “any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same”. This article has special significance to all depressed people who have a script of their own. Article 350-A points out that “It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities.” Most of the depressed people have their own languages or dialects which usually belong to a different family of languages than the one to which the State’s official language belongs.

For a long time, the depressed people’s role in political activities was also denied. Article 164 (i) provides that in the States, there shall be a Minister in charge of the welfare of the depressed people. Article 330 provides for reservation of seats for the depressed people in the Lok Sabha. Article 332 provides for reservation of seats for the depressed people in the State Vidhan Sabhas or legislative Assemblies and Councils. Article 334 of Constitution lays down that the provision relating to the reservation of seats for the depressed people in the Lok Sabha and the State Vidhan Sabhas would cease to have effect on the expiration of a period of ten years from the commencement of the Constitution. This article has since been

amended five times, extending the said period by ten years on each occasion.<sup>35</sup>

### **Untouchability (Offences) Act, 1955**

When the Constitution of the Republic of India commenced in 1950, it attached great importance to the eradication of untouchability.<sup>36</sup> The exclusion of untouchables from public facilities and Hindu temples was declared as statutory offences throughout India including Tamil Nadu. Thus, under Articles 17 and 35 of the Constitution, 'untouchability' was abolished and its practice in any form was forbidden.<sup>37</sup> The protection of untouchables from social injustice and all forms of exploitation was laid down as one of the Directive Principles of State Policy.<sup>38</sup>

The Untouchability (offences) Act of 1955 tried to plug the loopholes in the violation of the constitutional principles. It advocated committees at state head-quarters like Madras to be framed for the effective implementation of the Act of 1955. The protection of civil right by the Act of 1955 was indeed a 'charter of liberties' for the untouchables. It prescribed more stringent punishment for all offences connected with untouchability because these offences were made cognizable and non-compoundable. The penalty was considerably enhanced and both fine and imprisonment were simultaneously awarded. Preaching of untouchability was also made an offence.<sup>39</sup>

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35. *Ibid.*, p.2.

36. Ramasami.A., *Madras District Gazetteers, Salem*, Madras, 1967, p.603.

37. Usharani Bansal, *Social Welfare Activities of the Government of India, 1947-1957*, Varanasi, 1980, pp.195-202.

38. Ramasami, A., *Madras District Gazetteers, Salem*, pp.603-604.

39. Government of India, Report of the Commission for Scheduled Castes and Scheduled Tribes, 1957-1958, Delhi, 1958, pp.12-21. Also Hanumanthan, K.R., *Untouchability*, Madurai, 1979, p.216.

With the temple entry agitation, the struggle for social justice almost reached its final phase. Since temples formed the centres of Hindu cultural identity, the depressed and backward sections considered the temple entry as the most important aspect of social justice. They realised that the end of social taboos that had surrounded the temples would set them absolutely free from most of the social restrictions like untouchability. In this endeavour, the inspiration from neighbouring developments helped them greatly to attain this task. No wonder, the reformers effectively met anti-movement resistance put up by the **sanatanists** and shifted the battleground to the legislature. In the meantime, the attraction of people's mind turned towards the national movement and pushed the temple entry issue to the background. Therefore, even the conservative and reactionary elements in the caste-Hindu fold did not attach significance to the agitation. This naturally smoothed the phase of opening of more traditional temples through legislative measures and enactments. Further, the constitutional safeguards and anti-untouchability legislative measures ensured smooth sailing for the untouchables in the Tamil society. Even though various legislative measures were passed, they were not implemented in the spirit of the letter of law. It resulted in riots between the caste-Hindus and the depressed class people over the temple issues which formed the next important phase in the temple entry movement.