Chapter 3

Case Analysis -I

The judicial system in India has been extending its jurisdiction over the entire region to reach the last rung of the society. There are various specific acts especially made for protecting the rights of victim. The Scheduled Castes have been subjected to various caste-based violences and they become victims. The caste-based violence is tackled at the various levels, with legal mechanism according to the nature of the issue. Individual problems are handled mostly by the local police department. The Revenue Divisional Office and District administration have also intervened in the disputes that arise between Scheduled Castes and dominant caste. In the case of major caste issues which affect their fundamental rights, Scheduled Castes file writ petitions directly in the court under various acts provided in the constitution.

The village Panchayat has a significant role in dealing with the issue as it functions very close to the people. The Hindu Religious and Charitable Endowment is associated with temple management which intervenes when there are any disputes in access to temples. Similarly, Police department, Revenue department, district administration and other relevant government organisations give them legal remedy. Also, activists, civil society, media and other non-governmental organizations or civil societies work for Scheduled Castes on their issues. Apart from all, the Court has a substantial role to play in dealing with the issue. In this chapter, all these are discussed, from village Panchayat to court. The condition of Scheduled Castes during and after the intervention of these institutions is also described. Also, the status of scheduled castes after the intervention of these institutions is given. The case analyses have been divided into two chapters, based on the year of the Verdict, cases are chronologically arranged, and three cases in each chapter are given below:
3.1 Case 1: Kandadevi Village

3.1.1 Introduction

The Sworna Moortheeswarar or Siragillinather temple is 350 years old situated in the Kandadevi village of Devakottai Taluk, Sivagangai District. The Temple was owned by the legal heirs of Sivagangai Raja. At present, it is maintained by the Sivagangai Devasthanam. This village is famous for its history, in the Hindu scripture, “Ramayana”, in which Hanuman, an emissary of King Rama was given the special task of searching for Seetha (also called ‘Devi’). Once he found her, he said, "Kanden Deviyai" (I have Seen Devi) to Rama, and hence this place is called ‘Kandadevi’, later it became Kandadevi. The temple festival is conducted in the Tamil month of Aani which falls during June-July every year.

People from 75 neighbouring villages participate in the festival. The villages in the Sivagangai District have been traditionally administrated under a system called ‘Nadu’ (country). The Nadu is headed by the Naatars. They have been administering the Hindu temples situated in the Sivagangai district. Naatars are said to be the descendents of a royal family and so far only the Thevars have been holding the position of Naatar. They are given first preference to worship in the Kandadevi temple and also are the first to pull the rope of the temple Car at the time of temple car festival.

Most Naatars are financially sound and wealthy and socially honoured. They also perform the role of ‘Nattamai’, involved in settling disputes at the local level. As they perform the role of Nattamai, on many occasions, they arbitrate the issues happening at the local level. But the issue of Scheduled Castes’ access to car festival was too big and so it reached the court. It was alleged that the Thevars did not allow Pallars to participate in the car festival.
3.1.2 Basic information about the study area in connection with the issue

Kandadevi village is located in Devakottai Taluk of Ramanathapuram District. It consists of fifteen hamlets named Kandadevi, Chettiyavayal, Ilakkiyanvayal, Keelachemmonmari, Mannarvayal, Mullikundu, Nettenthal, Panipulanvayal, Piriyanvayal, Sioorani, Sirumarthur, Thasichaoorani, Thazhaiyur and Valkiramanikam. The total population of the village is 1548 (Census 2011), Scheduled Castes accounted for 548 and others belong to other backward communities (OBC) and forward class (FC). In this village, Pallar and Parayar are the two major Categories of Scheduled Castes. The dominant castes are Aasari, Chettiyar, Konar, Thevar, Nadar, Valayar, Vannar and Vellalar and the forward class is Brahmin. Comparatively, Scheduled Castes are less than the dominant castes.

Most of the people are Hindus. Only four families from the Parayars are Christians. People of the village are members of different political parties such as All India Anna Dravida Munnetra Kazhagam, Bharathiya Janata Party, Dravida Munnetra Kazhagam, Puthiya Thamizhagam Katchi and United Progressive Alliance. Pallars are the members of only Puthiya Thamizhagam Party, and Thevars represent other political parties other than the Puthiya Thamizhagam Katchi. There are twenty women self help groups functioning in the village. Significantly, the ‘Depressed Caste Welfare Forum’ was started by the Pallars of the kandadevi village in the 1980’s. This forum is functioning for the welfare of the Scheduled Castes of Kandadevi and the neighboring villages. These are the non-government institutions functioning in the village. Resources such as temples, playground, public road, grave yard, schools, Anganwadi and other public resources are present in the study area. They are classified as shown below:
Table 3.1. Status of Scheduled Castes’ access to commons in the Kandadevi village

<table>
<thead>
<tr>
<th>S. No</th>
<th>Commons</th>
<th>Pallar access</th>
<th>Parayar access</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Temples (2 in number)</td>
<td>Full access</td>
<td>Full access</td>
</tr>
<tr>
<td>2</td>
<td>Temple Car</td>
<td>Partial access</td>
<td>Partial access</td>
</tr>
<tr>
<td>3</td>
<td>Common Water taps</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>4</td>
<td>Ponds (10 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>5</td>
<td>Bathing Ghats (Manimutharu River)</td>
<td>Full access</td>
<td>Full access</td>
</tr>
<tr>
<td>6</td>
<td>Graveyards (3 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>7</td>
<td>Thrashing Yards (5 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>8</td>
<td>Village Road</td>
<td>Full access</td>
<td>Full access</td>
</tr>
<tr>
<td>9</td>
<td>Village market (7 in number)</td>
<td>Full access</td>
<td>Full access</td>
</tr>
<tr>
<td>10</td>
<td>Primary School- up to 5th Standard (5 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>11</td>
<td>Anganwadi (2 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>12</td>
<td>Village Administrative office and Village Panchayat officer’s office (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
</tr>
</tbody>
</table>

**Full access**: Full access to the resources at any time; **Restricted access**: Access to the resources available in their locality and not to the other areas or some part of the resources; **Purposeful access**: Access in case of any need in a stipulated time; **No access**: No access to the resources

**Source**: Interview with the Scheduled castes

3.1.3 Issues in accessing the commons

In the above-mentioned commons, all the caste people in the village have access to the resources available in their locality. They normally do not use the resources available in the other areas. This
village is different in many things from the other case studies because Scheduled Castes are moving without any disparity in the public properties such as road, Anganwadi, common playground, Village administrative office and Panchayat office. Public schools are present in different hamlets of the village; Scheduled Castes send their children to the schools in the respective locality. Very few of the Scheduled Castes’ children are enrolled in private schools.

Though there is a common graveyard, the Scheduled Castes are not allowed to cremate the dead bodies. Yet there are four burial grounds available separately for every community. In fact, Pallars of the village can worship at the Kandadevi temple, but cannot participate in the temple car festival. This issue is elaborately presented below.

**3.1.4 Genesis of the temple issue**

It would be better to discuss briefly the research work of P. R. Chandran, who has done extensive research on this issue. The author has mentioned in his book “Porum Therum” (meaning, War and Car). The temple was built during the Nambi Pallavarayan period about 1,000 years ago. In its 1000 year history, the car festival witnessed the first major law and order problem in 1875 when eight Pallars were killed in a clash. After the intervention of the British rulers, the temple car was entrusted to the Devakottai Zamin in 1895, but the ‘Nattars’ got it back a year later and resumed the festival in 1896. “The festival was held every year since 1896, but not without clashes and controversies after cultural and societal changes started taking place,” ‘From time immemorial, only the ‘Nattars’ or Ambalams of four ‘Nadus’ – Iruvaseri, Unjanai, Semponmari, and Thennilai – were allowed to pull the car, while Dalits (Scheduled Castes) were asked to push it from behind, whenever it got stuck’ (Walter Scott D.J, 2014).
In 1979, there was a major riot at Iyyanar temple (common temple) in Chinna Unjannai (adjacent village), a part of Unjanai Nadu. In that temple, Thevars lift the idol of the god on their shoulders and go around the village as a custom. Lifting the deity of god is considered as a symbol of pride and devotion to god as well. Pallars all on a sudden expressed their interest to the Thevars that they want to carry the idol of the god on their shoulder. Then, both caste people started quarrelling, and sooner it transmuted into a riot, five members from the Pallars were murdered by the Thevars (Viswanathan S, 2003)². They were murdered because they fought for the right to have equal access in taking the deity on rounds. This incident had created a major impact on the Four Nadus such as Unjannai Nadu, Sembanmari Nadu, Thenali Nadu and Elukottai Nadu. The riot at Unjanai reflected in the Kandadevi temple much because this village is the neighboring village and also the famous temple Sworna Moortheeswarar is in this village.

Previously, Pallars and Parayars were allowed to take part in the car festival, but after the riot, minor clashes happened between Pallars and Thevars in Kandadevi village too. Particularly after 1997 the situation became unusual. When the temple festival was scheduled to be held, there was rumour among the Pallars that they would not be allowed to push the temple car. Similarly, before the festival started, the Thevars told the Pallars that they should not participate in the car festival and also not to touch the rope of the temple car because the Thevars had not agreed to give equal status to the Pallars.

In the festival, people from all the communities participated. As per the Agamas, after the temple festival, the car festival has to be conducted and the car has to be pulled the rope by the villagers. The temple car travels throughout the village as a custom. As it was announced by the Thevars that the Pallar and Parayar should not touch the rope of the car, three of the Parayars touched and pulled
the car. On seeing this, the Thevars of the village got angry and shouted at them. The quarrel turned into violence, and the Parayars and Pallars were severely attacked by the Thevars. Parayars were attacked because of their caste identity and not for their religion (They are Christian in the village). Police force was also present on the spot. After that the Thevars and Scheduled castes sat together to solve the issue but it went out of control. Thereafter, the victims took the issue forward to various institutions.

### 3.1.5 Role of various Institutions on the issue

Various non-governmental institutions helped the Pallars on this issue. Initially, the Pallars approached the village Panchayat representatives (Pallar community). They took them to the Puthiya Tamizhagam, the political outfit of the community forward to support the Pallars. Dr. S. Krishnaswamy, President of the party toured the area, demanded at a press conference that ‘Dalits (Parayars and Pallars) shall be given equal rights along with other communities in the temple car festival’ (Viswanathan S, 2003)³. In the next year 1998, Pallars staked their claim to participate in the festival, which was scheduled for 7th July, 1998. Involvement of the political party strengthened the struggle of the Pallars of Kandadevi village.

#### 3.1.5.1 Writ petition in the High Court of Madras

Dr. Krishnaswamy filed a writ petition in the Madras High Court (Krishnasamy. K vs State of Tamil Nadu, 2005)⁴, wherein he had pleaded for a direction to the State administration to enforce the provisions of Article 17 to facilitate participation by Scheduled Castes in the temple car festival on an equal footing. The petition sought an interim order to protect the Scheduled Castes from violent activities of the Thevars in the car festival waged against Pallars. The petition was filed to conduct the festival in the next year 1998.
At the same time, Pallars appealed to the District Collector and Revenue Divisional Officer. The authorities constituted a peace committee and conducted a meeting in the third week of July, 1998. Representatives from both the communities were called. The Thevars opposed and expressed in union that the Scheduled Castes should not participate in the temple festival. Though the Revenue Divisional Officer, Thasildhar, District Superintendent of Police and Inspector of Police were present in the peace committee no decision was taken to admit the Scheduled Castes in car festival. The High court intervened on 6.7.1998 and directed the District Administration (vide W.M.P. No. 14132 of 1998 and W.P. No. 9235 of 1998)

..."Learned counsel for the petitioner in this public interest litigation states that he has got no objection for the initial rituals Pujas, etc. being performed traditionally as decided by the management and by the impeded respondents, i.e. Nattars. Learned counsel for the petitioner states that if the petitioner or the public, irrespective of the caste and creed is permitted to pull the car after the rituals have been performed according to their traditions, say, within an hour of performing the rituals and the car being pulled by Nattars as decided by the management, they have got no objection. Irrespective of the caste also includes religion and creed. Learned counsel for the respondents also has no objection to this... (Krishnaswamy.Kvs State of Tamil Nadu, 2005)5. After this announcement, there was an anxiety among the villagers. To avoid the clash, the temple administration decided not to conduct the car festival. Thus, in 1998 the temple car festival was not conducted.

3.1.5.2 Direction of Hindu Religious and Charitable Endowment Department

In the next year 1999, well before the temple festival, the Pallars requested the temple administration to decide whether Scheduled Castes can participate in the car festival. Meanwhile, the heads of the
four Nadus had collectively filed a petition before the Joint Commissioner, Hindu Religious & Charitable Endowment, Sivaganga, pleading that their traditional right to pull the temple car be established. The Joint Commissioner, in his orders issued on April 8, 1999, stated that the Nattars had the right to hold the "vadam" (rope) and pull the car, besides receiving temple honours before the pulling of the car. The decision disappointed the Pallars. They informed the Puthiya Thamizhagam party chief and sought his help in this matter.

3.1.5.3 **Peace committee meeting at District Collector Office**

As the Hindu Religious and Charitable Endowments’ decision favoured Thevars, the Pallars approached the District Administration. A peace committee was called for. The meeting was held on 16th June 1999 at the District collector office. Revenue Divisional Officer was also present in the meeting. There were nine members of the Thevar community and seven members from the Pallar community participating in the peace committee (RTI C.N.823, 2015). They discussed the possibilities of Scheduled Castes’ participation in the temple car festival. But the decision did not favour the Pallars to participate in the car festival.

3.1.5.4 **Involvement of Political party and the direction of HR &CE**

Dr. Krishnaswamy challenged this order in the High Court (Krishnasamy. K vs State of Tamil Nadu, 2005). On 25th June 1999, the High Court proclaimed that the matter had to be decided by the Commissioner of Hindu Religious and Charitable Endowment "according to the law" after hearing the parties. In the meantime, the Sivaganga Devasthanam, which has been managing the temple, announced that the car festival would be conducted on June 27, 1999 (Viswanathan S, (2003)). The order was passed by the Commissioner, Hindu Religious and Charitable Endowments’ Administration Department, on 26.6.1999, which reads as follows:
“that is after the preliminary rituals and honours, when the deity is taken out in procession in the car along the streets all Hindus irrespective of caste, creed or community shall be entitled to partake in the dragging of the car without any discrimination” (AP. No. 15/99, 1999)9.

In addition, "The appeal petition filed under Section 69(1) of the Act, is partly allowed to the following extent (Krishnasamy. K vs State of Tamil Nadu, 2005)10:

1. Before the main festival of car procession starts, during the preliminary rituals, conferment of honours like Pattu, Parivattam, Malai (garlanding) etc., shall be done to respondents.

2. After the preliminary rituals are over and when the car procession per se starts, all Hindus, irrespective of caste, community or creed, shall be entitled to partake in pulling the car."

Thus, it seems that the order which has been passed by this Court as well as the learned Commissioner are to the effect that the preliminary rituals and Poojas can be done by the Nattars, but when the preliminary rituals are over and when the Car Procession starts, all Hindus, irrespective of caste, creed or community, shall be entitled to partake in pulling the Car.

On the next day, Periaiah Ambalam (chief head of Thevars) approached the High Court for a direction to the District Collector, the Superintendent of Police, Sivagangai, and the Joint Commissioner, H.R. & C.E., against any intervention by them in his "right" to conduct the festival on 27thJune 1999 in keeping with "the customs and traditional rights" as held by the Joint Commissioner. However, the court ruled that "we find that since a disputed question of fact is involved and that needs consideration, we deem it proper to direct the
petitioners to agitate the issue before the authority concerned at the
time of disposal of the matter and the authority concerned will be free
to pass appropriate orders, keeping in view the law and order
situation" (Viswanathan S, 2003)11.

After this order, Pallars of the village were eager to participate in
the car festival. The Thevars arranged a meeting and called elders of
all the communities of the village especially Pallars. In the discussion,
the Thevars told that ‘the temple car was damaged and needed
rejuvenation, so the car festival would not be conducted until it gets
ready’. After this decision, the car festival was not conducted in that
year. The same condition continued for next three years. Pallars were
curious to know the status of the temple car; they again requested the
Thevars in 2003 and they were told that the car was not ready. Then,
the Pallars represented the issue to the Puthiya Tamizhagam party for
further action.

3.1.6 Involvement of Political parties

The political parties namely, Puthiya Thamizhagam Party,
Thamizhaga Munnetra Kazhagam, and Viduthalai Chiruthaigal Katchi
helped the Pallars. In 2003, Pallars who were associated with the
Puthiya Tamizhagam party announced that the party president Dr.
Krishnaswamy would lead the Scheduled Castes participants in
pulling the car (Viswanathan V, 2003)12. Accordingly, the Puthiya
Thamizhagam party took the issue severely and approached the court
as well as Hindu Religious and Charitable Endowment. Then, the
Special Commission of the Hindu Religious and Charitable
Endowment Department ordered to conduct the temple car festival
(Krishnasamy. K vs State of Tamil Nadu, 2005)13. Thereafter, the car
festival was planned to be conducted after the temple festival. As per
the agamas, car festival had to be conducted after the temple festival.
On the festival day, heads of the four Nadus walked out after being
honoured at the temple. The Ambalams (traditional heads of the
village) refused to participate in the ceremonial pulling of the temple car (Viswanathan V, 2003)\textsuperscript{14}. This denoted that the Thevars were not satisfied with the government orders and the attitude of the Pallars.

This created a piquant situation. Meanwhile, the district administration announced not to pull the temple car. Prohibitory orders under Section 144 (2) of the Criminal Procedure Code were issued (Viswanathan S., 2003)\textsuperscript{15}. Fearing that 'a law and order problem' might arise, the police and revenue officials conducted the two separate meetings with leaders of Pallars and Thevars. Pallars demanded that they should be given police protection to enable them to pull the temple car (Viswanathan S., 2003)\textsuperscript{16}. In fact, the Police Department provided adequate protection, but the situation in the village became very much tense and the car festival was not conducted. Pallars were arrested in large numbers while only some Nattars were arrested. Several cases of assault were filed against people from both sides. Scores of people were injured and hospitalized. There were also reports of assaults on police personnel. Prohibitory orders were extended periodically (Viswanathan S., 2003)\textsuperscript{17}. At the time of the festival, Police arrested people to avoid law and order problem because a large number of Pallars and Thevars behaved menacingly during the festival. Further, cancellation of permission to pull the temple car totally disappointed the Pallars who were eagerly waiting there to participate in the car festival.

3.1.7 Participation of the Scheduled Castes in the car festival

When the Pallars came to know that the car was renewed, they approached the temple administration to conduct car festival. Then, a series of meetings were held with both parties in an effort to conduct the festival, but the Thevars told in the meeting that the Scheduled Castes should not touch the temple car. Thereafter, the Pallars asked the support of the Parayar community to fight against the Thevars’ decision. Pallars also requested the Scheduled Castes in the nearby
villages for help. Subsequently, they got support from many of the Scheduled Castes. However, Parayars did not play a lead role in the issue. Instead, they morally supported the Pallars from behind. As the problem was getting worse, the Thevars conducted a meeting with the local leaders of Pallars for a mutual accord. The Thevars advised elder Pallars to give up their agitation because there might be a chance of riot if the agitation continued for a longer time. But Pallars did not pay any heed to them.

In 2004, a peace committee was conducted by the Revenue Divisional Officer; in which representatives from both the communities were present. In the committee, the Thevars agreed to allow some Pallars to participate in the car festival and the district administration told the Pallars that the next year onwards the number of Scheduled Castes would be increased gradually. In the festival, the district Collector took 26 Pallars in his custody and allowed only 13 of them touch the rope during the procession (Tarun Udwala 2005; Reporter, 2005)18 19. Thus, the Pallars of the village were able to participate in the temple after a struggle of half a decade. Even though many attempts had been made since 1998, the temple car festival could not be conducted, for the reason that the car had to be renovated (Reporter, 2012)20. In the successive years, the car festival was held and Pallars also took part in pulling the car but with a very few people. In 2005, the High Court of Madras directed the various government machinery to conduct the car festival. The details are discussed below:

3.1.8 Role of State and High Court

The State government of Tamil Nadu directed the high court to ensure and take appropriate steps to conduct the car festival. Afterward, the court made it very clear on its judgment:
1. The District Collector cum District Magistrate will be personally held responsible if the order we are passing today is not complied with.

2. The District Collector cum District Magistrate must act fairly to all castes and communities and ensure that everyone is given equal respect in this Car Festival and even otherwise.

3. The District Collector' cum District Magistrate will submit a report to this Court about the conducting of the Car Festival and as to whether our orders have been complied with in letter and spirit. This Court will continue monitoring the matter even in future.

4. The District Administration will have the right to regulate the traffic on the roads/streets, and take other regulatory measures, so that there is no stampede and the Festival is held peacefully, but such regulations must not be done on a caste basis.

5. We clarify that the participation of S.C./S.T. members in the Temple Car Festival will not merely be token.

After the judgment (Krishnasamy. K vs State of Tamil Nadu, 2005), there was a hope among the Pallars that the car festival would be conducted, but the Thevars were not willing to conduct the car festival. After the judgment, it was the role of government machinery to implement it in a better way and to ensure the civil rights of the Scheduled Castes.

3.1.9 Inabilities of Scheduled Castes to participate in the car festival

After the High court judgment, the District administration along with the temple administration planned to conduct the temple festival. The Police department was ready to give protection during the festival.
Pallars intended to take part in the car festival. In this situation, the Thevars appealed to the temple administration that the temple car needed to be renovated and therefore the car festival could not be conducted. It became clear that the Thevars did not like the Pallars to participate in the car festival. Under such a situation a meeting was conducted involving people from both the castes on the inability to conduct car festival, in which the Pallars argued that the car was in good condition and the festival should be conducted.

3.2.11 Court directions on the issue

In connection with celebration of temple festival of Kandadevi village a writ petition was filed in the High Court of Madras (Madurai Bench), Writ petition (MD) No 4640 of 2014 dated 18.06.2014. The court directed the following as follows:

i. The fifth respondent Samasthanam (The Manager, Sivaganga Samasthanam Devasthanam, Sivagangai) and the Joint commissioner, who is the fourth respondent shall organize the festival in the traditional manner, as it always used to be conducted.

ii. The respondents (Joint commissioner HR & CE and The Manager, Sivaganga Samasthanam Devasthanam, Sivagangai) shall make arrangements for repairing of the temple car. But the current year festival may be conducted without the car being pulled.

iii. This year none of the Nattars shall insist on the conferment of the respects and the honours on every day of the festival.

iv. The festival shall be conducted with the participation of all the willing persons from all the four groups as well as from all communities without any discrimination.
v. The third respondent (The Superintendent of Police, Sivagangai District) shall give adequate police protection to ensure that the festival is conducted in a peaceful manner.

The miscellaneous petition is closed (RTI. No. D3-170/16, 2016)\textsuperscript{22}. After this direction also the festival was not conducted and still the panic situation persists whenever the festival is scheduled to be conducted.

\textbf{3.2.12 Present status of the Scheduled Castes}

As it was pleaded by the Thevars that the temple car had to be renovated, there were no issues aroused by the Pallars. However, after 2012 the Pallars asked the Thevar community leaders of the village about the status of temple car. They found no proper response from the Thevars. Then, they represented the matter to the District administration. The District collector arranged for a peace committee meeting on 24\textsuperscript{th} June 2012 with representatives from both the castes and decided to conduct the temple car festival (Vadivel, 2012)\textsuperscript{24}. However, it was not conducted due to the obstinate behaviour of the Thevars. Similarly, the temple festival was not conducted in 2013. However, in 2014, after the pressure of Political parties and Pallars of the village, the temple administration planned to conduct the car festival in 2014. When there was the sign of conducting the car festival (police department deployed 120 police personnel, including a company of Tamil Nadu Special Police during the festival time) (Special Correspondent, 2014)\textsuperscript{25}. The Thevars quarreled with the police to stop the car festival and subsequently, the temple car festival was not conducted. In 2005, mired in the raging controversy, the Kandadevi temple could not be pulled (Walter Scott D.J, 2015)\textsuperscript{26}. Eventually, after 1998 the whole of the Scheduled Castes were not able to participate in the car festival.
3.2.13 Summary and Conclusion

The Sworna Moortheeswarar temple was owned by the legal heirs of Sivagangai Raja in the olden days. At present, the temple is under the control of Hindu Religious and Charitable Endowment Department. The temple is open to the people of all the castes without any restriction. People from seventy-five villages are participating in the temple festival. The issue of caste discrimination was not first raised in this village. The Unjannai village riot had reflected on Kandadevi village. In Unjannai village, Pallars made an appeal to the Thevars that they were interested in taking part in the festival. There was a riot in that festival. After that incident, the people of the Thevars of the Kandadevi village also treated Pallars violently. The problem reached its zenith during 1998 when the Pallars who attempted to pull the temple car were attacked by the Thevars. This is totally a social boycotting of the Scheduled Castes.

The issue was taken not only to the notice of the District administration, Police department and Hindu Religious and Charitable Endowment Department but also to the notice of the political party, local level Scheduled Castes’ leaders, civil society organizations and to the media. The peace committee was conducted many times by the government machinery such as District Administration, Revenue Divisional Officer, Superintendent of Police and Inspector of Police. But the problem persisted and the Pallars could not take part in the car festival. The HR and EC and the court had also directed on many occasions to conduct the car festivals on the request of the Pallars and the political parties.

The major contention is that in 2002 only 10 of the Pallars were selected and the district collector himself took them to the car festival. Even the high court has mentioned this allegation in its judgment. The District administration was not concerned about the equal rights of the Scheduled Castes towards having access to the commons. The
intervention of the Police department was a significant measure. After 2005, they arrived ten days before at the village during festival time to avoid violence between two castes. Although all the institutions collectively worked towards establishing peace in the village, they were able to take the Scheduled Castes to the temple only on two festival occasions in 2003 and 2004. Although many efforts have been taken by many institutions, Scheduled Castes have not at all had common access to socio-cultural events such as temple festivals in their native village due to the dominant behaviour of certain communities. In fact, Government machinery still fails to implement the court orders in letter and spirit. It seems that the local level caste problems are not easily tackled by the government machinery.
3.2 Case 2: Kandampatti Village

3.2.1 Introduction

Draupathi Amman Temple at Kandampatti is an age old temple. It was constructed by the Vanniyar community 400 years ago. Nearby the Draupathi Amman Temple there the Vinayaka, Murugan, Perumal/Mathanagopala swami (Right to Information, 2016) temples are situated. These temples were maintained by the Vanniyar community ever since their consecration till it was taken possession by the Hindu Religious and Charitable Endowment. The temple management committee known as ‘Arangavalar Kuzhu’ consisted of eight village headmen (called as ‘Goundar’). People of 45 villages surrounding Kandampatti are entitled to worship in the temple and they are all from the Vanniyar caste. People from other communities except the Scheduled Castes are allowed to worship. In 1979, the Draupathi Amman temple was under the Hindu Religious and Charitable Endowment.

The Hindu Religious and Charitable Endowment dissolved the traditional temple management committee and created a new committee in which a Parayar member was also included. Although, the temple was under the control of the Hindu Religious and Charitable Endowment, the funds were mobilized from the Vanniyar community for the maintenance and annual festival. The people of all the forty five villages have been contributing to meet the expenditure of the temple and the Scheduled Castes were omitted in the matter of contribution. It is commonly believed by the Vanniyars of Kandampatti that only they have the legitimate entitlement on all the activities of the Draupathi Amman Temple. The present study deals with the problems confronting Scheduled Castes in accessing Draupathi Amman Temple where even people from other villages (dominant caste) have the right to worship.
Parayar and Arunthathiyar are the two major Scheduled Caste communities living in the area. Only Parayars are struggling to get access to the temple. The government machinery such as police department and revenue department, political parties, elected representatives and the local level village leaders have played a significant role in settling the issues amicably. For many years, the Scheduled Castes have not lodged any complaint to any of the government machinery. The ‘right to have access to the temple’ was known among Parayars when the Hindu Religious and Charitable Endowment appointed one Mr. Sababathi from a Parayar in the temple management committee. But he was also not allowed to enter the temple by the Vanniyars. Many times, he had requested the other committee members (Vanniyars) to allow the Scheduled Castes to worship at the temple but his appeals were in vain.

### 3.2.2 Basic information about the study area in connection with the issue

Kandampatti Revenue Village (Headquarter village) is located in Salem West of Salem District. It is the 24th ward of the Salem Corporation. The ward consists of Senji kottai, Mitta kaadu, MGR Nagar, Pooneri Karai, Vandikaaran Nagar, Moola Pillayar Kovil Nagar, Azhagiri Nagar, Rajiv Gandhi Nagar, Etti Maram, Metha Nagar, New Bus Stand, Vanniyar Nagar, Kodikarai and Membala Nagar. The dominant castes in these villages are represented by Nadar, Vannar, Vanniyar and Vellalar, and Scheduled Castes are Arunthathiyars and Parayars. People of these villages are affiliated to the political parties such as All India Anna Dravida Munnetra Kazhagam (AIADMK), Bharatiya Janata Party (BJP), Congress, Dravida Munnetra Kazhagam (DMK), Pattali Makkal Katchi (PMK) and Viduthalai Chiruthaigal Katchi (VCK). These villages have various commons. (See Table 3.2)

The Parayars are residing in the outer strata of the main village and Arunthathiyars are living near the mother village (Kanthampatti).
Arunthathiyars are living nearer to the area of the Vanniyars. They travel freely on the road without any discrimination. In contrast, Parayars could not travel as easily as Arunthathiyars. They can travel only when they are engaged in coolie works and to distribute invitations for various social functions and rituals in the village. However, the children of the Parayar community are using the road because some of them are studying in the government school located in the area where Vanniyars live.

**Table 3.2. Status of Scheduled Castes’ access to Commons in the Kandampatti Village**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Commons</th>
<th>Status of Scheduled Castes’ access</th>
<th>Parayar</th>
<th>Arunthathiyar</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Temples (2 in number)</td>
<td>No access</td>
<td>No access</td>
<td>No access</td>
</tr>
<tr>
<td>2.</td>
<td>Common Water taps (28 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>3.</td>
<td>Ponds (11 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>4.</td>
<td>Graveyards (3 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
<tr>
<td>5.</td>
<td>Thrashing yards (2 in number)</td>
<td>No access</td>
<td>No access</td>
<td>No access</td>
</tr>
<tr>
<td>6.</td>
<td>Road</td>
<td>Purposeful access</td>
<td>Full access</td>
<td>Full access</td>
</tr>
<tr>
<td>7.</td>
<td>School – upto 5th standard (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td>Full access</td>
</tr>
<tr>
<td>8.</td>
<td>Village Administrative office and Village Panchayat Officer’s office (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Primary health centre (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Anganwadi (4 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td>Restricted access</td>
</tr>
</tbody>
</table>

*Full access*: Full access to the resources at any time; *Restricted access*: Access to the resources available in their locality and not to the other areas or some part of the resources; *Purposeful access*: Access in case of any need in a stipulated time; *No access*: No access to the resources

**Source**: Interview with the Scheduled castes
Before the 1980’s, the Scheduled Castes depended on the Vanniyars for earning their livelihood as coolies and to make use of public utilities such as grocery shop, tea shop, and barber shop. Thereafter, they started their own public utility shops. Before 1980 the Scheduled Caste members were served water in coconut shells and tea in separate glasses by the Vanniyar community.

This practice started changing after 1980 and now no such practices are in vogue. Scheduled Caste members can have access to all the government-promoted commons in the village namely Anganwadi, Fair Price shop and Village Panchayat office. Scheduled Castes can have access to the commons available in the village except those commons in the areas of Vanniyars. This case study deals with the problems faced by Scheduled Castes in accessing the common ‘Draupathi Amman Temple’. The issues of Scheduled Castes’ accessing the temple are elaborately discussed.

3.2.3 Genesis of the temple issues

Since 1999 the Scheduled Castes have been complaining about the issue with the police but in vain. The police did not play any active role in settling the issues. During those days, most of the Scheduled Castes did not support the local Parayars (activist) because most of them had been attending to coolie work (in farm land) in the lands of the Vanniyars and also of other dominant castes. So, they thought that they might lose their coolie work if they went against the will of the Vanniyars. In 2006, the issue was taken up much seriously by the Parayars. There are two different stories on the same issue. The Focus group’s discussion with the ‘Oor Goundars’ (village traditional headmen) brought out the incident: Two Parayar youths came to the temple premises on 30th May 2006. One of them was in an intoxicated condition. They were strangers to many of the Vanniyars and only a few had recognised that they were from the Parayar colony.
Meanwhile, the intoxicated person sat on the temple terrace as he could not stand and walk. Some of the Vanniyars attempted to stop him and told him to leave the temple premises. The intoxicated Parayar youth said ‘why don’t you allow us to sit here? Then both the Parayar youths picked up a quarrel with the people of the Vanniyars who gathered there. Women from the Vanniyars told that the drunken man should not enter the temple. Further, one of the headmen in the village said ‘you are in an intoxicated state and hence do not argue anymore. It is better to leave this place’. The people who were residing near the temple surrounded the Parayar youths and made the scene tense. The people living nearby the Vanniyar community said ‘the Parayars were forcefully thrown out from that place by some Vanniyars’. To sum up, the Parayar youths were abruptly sent out from the temple because they were in an intoxicated condition.

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One of the National dailies reported this issue differently. It reported that two of the Parayars named Anbarasan (17) and another Anbarasan (13) were attacked by some of the Vanniyars on 30th May 2006 while they were playing nearer the temple (Reporter (a), 2007)\textsuperscript{28}. This was completely refuted by the Vanniyars. They said ‘how can the Parayar youths play here as our children are not their friends’. The Vanniyars told that they detained the Parayar youths because one of them was in an intoxicated condition. In fact, they would not allow Parayars even if were normal.

### 3.2.4 The Roles of Various Institutions

#### a. Role of the political party

In connection with the incident happened on May 30\textsuperscript{th} 2006, both the Parayar youths left the place and informed the local Parayars. Some of the local Parayar leaders came to the spot instantly and discussed with the Vanniyars the incident. The Vanniyars warned
them with dire consequences if such things continued in future. Then, people of both the castes involved in a kind of tussle for some time. Later the local Parayar leaders were not satisfied with the reasons given by the Vanniyars and eventually they left the place.

The local Parayar leaders informed the matter to the political party namely Viduthalai Chiruthaigal Katchi for support. Members of the political party of the Salem district took the issue very seriously and announced that they would protest in front of the Railway station and block the Train if the problem was not solved at once. Under this panic situation, the Commissioner of Police, Salem conducted a peace committee between the two communities and promised to take appropriate action. Therefore, the Parayars withdrew their protest (Reporter (a), 2007)²⁹. It was the first time in the history of the Parayars of Kandampatti that they raised their voice against caste discrimination.

On the next day, around 15 Parayars came to the Vanniyars area at around 5:00 A.M and knocked on the doors of the person (Vanniyar) who pulled the Parayar youths out on 30th May from among the temple members. When he opened the door, the Parayars attacked him brutally and he rolled down. Then the Parayars left the place instantly. The victim informed that incident to the villagers nearby and also to the headman (Vanniyar). The headman and the other villagers decided not to rake the issues immediately because the temple festival was scheduled to be held in the same month. They thought that the smooth conduct of the festival might get affected if they involved in such whacking issues. The temple festival was celebrated without the participation of Parayars. Thereafter, the Vanniyars had not taken the issue very seriously.
b. Role of the government Machinery and Involvement of the Elected Representatives

In 2007, Parayars made a complaint with the local police station that they should also be permitted to participate in the temple festival. Therefore on 2nd June 2007, a Peace committee meeting was convened by the Revenue Divisional Officer of the Salem District, but it failed to come out with a solution to the satisfaction of the Parayars. In the peace committee meeting, members of Viduthalai Chiruthaigal Katchi and Mr. Selva Perunthagai (Member of Legislative Assembly) also took part. Further, the Parayars announced that they would take up the temple entry protest on 4th June 2007 along with the Viduthalai Chiruthaigal Katchi Party members (Ilangovan R, 2007)30. After this announcement, the situation became more tensed in the Kandampatti and also in the neighbouring villages.

The commissioner of police, Salem District conducted a meeting with the Parayars on 6th June 2007 and bought about a compromise. The Parayars complained to him that the Temple Trust Committee member Mr. Sababathi, a Parayar, was not allowed in any of the meetings. Finally, the police department pacified the Parayars and made them withdraw the temple entry protest. At the same time, Mr. Sababathi, a Parayar member, representative of the Temple Trust Committee resigned his membership as a mark of protest against caste discrimination in this respect.

Meanwhile, the priest of the temple passed away. The Vanniyars informed the police that the temple festival could not conducted as the temple priest passed away. Further, a special pooja must be conducted in connection with the priest’s death as a part of ritual practices. Subsequently, police told the Parayars to wait until the special pooja was completed. In the meantime, the District administration took steps for identifying and demarcating the assets of the temple. It was a long pending demand of the Parayars to use the
certain portion of the temple lands as their burial ground. The police department insisted on the Parayars to wait for the decision of the Distract Administration. Then, the protester decided to wait until 22nd June, and also decided to involve in the temple entry protest if the problem remained unsolved (Reporter (b), 2007). There was no improvement from the district administration side.

The Parayars again raised their protest by representing their demands to the district administration. Then a meeting was scheduled to be conducted on 6th July by the District Administration. On the day of the meeting, the representatives of Parayars attended the meeting while the Vanniyars failed to be present. So, the meeting had to be cancelled. Subsequently, representatives of the Parayars approached the Viduthalai Chiruthaigal Katchi party and decided to enter the temple under the leadership of the party leader Mr. Thol. Thirumavalavan on 16th July, 2007 (Reporter (c) and (d), 2007). As the issue became hotter, the District administration requested Vanniyar representatives to attend the peace committee meeting without fail. It was scheduled to be conducted on 3rd August 2007.

In that meeting, the Revenue Divisional Officer, Deputy Commissioner of Police, Assistance commissioner of Police, Deputy Collector, Assistant commissioner of Hindu Religious and Charitable Endowment, Salem and Thasildhar were also present (Reporter (e), 2007). Also, the Viduthalai Chiruthaigal Katchi party members, representatives from both Parayars and Vanniyars participated. Vanniyar representatives strongly opposed the Parayars entering the Draupathi Amman temple as the temple was owned and managed by the Vanniyars. Parayars were also not in a position to give up their demand of entering the temple. The Parayars said that without any role to play in the management of the temple they only wanted to worship the Draupathi Amman in the temple.
After the peace committee meeting, the District collector announced that the final decision would be taken after consultation with the Chief Secretary of the State. The meeting ended without giving any positive indication to the Parayars. Therefore, the Viduthalai Chiruthaigal Katchi Party announced that they had decided to enter the temple on 6th of the same month. Moreover, the writ petition was filed by Mr. Thol. Thirumavalavan. Thus, in 2007 two meetings were held- one by the District administration and the other by the Revenue Divisional Officer. Both the meetings ended without any mutual accord. As the festival is held in the month of June every year, due to this issue, the festival was not conducted in 2007. It was informed by the District administration to wait until the court passed its judgment.

c. Closure of the temple by the District Administration

Under such a situation, the District Administration ordered to seal the temple. On 4th August, government machinery reached the village to seal the temple. The representatives of the Vanniyars were called and informed about the order. The officials told that the temple would remain closed until the court verdict (Reporter (f), 2007).

3.2.5 Intervention of the Minister of the State government of Tamil Nadu

When the case knocked the doors of the High court, it was suggested to convene a peace committee meeting and accordingly, the meeting was convened (Reporter (g), 2008). The District Collector, (vide letter in Roc.No.25255/2007/C2 dated 24.06.2008) informed the Additional Government Pleader, High Court, Madras, that the peace committee meeting had to be convened on 24.06.2008 in the presence of the Honourable Minister for Agriculture. Accordingly the meeting was convened on the said date and the following decisions were taken with the consent of both sides:
1. Vanniars alone may enter in the Karppagraha and do Pooja.
2. The festivals may be fixed by them.
3. Adi dravidars should not interfere in the temple administration.
4. The temple may be opened for worship to all the public like Vanniar, Adi Dravidar and Arunthathiar.
5. Prasathams may be distributed to Adi Dravidatrs and Arunthathiar.
6. Adi dravidars should not claim any right over the temple.
7. Adi dravidars should not claim any fresh rights.
8. The festivals may be celebrated by the Vanniars in usual manner.
9. The Vanniar should permit the Adi Dravidar and Arunthathiar to worship in the temple.
10. The Pooja may be done by the Vanniars in the Karppagraha.
11. During the festival seasons, Adi Dravidars and Arunthathiar should be permitted to worship. (Thol.Thirumavalavan vs The Commissioner, 2008)

The demands of the Vanniyar community regarding denomination, a temple negotiation would be held with the Hindu Religious and Charitable Endowment Department and settled. The details of the peace talk would also be informed to the Honourable High Court and get permission to open the temple. It was further stated in the said letter by the District Collector that both the sides did not accept the decision taken by the District administration. The above decision was submitted to the court to get direction to open the temple. This decision was not accepted by all the representatives present from both the communities. However, it was submitted to the High Court of Madras.
3.2.6 Intervention of the High Court of Madras

A writ petition was filed in the High Court of Madras by the Viduthalai Chiruthaigal Katchi by its General Secretary Thol. Thirumavalavan. It has been reproduced here followed by a discussion:

The Writ Petition was filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the Deputy Commissioner of Police, (Law and Order), Salem bearing Ref.Na.Ka.No.578/NP/Permission/S.D/2007 dated 04th August 2007 (Thol.Thirumavalavan vs The Commissioner, 2008)\(^4\) and quash the same and consequently direct him to grant permission to the petitioner to take out the procession from Bose Play Ground (a part of Kandampatti village), Salem to Kandampatti on a date to be determined by this Court and also direct the respondents to ensure that people of all castes including Parayars be permitted to enter and offer prayers and participate in all religious ceremonies and functions at the Kandampatti Draupathi Amman Temple, Salem.

There were seven respondents in this case. They are:

i. The Commissioner, Hindu Religious and Charitable, Endowments Department, Chennai - 34.

ii. The Revenue Divisional Officer and Executive Magistrate, Salem.

iii. The Deputy Commissioner of Police, (Law and Order), Salem.

iv. The State of Tamil Nadu, represented by its Secretary to Government, Home Department, Fort.St.George, Chennai-600 009.

v. The Commissioner of Police, Salem.
vi. The Joint Director, Hindu Religious and Charitable Endowment Board, Salem.

vii. M.Periyannan ... Respondents

(R7 impleaded as per *suo motto* order dated 08.10.2007 in W.P.No.30554 of 2007)\(^41\)

As the writ petition challenged the order given by the third respondent, the court has mainly discussed this order. The Deputy Commissioner of Police, (Law and Order), Salem, mentioned in the order that ‘the Draupathi Amman Temple was constructed by the Vanniyar Caste people and has been in existence for over a period of 300 years and only the said caste people worship the Draupathi Amman all these years. It wonders how the third respondent has taken such a stand in the absence of any material placed before him. The Controlling Department namely, the Hindu Religious and Charitable Endowments Department, has taken a stand quite contrary stating that Draupathi Amman Temple was taken over by the Department even prior to 1979 and as on date, it is a public temple wherein irrespective of the caste, creed or sect, any Hindu can offer worship’. Regarding this order, the court has recorded “we are at a loss to understand as to how the third respondent has taken such a stand in his counter”

At the outset, the case law has clearly mentioned the ownership of the temple, and stated that ‘the Draupathi Amman Temple was brought under the control of the Hindu Religious and Charitable Endowment Department, even prior to 1979 and three non-hereditary trustees including a trustee belonging to the Scheduled Caste was appointed by the Assistant Commissioner, Hindu Religious and Charitable Endowments Department, Salem (*vide* Rc.2314/79/A1 dated 11.07.1979)\(^42\). This denotes that the temple is a common property where every caste has a right to worship.
In contrast, the seventh respondent who was subsequently ordered to be impleaded, belongs to other caste and he has filed a counter stating that Arulmighu Draupathi Amman Temple is not a public temple and it was founded by Vanniyar Caste people over 400 years ago. All the expenses connected with the temple are being meted out by the people belonging to Vanniyar Caste and the Kumba Abishekam (Grand Pooja) was also performed by them. Since the political party to which the petitioner belongs, wants to create trouble in the administration of the temple by claiming rights over the temple in the name of worship, he was constrained to file the suit in O.S.No.719 of 2008 on the file of the Principal District Munsif, Salem for declaration that the suit temple is a denomination temple of the Vanniar Caste of Kandampatti village and the suit is still pending.

The Vanniyar community to which the seventh respondent belongs, also filed two other suits in O.S.Nos.725 of 2007 and 1183 of 2007 on the file of the Principal District Munsif, Salem and in the suit O.S.No.1183 of 2007, there was an interim order inuring in their favour. Unless the proceedings reached finality in the above suits, the petitioner cannot have any remedy. Therefore, the seventh respondent, for the reasons stated in his counter, has prayed for the dismissal of the writ petition.

Further, Mr. T. Mohan, the learned Counsel for the petitioner has highlighted many provisions provided in the Tamil Nadu Temple Entry Authorisation Act, 1947, ‘...notwithstanding any law, custom or usage to the contrary, every Hindu irrespective of the caste or sect to which he belongs, shall be entitled to enter any Hindu temple and offer worship therein in the same manner and to the same extent as Hindus, in general, or any section of Hindus and no Hindu shall, by reason only of such entry or worship whether before or after the commencement of this Act, be deemed to have committed any actionable wrong or offence or be sued or prosecuted there for’.
Similarly, Rule 9 of the act stipulates that 'no Executive authority of a temple shall be entitled to introduce innovations concerning the time, place or mode of worship in the temple which might prejudice the rights and facilities which worshippers had generally exercised...'. He raised the question whether the Scheduled Caste was still prevented from entering the temple even after passing the Tamil Nadu Temple Entry Authorization Act, 1947. He pointed out that Article 15(1) of the Constitution of India mandates that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. But, the inaction of the second respondent in sealing the public temple on the ground that taking out the procession and offering worship may create law and order problem, *per se*, is the violation of the Constitutional right and it is also liable to be condemned (Thol.Thirumavalavan vs The Commissioner, 2008)\(^4\).

**a. Judgment**

Finally, the court has passed the following judgment

1. Peace committee meeting held on 26.04.2008 ended in favour of the dominant caste (Vanniyar).

2. In view of the stand taken by the Hindu Religious and Charitable Endowments Department, that the Draupathi Amman Temple is a public temple and the suits filed by the seventh respondent and their caste people are yet to reach any finality with regard to the declaration of their right to the temple and that as per the Tamil Nadu Temple Entry Authorization Act, 1947, a right has been conferred upon all Hindus to enter into the said temple and offer worship, the order passed by the second respondent in ordering the closure of the temple on the face of it, is unsustainable.

3. Regarding the prayer sought by the petitioner to take out a procession to vent their grievances regarding the denial of
permission to the people belonging to Scheduled Caste to offer worship at the Draupathi Amman Temple, in view of the foregoing reasons that the order passed by the second respondent in closing down the said temple, is unsustainable, there is no need for them to take out a procession.

4. The third respondent has also taken a stand that in the event of procession allowed to be taken, it has to pass through arterial routes and also through the areas in which the people who belong to other caste: Vanniyar are dominant and definitely there will be law and order problem, We are not inclined to grant the request made by the petitioner to take out a procession, for the present.

5. Directed the second respondent to reopen the said Draupathi Amman Temple within a period of four weeks from the date of receipt of a copy of this order from the Registry and We further direct the respondents 1 to 6 to ensure adequate protection to the people belonging to the Scheduled Caste to enter the said temple and offer worship.

6. In the event of the writ petitioner filing appropriate application before the fifth respondent for taking out the procession, the fifth respondent can deal with the same in accordance with law after providing an opportunity of hearing to the petitioner. In the result, the Writ Petition is disposed of on the above terms. Consequently, the connected Miscellaneous Petitions are closed. But, in these circumstances, there will be no order as to costs Thol.Thirumavalavan vs The Commissioner, 2008)44..

After this announcement, the temple was scheduled to be opened on 8th September 2008 and planned to take Parayars to the temple. The Commissioner of police announced the same and issued three instructions to his subordinate officers to keep the people under the control. First, only the people of host village have to present on the
opening day of the temple. Second, people should not come in a huge gathering. Third, no pamphlet or wall poster should be used (Reporter (h), (2008)\textsuperscript{45}.

3.2.7 Reflection of the Judgment

a. Protest of Vanniyars

After the judicial pronouncement, the Vanniyars were not satisfied with the judgment (Reporter (i), (2008)\textsuperscript{46}. One of the Ur Goundars (village headman) said that they were not consulted in the matter of reopening of the temple. Their culture, customs, and rituals of were not respected; so, they went out of the village and stayed in the Chittar Kovil (nearby hill)\textsuperscript{3}. Before opening the temple, nearly 100 families of the Vanniyars left the village. This was out of discontentment over the Judgment as a symbol of protest against the judicial pronouncement. They took all the necessary things and along with the cattle shifted to the nearby hill, Chittar kovil. They felt that there was ‘no respect in the village’, so they were going out of the village (Reporter (j) and K, (2008)\textsuperscript{47}\textsuperscript{48}.

b. Temple entry of Parayars

Very few of the families of the Vanniyars stayed in the Kanthampatti village. On the day of temple reopening, police force ensured safety for Parayars by providing them security and took them to the temple. With the police security, the Parayars were able to access the temple. But many of them did not worship the goddess rather they rejoiced over the new freedom as they were reaching the temple for the first time. One of the Parayars told ‘It was the first time in my life and entered the streets of the Vanniyars and the temple as well’.

While entering the street of the Vanniyars on the way to the temple no one from the Vanniyars opposed, but when Parayars
returned from the temple, a few women of the Vanniyars abused the Parayars verbally by calling their caste name. Approximately fifty Parayars participated in the event but no Parayar woman was present. The Arunthathiyars did not join the Paryars in the temple entry procession. The Parayars from Adi Dravidar Colony, escorted by the police, performed Poojas in the presence of officials from Revenue, Police officials and Hindu Religious and Charitable Endowment.

As the temple Poosari (priest) was not available, the Hindu Religious and Charitable Endowment officials donned the role for a while. The Parayars insisted on the officials appointing a poojari from the government side. A strong police team, led by Police Commissioner K. Vanniya Perumal and Superintendents of Police, Salem, and Erode districts, were deployed in the village. Revenue Divisional Officer V. Balagurumoorthy, HR and CE Joint Commissioner B. Raja and Tahsildhar Srirenganathan were present (Ilangovan R, 2008).

c. Compromise speech with the Vanniyars

The Vanniyars of the village stayed in the Chittarkovil hill from 8th to 10th September 2008. The Deputy Collector visited the place on 9th September 2008 and requested the protesters to come back to the village. The Protesters (Vanniyars) said that the government should hand over the temple to the Vanniyars. Only then they would return to the village. Then the district collector promised them that the message would be conveyed to the government for necessary action. But Vanniyars were not satisfied with the stand taken by the district collector and decided to stay on the hill. Subsequently, it was informed to the Member of the Legislative Assembly of Salem District. On the same day evening, Veerapaandi Arumugam (Minister of Agriculture, Government of Tamil Nadu) arrived at the spot and held a discussion with the people and made the promise that he would be taking the issue to the notice of the state government. Then the Vanniyars started moving from the hill and returned to the village.
3.2.8 Initiatives of Vanniyars for temple entitlement

In 2009, Vanniyars decided to appeal the District Judge for entitlement of the temple. Subsequently, Mr. Periyannan and other four members appealed that (அ.வ. 719/2008) the Draupathi Amman temple was entitled only for Vanniyar caste and must be considered as a denomination temple. Further, the Hindu Religious and Charitable Endowment should not intervene in the functions of the temple. Consequently, on 30th April 2009, the court ordered that the temple had to be considered as denomination temple for Vanniyar caste and the Hindu Religious and Charitable Endowment shall not intervene in the functions of the temple (Right to Information, 2016)\(^50\). Further, they mentioned that the temple was located in registered land Grama Pula No. 35/2 and new no. 14/2 consists of 4.90 acres (Right to Information, 2016)\(^51\). The Hindu Religious and Charitable Endowment also filed a case against the case அ.வ. 719/2008 and it is still sub-judice.

3.2.9 Perception of villagers on the issue

Focus group discussions were held among the Vanniyars and Parayars in separate settings. Eight focus group discussions were conducted viz. three among people of Vanniyars, five with the people who belonged to Scheduled caste, (four with Parayars and one with Arunthathiyars).

The Vanniyars said, ‘the Draupathi temple belongs only to Kshatriya (he mean, the Vanniyars) family and the similar category of people could worship, and in no condition the other community could worship’. Another elder Vanniyars expressed that only the Priest was allowed in the ‘Garbagarah’ (inner part of the temple where idol of the goddess was placed) but after the judgment, the Parayars went to the inner part and hoisted their party flag there. This showed that they
were not interested to worship but to win politically. (Viduthalai Chiruthaigal Katchi).

The Parayars expressed that they were not allowed to use any of the commons and especially the temple. Most of the Parayars stated that ‘only when there was a necessity they were allowed to enter the area of the Vanniyars’. For the question ‘why do you need to access temple? One of the local leaders from the Parayar community replied ‘this is not a problem connected with temple, it is the caste problem; because of our caste identity we are not allowed in the temple’. Further, if the temple was owned by the Vanniyars alone, let them worship. Why do they allow the other dominant castes (like Nadar and Vellalar to worship?"

3.2.10 **Summary and Conclusion**

To sum up, the Draupathi Amman temple of Kandampatti was established by Vanniyar caste before 400 years. Vanniyars from 45 villages meet the expenditure of the temple. After 1979, it was taken over by the Hindu Religious and Charitable Endowment and one of the Parayars was appointed as a committee member. Thus, the temple was thrown open to the public for worship. Under such circumstance, the Parayars claimed to take part in the festival of the temple during 1999. There were clashes and the Parayars complained to the police department. But the police did not play a significant role when the problem was at initial stage. Then in 2006, the issue became much bigger after the incidence in which two members of the Parayar caste were pulled out of the temple when they sat on the corridor. In fact, Parayars do not come to the area where Vanniyars reside because the former they live in the colony which is located nearly one kilo meter away from the Kandanpatti village.

As the Parayars were dependent on the Vanniyars for coolie work and other public utilities they never raised their voice against them. But they started questioning them when they claimed exclusive
ownership of public utilities. Significantly, it was only after Hindu Religious and Charitable Endowment took possession of the temple and appointed Mr. Sababathi (Parayar) as a member of the Temple Trust committee, the Parayars became aware of their rights. They sought legal remedies only after two of their youths were pulled out of the temple. There was no significant result in 2006 and in 2007 too several round of meetings were conducted by the District administration and Revenue Divisional Officer which ended smoke and no mutual accord emerged in the peace committee meetings.

The High Court suggested convening of a peace committee meeting and accordingly, the meeting was convened on 24.06.2008. Eleven important decisions were made and submitted to the court. After submitting a counter affidavit, the court directed the state machinery to reopen the temple and pronounced to provide necessary protection to the Parayars. After the judicial pronouncement, the Vanniyars were not satisfied with the judgment. They showed their discontentment by leaving the village en mass with all their belonging and settled in the nearby hill (Chittar kovil). They stayed there for three days from 8th to 10th September 2008. The Deputy Collector and the Honourable Minister for Agriculture Veerapaandi Aarumugam arrived on the spot on 9th September and conducted peace talk with them. Then the Vanniyars left the hill and returned to the village.

Primarily, Parayars were not sensitized to the laws and legal provisions in the constitution. Secondly, they depended on the Vanniyars for their livelihood before 1980’s and they were not supported by the Political Parties. Clearly, after they associated with the Viduthalai Chiruthaigal Katchi party, they started protesting with the support of the party. Thus, the government policies and the political parties enabled the Parayars of the Kandampatti village to become aware of their rights. After seeking legal remedy and with the support of the state machinery they could enter the temple. But it was not sustained. It was mainly because of other Parayars of the Village.
Many of them were not interested in using the temple and the Arunththiyars did not support the Parayars. Further, the Vanniyars moved the court at the district level for their entitlement and also got its direction in their favour. This was opposed by the Hindu Religious and Charitable Endowment and it appealed against the decision of the district court. The problem still persists.
3.3 Case 3: Sampatti Village

3.3.1 Introduction

The Parayars are segregated in almost all spheres of social life especially in the places of worship, educational institutions, use of common property resources such as wells and village water taps, roads, buses and other public places (Himsu Charan Sadangi, 2008)52. The recent past incidents in Tamil Nadu show that the Parayars found two types of problems related to graveyard. One is problems in the use of the pathway to the graveyard and the other is using graveyard itself. Case in point is that in Kalapathur colony of Villupuram district the Parayars have been carrying the dead body through farmlands for the past fifty years (Reporter (a), 2016)53.

Similarly, in Aadhapagappathy village of Dharmapuri District, the Vellalar Goundars blocked the road to stop the Dalits(Scheduled Caste) carrying the corpse of a Dalit (Scheduled Caste) (Reporter (b), 2015)54. Also, in some places, there is a separate pathway for the Parayars to approach the graveyard and even during an emergency, they have to use this circuitous route (Karthikeyan D, 2013)55. Another case reported was in Katrumpulam village where the Vellalar Goundars opposed the burial of the body of a Parayar convert in the graveyard solely allotted for Scheduled Castes. The dead was a Parayar but the Vellalar Goundars opposed them as Dalits (Scheduled Castes, eg:Parayar) converts to Christianity following different rituals. (Srividya, P.V, 2012)56. Further, the dominant caste Muslims often deny Dalit (Scheduled Castes) Muslims entry to graveyards for burial (Salil Kader, 2004)57.

In some areas, a wall was built to separate the Dalits (Scheduled Castes) and non-Dalit (dominant castes) burial grounds (Swaminathan Natrajan, 2010)58. Very few of the Dalits use their own land to cremate the dead bodies (Dorairaj, 2011)59. In these kinds of
cases, government officials involve to solve the problems by conducting a meeting with Parayars and Vellalar Goundars, and in many occasions police department does not pay much attention towards the settlement of the issue.(Stalin Rajangam, 2016)\textsuperscript{60}. These types of discriminations are common, mostly in the rural areas. In fact, many of the villages in Tamil Nadu have a separate graveyard for every caste. A Common graveyard is hardly found in the villages where caste-based discrimination has been the base for all sorts of prevailing problems. (Stalin Rajangam, 2016)\textsuperscript{61}.

One of the Tamil film songs rightly brings forth the graveyard issue more vividly as follows, ‘Here, in this place pervades equality which one could not have seen ever in one’s lifetime!; Steering clear of caste discriminations such as the high, the low and the lowliest; Everyone is destined to reach this ground finally and everyone rests in this abode free of all troubles (Dorairaj, 2011)\textsuperscript{62}. This case is related to the caste based issues associated with Parayars accessing to the common graveyard in Thirumalayanpatti village.

3.3.2 Basic information about the study area in connection with the issue

Sampatti village is one of the village Panchayats in Manaparai Taluk, Tiruchirapalli District. It has nine hamlets, namely Aanamapatti East, Aanampatti West, Adaikamapatti, Chellampatti, Sampatti, Sampatti South, Thirumalayampatti, Thirumalayanpatti North and Thirumalayanpatti South under its jurisdiction. The population of the village is 3066 (census 2011)\textsuperscript{63}, of which the population of Parayars accounted for 305 and other backward caste (OBC) community population for 2761. The Parayars and Arunthathiyars are the majority Schedule Castes. The dominant castes include Chettiyar, Maruthuvar, Nadar, Naiker, Oorali, Pandaram and Vellalar Goundars. Comparatively, the Parayars form the minority in the village. Religion-wise, all the villagers are Hindus.
Many non-governmental institutions are working in the village. If any problem arises in the village, predominantly it is handled by the members of certain institutions. They may be the part of any organization or institution. There is no civil society organisation in the village. However, there are three youth clubs and 147 Self Help Groups. Substantial number of people are attached to political parties, the predominant political Parties in the village being, All India Anna Dravida Munnetra Kazhagam (AIADMK), Dravida Munnetra Kazhagam(DMK), Desiya Munnetra Dravida Kazhagam(DMDK), Communist Party of India(CPI), Communist Party of India- Marxist (CPM) and Viduthalai Chiruthaigal Katchi (VCK). The Scheduled Castes of this village are members of the Viduthalai Chiruthaigal Katchi, Communist Party of India-Marxist and Communist Party of India. Involvement of these institutions in resolving the graveyard issue is discussed in this case:

3.3.3 Issues in access to commons

This study discusses the issues in using the graveyard and also the issues in confronting Scheduled Castes on other village commons. There are varieties of common properties in the village. The stakes the Scheduled Castes have in these common properties are shown in the table. Scheduled Castes have been using commons such as water bodies, playgrounds, minor forest, schools, Anganwadi and primary Health Centre without any obstruction. Arunthathiyar settlements are far away from the Minor forest so they are not getting any benefit out of the forest and they do not go far. There are sixteen ‘Pangali Temples’ (temple owned by people belonging to the same clan) located throughout the village. The people who constructed these temples alone can have access and worship the deity. One common temple called Sampatti temple is located in the village in which everyone worships. There are two common playgrounds within the premises of the government schools. Children, irrespective of caste, have been playing on the ground without any discrimination. Separate
graveyards are available for all castes. This case is pertaining to the issue the Scheduled Castes of the village forced to confront in accessing graveyard set apart under the government scheme (AGAMT scheme):

### Table 3.3: Status of Scheduled Castes’ access to commons in Thirumalayanpatti Village

<table>
<thead>
<tr>
<th>S. No</th>
<th>Commons</th>
<th>Status of Scheduled Castes’ access</th>
<th>Arunthathiyar</th>
<th>Parayar</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Temples (3 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Common Water taps (5 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Ponds (6 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Graveyards (2 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Common Playground (1 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Thrashing Yards (2)</td>
<td>No access</td>
<td>No access</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Minor forest (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Road</td>
<td>Purposeful access</td>
<td>Purposeful access</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Primary School- upto 5th Standard (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Anganwadi (3 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Village Administrative officers’ office, Village Panchayat officers’ Office and Primary Health Centre</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
</tbody>
</table>

**Full access**: Full access to the resources at any time; **Restricted access**: Access to the resources available in their locality and not to the other areas or some part of the resources; **Purposeful access**: Access in case of any need in a stipulated time; **No access**: No access to the resources

**Source**: Interview with the Scheduled castes
3.3.4 **History and backdrop of the Scheduled Castes’ issue**

Scheduled Caste families are scattered all over the nine hamlets of the village and every hamlet has a separate graveyard caste-wise. At Sambatti, people who belong to two castes viz., Parayar and Vellalar Goundars are living. The graveyards are in the same place with the common wall side by side. In 2007, the village Panchayat of the Sampatti village planned to have separate burial grounds. It was discussed with the elders of the Scheduled Castes by the elected representatives of the village Panchayat. Elders of the Parayars gave their consent because their part of burial ground was grooved.

The village Panchayat president promised that the new common graveyard for the Thirumalayanpatti Hamlet would be constructed under Anaithu Grama Anna Marumalarchi Thittam (AGAMT-a state government of Tamil Nadu sponsored scheme) and the Scheduled Castes of the village also can use the graveyard. After the digging of a pond the Scheduled Castes had a very little portion of lands for burial purpose. In 2008, the village Panchayat constructed a graveyard under Anaithu Grama Anna Marumalarchi Thittam and village Panchayat named the graveyard ‘Pothu Mayaanam’ (common burial ground). The Scheduled Castes believed that the new common burial ground would be open to use for both the castes. But a long-drawn battle in the caste history of the village ensured.

3.3.5 **Issues in access to graveyard**

3.3.5.1 **Issue 1**

On 23rd November 2008, one Thangapilli from Parayar community expired. His relatives planned to bury his body in the Anaithu Grama Anna Marumalarchi Thittam graveyard. Parayars thought that the decision already been taken in the village Panchayat to that effect. But accidently, the objection arose from a group of the Vellalar Goundar. The deceased cousin from the Parayar caste told the
Vellalar Goundars that they have already been allotted by the Panchayat to use the graveyard constructed under Anaithu Grama Anna Marumalarchi Thittam. The Vellalar Goundars remained adamant and said that the Parayar should not use the new graveyard. Further, Parayars were threatened by the Vellalar Goundars with dire consequences if they made any attempt to bury the body.

(a) The Role of Various Institutions and individuals in settling the issues

i. Attitude of the village Panchayat representatives

Parayars approached the Village Panchayat President (Mr. P. Alagarsamy) and explained the issue and claimed their rights in the burial ground as promised by the Panchayat. At the same time, some of the Vellalar Goundars also gathered in front of the Panchayat president’s house and requested him not to allow the Parayars' dead body to be cremated in the graveyard and also quarrelled with the Parayars for demanding their rights for the graveyard. But the Parayars persisted in their decision and claimed their rights to use the common graveyard. After listening to their views the Panchayat president told the Parayars not to use the graveyard. He told the Parayars “The graveyard was not officially inaugurated so, this time, you can cremate the dead body in the some other place”. Most of the Parayars were not satisfied over the stand taken by the village president. They decided to approach the police and the court against the decision taken by the Panchayat and the Vellalar Goundars group in the village.

The role of Village Panchayat President is significant because the new Panchayati Raj system was implemented with the twin objectives: one is to ensure the economic development of the village and the other is getting the social justice for the villagers (Palanithurai, G. 2003)\(^\text{64}\). In this case, the Panchayat president was found to have failed to establish the social justice. If he had taken the
decision impartially, the Parayars would not have gone further. One of the Parayars said ‘nepotism is the root cause of this problem; because Vellalar Goundar is dominant and the Panchayat President belongs to the same caste; so he had taken the decision in favour of his own caste people”.

ii. Role of Police Department

The Parayars lodged a complaint with local police station. The police arrived on the spot and conducted an investigation. They consulted the Panchayat president, Vellalar Goundars and Parayars. The Police, however, did not take any steps to protect the Parayars. They pacified the Parayars under these circumstances. The elders among the Parayars advised Nagaraj to bury the dead body on the bund of the pond where the original burial ground existed and a piece of burial ground was available. Thereafter, this practice continued and the Parayars buried the deceased in the bund of the pond which is very near to the Anaithu Grama Anna Marumalarchi Thittam graveyard. Thus, it becomes clear that in this case, the police too failed to take an impartial decision and action. In fact, it is the duty of police to file a complaint. The Police should file a First Information Report (FIR) in the police station under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. In this case, the police did not file First Information Report (Right to Information, 2016)65.

iii. Role of non-government organization

Many non-government institutions have been functioning in the village. Still none came forward to settle the dispute. Parayars themselves knocked the doors of the political parties such as Viduthalai Chiruthi Katchi- (VCK) Party and the Communist Party of India (Marxist)-(CPM) and thereafter these two parties supported the Parayars. Members of both the political parties congregated in the village and discussed the issue with the Parayars. This created a
tensed situation in the village. Some of the elders of the Parayars, its and members of political parties decided to file a case. Then, the members of the political parties named Viduthalai Chiruthi Katchi and Communist Party of India (Marxist) left the village on the same day.

iv. Role of Revenue Department

On the next day, a peace committee was constituted at the Taluk office of Manapari Taluk. Some representatives from both the castes were summoned by the District Administration and they conducted a meeting in the premises of the Taluk Office. In the meeting, Thasildhar, Block Development Officer, Superintendent of Police, Inspector of Police, Village Administrative officers and other government officials were present and they had a discussion with members of the both the caste groups.

At the end of the discussion, they insisted that the Parayars use some other place for burial and also proposed to construct a new graveyard separately for the Parayars. Initially, Parayars refused to accept the decision of the peace committee and therefore, the discussion prolonged and officials finally offered 17 cents of land for forming a separate graveyard for the Parayars of Thirumalayanpatti village. This was accepted by the Parayars collectively. Thereafter, there was no sign of constructing the new graveyard. Also, Parayars not represent this issue further to the offices of the government.

To sum up, the issue rose because of the disgraceful attitude of the Vellalar Goundars. When the issue came up at the village level, there were many possibilities to pacify and bring justice by the Village Panchayat president but it did not happen. Even the decisions of the government machinery such as police and revenue departments did not bring any satisfaction to the Parayars on many occasions. Even for the officials, the construction of new burial ground was the only feasible option. The Parayars were forced to accept the offer. Despite
the involvement of various government and non-governmental institutions, equal access to the common graveyard was and ensured to the Parayars in this village mainly due to the dominant behaviour of the Vellalar Goundars.

3.3.5.2 Issue 2: Death of a Parayar woman

On 10th February 2009 Smt. P. Amirtham passed away. It created nervousness among all the Parayars of the Thirumalayanpatti hamlet because they had to carry the dead body and pass through the area where Vellalar Goundars were living. Further, the new burial ground as promised by the peace committee, was not yet ready. Mr. Nagaraj and his siblings took a strong decision to bury the body in the Anaithu Grama Anna Marumalarchi Thitttam burial ground. This information reached the local police station and Mr. Nagaraj received a call from the police station asking for the details of burial. He replied ‘At present we have no place; because our original graveyard was converted into a pond, and the decision of the peace committee regarding the constructing of a new one is also not yet realised so we have the only option of using Anaithu Grama Anna Marumalarchi Thitttam common burial ground”. The Police informed him that they would arrive at the spot soon.

Mr. Nagaraj, anticipating adverse reaction informed the matter to the Viduthalai Chiruthaigal Katchi and the Communist Party of India-Marxist and Muslim League also joined hands with the Viduthalai Chiruthaigal Katchi. They gathered in the village to agitate against this injustice. Sensing the same, people of the Vellalar Goundars also assembled and argued with the Parayars and their supporters. At the same time, the Police came to the village and conducted a meeting involving people of the communities in the presence of the local political party leaders. Parayars were obstinant in their decision and told the police “Anaithu Grama Anna Marumalarchi Thitttam graveyard is not for a particular caste: it is a
common one; so kindly allow us to the road up to the graveyard’. The Police not accept the appeal of the Parayars, rather they suggested Parayars shummed violence by burying the body in some other place. The Parayars finally decided to wait until the decision was favourable to them.

On the next day, all the Parayars and some of the Arunthathiyars from the village also gathered in support of Mr. Nagaraj. In the morning, many police personnel were present along with the superintendent of police, Thasildhar, Revenue Development Officer, Village Administrative Officer and other officers on the spot and discussed with Mr. Nagaraj. They convinced him and other Parayars explaining the intensity of the problem. The Parayars explained the non-availability of graveyard for Parayars and replied that the only place for them to use was Anaithu Grama Anna Marumalarchi Thitttagraveyard. The political parties also supported to this stand strongly.

(a) The Role of Various Institutions and individuals in settling the issues

i. Involvement of Activists and lawyers

Advocate Ratinam, the petitioner of this case and Advocate Alex (from the Viduthalai Chiruthaigal katchi) interacted with Nagaraj on the case history. The panicy situation remained unchanged as Parayars planned to bury the body in the Anaithu Grama Anna Marumalarchi Thitttam graveyard. The police also announced that ‘the agitators would be arrested. Keeping the dead body for a longer duration would also create problems to public health’. Further, they announced and asked Parayars to spare the agitation. Meanwhile, Advocate Alex pacified the Parayars and suggested to them to stay outside the village for one night. He did this to safeguard them from the police action and to avoid violence. Every Parayar man stayed
outside the village and only Parayar women and children were present in the village.

Later, the government officials decided to dispose off the body of the deceased. The Vellalar Goundars suggested that there was enough space in the bund to bury. They checked the place and decided to bury the deceased in the bund. In the evening, with the help of cremators and police, they carried the dead body and buried it in the bund of the pond where their original graveyard was located previously. This was seen as an utter injustice wherein the government officials involved themselves in cremating rather than establishing justice by using Anaithu Grama Anna Marumalarchi Thitttam graveyard.

Even though Parayars were to leave the village, Nagaraj and his sibling were bought by the Advocate Alex at 11'o clock on the same day to do the last rites to the deceased as per the Hindu customs. Mr. Nagaraj and his sibling visited the burial ground of his mother. They were warned about the situation so far and the Advocate Alex appeased him not to go violent and he promised him that they would establish Justice through court. Later, writ petition was filed by Advocate Ratinam in the Madras High Court.

**ii. Role of government officials**

After a few days, Mr. Nagaraj and other Parayars were called upon by the Taluk Office of Manapari Taluk for the ‘peace committee’ meeting on the issue. According to section 17 of the SC and ST (PoA) Rule 1995, the committee consisted of elected Members of Parliament and State Legislative Assembly and Legislative Council, Superintendent of Police (SP), three group ‘A’ officers/Gazetted officers of the State Government belonging to the Scheduled Castes and the Scheduled Tribes, not more than non-official members from the Scheduled Castes and the Scheduled Tribes and not more than 3 members from the categories other than the Scheduled Castes and the
Scheduled Tribes with association with Non-Government Organizations. The District Magistrate and District Social Welfare Officer as chairman and Member Secretary respectively. Members of both the castes took part in the peace committee meeting and discussed in details. The various possibilities of the issue were also discussed. They told that sooner a separate burial ground would be constructed as it was already discussed in the previous peace committee meeting.

3.3.6 The Role of Court

a. Writ Petition in the High Court of Madras

A writ petition was filed by Advocate P. Rathinam (Rathinam P. Vs. State of Tamil Nadu and Ors., 2009) as Public Interest Litigation seeking the court to issue a Writ of Mandamus with the following directions:

i. directing the respondents viz., State of Tamil Nadu, District Collector of Trichy District and Superintendent of Police of Trichy District to take all necessary steps to enforce the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules made thereunder without any delay to arrest the menace of untouchability being practised even by the public servants;

ii. directing the State of Tamil Nadu to take all necessary steps to proceed against the erring public servants namely (1) the District Collector, Trichy District, (2) the Superintendent of Police, Trichy District, (3) the District Revenue Officer, Trichy District, (4) the Revenue Divisional Officer, Trichy District, (5) the Tahsildar, Manapparai Taluk, Manapparai, (6) the Deputy Superintendent of Police, Manapparai Taluk, Manapparai, for abuse of power and deliberate violation of the Article 17 of the Constitution of India and Section 3(1)(xiv) and Section 4 of the
iii. Directing the Superintendent of Police, the District Revenue Officer, the Revenue Divisional Officer of Trichy District, the Tahsildar, the Deputy Superintendent of Police, Inspector of Police of Manapparai Taluk, Trichy District to provide sufficient police protection to the scheduled caste people of Thirumalayanpatti Village during the cremation of dead bodies, in the "Cremation-cum-Graveyard" constructed under the State Governments sponsored Scheme called "Anaithu Grama Anna Marumalarchi Thittam-2008-2009" situated on the northern side of Sampatti road at Thirumalayanpatti Village, Sampatti Panchayat, Manapparai Taluk, Trichy District; and

iv. further directing the respondents, the District Revenue Officer, the Revenue Divisional Officer of Trichy District, the Tahsildar, the Deputy Superintendent of Police, Inspector of Police of Manapparai Taluk, Trichy District to register the joint complaint submitted by the scheduled caste people of Thirumalayanpatti Village to the 7th respondent dated 23.11.2008 and representation dated 19.12.2008 submitted to the 3rd respondent i.e., the Superintendent of Police of Trichy District and to investigate the same in accordance with provision of law.

b. Verdict of the High court of Madras

On 6th March 2009, the High Court of Madras gave a remarkable verdict about this issue. It stated that “…It is no doubt true that in a particular village or in a particular area there may be some apprehension of law and order situation. It is a matter for the public officials, including the Collector and Superintendent of Police to control the same. It will be the duty of all public officials concerned to
ensure that no member of any particular community would be forced to go to a different place for the purpose of cremation of a dead body. Anything contrary, either directly or indirectly, would obviously be against the sentiments expressed in Article 17 of the Constitution.” (Rathinam P. Vs. State of Tamil Nadu and Ors., 2009)\textsuperscript{67}

Thereafter, Advocate Rathinam and Advocate Alex visited the village and informed about the verdict. Parayars rejoiced after getting the equal access to the common graveyard. Then, the Children of the deceased took the ashes of the deceased from the place where the government officials cremated the body and placed the same in the Anaithu Grama Anna Marumalarchi common graveyard. During this event, the local police personnel were present in the village. All the people who belonged to Parayar community from the village participated in the funeral function. That was the first time in the history of the village when Parayars used the common graveyard.

After this incident, the Parayars were restrained from using commons such as road, water tap and particularly, temple which was located in the middle of the village where Vellalar Goundars were living. In the same year (2009), the villages celebrated the temple festival which the Parayars avoided because of the prevalent enmity among the people of both the caste people. Deviating from the traditional practices, the management of the temple committee did not collect funds from the Parayars. Parayars too did not show interest in contributing to the same as the enmity feeling was at its peak. Parayars of the village refused to worship at the common temple.

3.3.7 Unreported violence

Parayars of the village were much disappointed of the police because of the way they behaved with the Parayars. On 11\textsuperscript{th} February 2009, around 9:30 p.m someone had pelted a stone on the police van. All the police personnel stormed the Parayar colony and lathi charged the people indiscriminately. At that time, Parayar men went hiding in
order to avoid excessive action by the Police personnel. Therefore, Parayar women including children were attacked brutally, and later their houses were locked from outside by the police personnel. Then, the government officials along with the police left that place. The Locked Parayar homes were opened the next morning by the Parayar men who arrived by then at their respective homes. After this incident, Parayars developed discontentment over the partial attitude of the officials particularly the police. This violent action on the part of the police personnel was not filed in any of the reports of the government.

3.3.8 Perception of the Villagers on the issue

Both the castes were separately interviewed in person individually and in groups. Eight focus group discussions (FGD) were conducted with the Parayars (seven FGDs with Parayars and one FGD with Arunthathiyars). Both said that they were treated well by the Vellalar Goundars. Most of them were coolie workers in the lands of Vellalar Goundars and they had been using the road. Parayars were scattered in the village and only in Thirumalayanpatti, substantial Parayars population is living. Only in the Thirumalayanpatti village Parayars had problems but the Parayars in nearby Hamlets said that they could use public places and utilities.

Concerned with the graveyard issue, one of the Parayars of Thirumalayanpatti village said that ‘Village Panchayat president was the reason for the problem happening because they had our own graveyard; converted the same into a pond; then onwards the relationship with Vellalar Goundars became strained’. Another Parayar told that ‘there was nepotism on the part of the Panchayat president on this issue. Otherwise, this would not have reached the court’.
3.3.9 Present status of the Parayars and Arunthathiyars in the village

Initially after the Verdict, the relationship between Parayars and Vellalar Goundars totally damaged. For two years thereafter the Parayars did not use the graveyard. Two of the Parayars died but they cremated the deceased in their own agricultural lands. In 2012, some of the Parayars took strong but successful efforts to use the AGAMT graveyard and since then they have been using the graveyard. The initial hesitation on the part of the Parayars to use the AGAMT graveyard vanished gradually and the changes took place among the Parayars too which resulted in the AGAMT graveyard becoming a true common graveyard.

3.3.10 Summary and Conclusion

The problem is not the construction of a new one but it is not to allow Parayars to use the graveyard constructed under AGAMT Scheme. Many of the government institutions such as village Panchayat, Revenue department and other officials also took the stand in favour of caste based discrimination and they constructed a new graveyard for the Parayars separately. Even monetary benefits could not compensate or satisfy the needs of the Parayars in the matter of denial of access to the commons. This empirical study has explored the ground realities after the Judicial Intervention in this issue. It revealed many significant issues, pertaining to Parayars, which were not reported by any of the government and non-government institutions. The study enumerates the Parayars’ issues that happened in the Thirumalayanpatti hamlet of the Sampatti village.

Secondly, while the Parayars sought the help of various government institutions like Village Panchayat, Police, Thasildhar, Revenue Divisional Officer, Collector and other government bodies, they took only temporary steps to settle the dispute rather than
helping them get justice. Thirdly, there was no case filed and investigated by the police but Parayars were called for discussion. Fourthly, the government officials on the peace committee decided to construct a new graveyard instead of directing the village Panchayat to take necessary steps to ensure equal access to everyone in the common graveyard. Equality was established because of the victim’s hard work and with the help of impartial Advocates and with the efforts of the political parties. In fact, it was the judicial intervention which ensured the Parayars equal access to the common property. This case brings forth the partial attitude of the officials in the matters of equal rights of Parayars in making use of common properties in villages where the caste feeling is pervasive even today.
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