Chapter 4

Case Analysis –II

The events are arranged chronologically. The happenings before 2015 are clubbed into two chapters and the latter part forms the subsequent chapters. Three cases are discussed in this chapter.

4.1 Case 4: Pootai Village

4.1.1 Introduction

The ‘Arulmigu Pootai Maariamman’ Temple is situated in Pootai village of Sankarapuram Block in Villupuram District. The temple was constructed by the Vanniyar community time immemorial with the collective funds of the villagers of Pootai village. In those periods, only Vanniyars worshipped. The temple is managed only by the Vanniyar community. This temple has been following ‘Agama’ (Sanskrit meaning is “that which has come to us”(Reporter (a), 2015)01). It is a set of rules traditionally followed to govern temples. The Agamas are a body of ancient Indian texts dealing with all rituals and ceremonies to be observed in temples. The Agamas deal with rules as to how each iconic representation of divinity (archa murthy) is to be conceived, constructed and worshipped02.

The deity was worshipped only by the dominant communities (other than the Scheduled Caste community). Also in the car festival only Vanniyars and other dominant castes participated. It was in the year 1978, the temple was undertaken by the Hindu Religious and Charitable Endowment and it appointed a committee to manage the temple and included a Scheduled Caste (from Parayar caste) member as one of the members of the committee03. For the first time in the history of the village, a Scheduled Caste was given representation. He also attended meetings along with members of the Vanniyars in the
village. Subsequently, Parayars in the village proposed that the Scheduled Castes were willing to worship the deity in the temple.

The Parayar member on the management committee discussed with other members of the committee. Initially, there was disagreement between the Parayars and Vanniyars. Thereafter, the Parayars had to take many steps to realise their desire to participate in the temple and the car festivals. This case deals with the issues and problems of the Scheduled Castes in having access to the temple and the car festival against the wish and will of the Vanniyars of their village.

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

‘Arulmigu Pootai Maariamman’ Temple is situated in Pootai village. It is an age old temple. Many could vividly recollect the history of this temple. The history goes like this: One day while children were playing, they dug the upper part of the mud and they could find blood coming out from the spot. When they informed this to the nearby villagers, they gathered and decided to excavate. They saw a deity of Hindu Goddess named ‘Amman’. They informed the owner of the land and in the meantime, the news reached the entire locality and the people in nearby villages. They proposed to construct a temple in the same place. The land was a legacy of kinship and the request of the villagers was accepted. Then the temple was built as per the Agamas.

Only the people belonging to Vanniyar caste decided and no Parayars or any other caste people were involved in the process of deciding and constructing the temple. The piece of land was a registered as ‘Patta’ land. The survey number of the land was 502 (Office of the Village Panchayat, Pootai Village)04. Not only the temple but also the temple pond, premises and open ground also belonged to the landlord. The temple was constructed from out of the contributions of the villagers. All the donors belonged to Vanniyar
Caste and in addition, the owner of the land also was a Vanniyar. Therefore, the temple was managed by his family. Some years later, their family migrated from the village. While leaving the village, they handed over the temple administration to the elder Vanniyars of the village. Since then, the temple has been managed by the group of elders from the Vanniyar community of the village and there was no Scheduled Caste membership on the traditional temple management committee.

After constitution of Hindu Religious and Charitable Endowment in Tamil Nadu, the maintenance of the temple was undertaken by the government. Thereafter, a Parayar member was included in the temple management committee. Up to that point of time, in the history of the village, no Scheduled Caste member was allowed to participate in the management of the temple and also to worship from inside premises of the temple. It was announced by the Hindu Religious and Charitable Endowment that the Scheduled Castes can also take part in the administration, festival and can worship without any discrimination. Thereafter the Parayars started participating in all the events of the temple.

4.1.3 Profile of the study area

Pootai village is located in Sankarapuram Block of Villupuram District. It consists of two hamlets viz., Pootai and Paavalam. There are 1620 and 412 households in Pootai and Paavalm villages respectively. The population of the village is 6870 where Scheduled Castes account for 1600 (Office of the Village Panchayat, Pootai Village)\(^5\). The Scheduled Castes in these villages are represented by Parayars and Arunthathiyars who live in the colony, and the dominant castes are Vanniyar, Vellalar, Naiker, Nadar and Vishvakarma. Among these communities, the Vanniyars in the village accounted for more in terms of population. The other dominant castes accounted for a meagre proportion of the total population of Pootai 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 (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Temple car</td>
<td>No access</td>
<td>No access</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Common Water taps (13 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Bhatting Ghats</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Ponds (7 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Graveyard (2 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Playground (1 in number)</td>
<td>No access</td>
<td>No access</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Thrashing Yards (4 in number)</td>
<td>Restricted access</td>
<td>Restricted access</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Road</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Car stand (1 in number)</td>
<td>No access</td>
<td>No access</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Primary School –upto 5th standard (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Village Administrative office (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Village Panchayat officer’s office (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Primary health centre (1 in number)</td>
<td>Full access</td>
<td>Full access</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Village Market (1 in number)</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
Hindus, Muslim and Christians are living in the village. People of the village have affiliation to political parties such as All India Anna Dravida Munnetra Kazhagam, Bharathiya Janata Party, Dravida Munnetra Kazhagam, Pattali Makkal Katchi and Viduthalai Chiruthaigal Katchi. There is no civil society organization or youth club functioning in the village. However, there are twelve women self-help groups functioning in the village. The village has various common properties. They are classified in the table 4.1.

Scheduled Castes were the two rivers named Mani and Chinna Aaru passing through the village. There are six and two ponds in Pootai and Paavalam village respectively. Five primary schools and six Anganwedis are there. (2 in Pootai, 2 in Colony (Pootai village) and 2 in Paavalam). There are three Thrashing yards. One of them lies in the area where Parayars live. Scheduled Castes have access to areas except the car stand and playground because these commons are located in the Pootai village which is a mile away from the village and this not because of caste discrimination. In the temple also they have access but the problem lies in the ‘car festival’. The temple car has been traversing the routes where the Vanniyars are residing but not in the areas where Scheduled Castes are living. The issues in relation to Scheduled Castes’ access to car festival are discussed below:

4.1.4 Genesis of the problem

Parayars attempted many times to enter the temples during the 1980’s, but could to have access only after 1990. In the beginning, some of the Parayars frequently asked the Vanniyars to grant permission to enter and worship the presiding deity in the temple. Initially the Vanniyars objected. The issue was handled by the elders of the village, and they decided to allow the Parayars to worship from outside the temple. Thereafter, Parayars demanded Vanniyars to permit them to prepare and offer ‘Pongal’ (a kind of food prepare in the new pot and offer to god) inside the temple. Then the leaders of the
Vanniyars decided to allow the Parayars to celebrate *Pongal* inside the temple. After this decision, the number of temple-going Parayars gradually increased in the subsequent years. They also started taking part in the famous ‘car festival’ from 2001 onwards. As per the ‘*agamas*’, the temple car was to travel only in customary route namely, Middle Street West street, North Street and the street behind the temple and Mettu Street of the Pootai village. The car was also taken to Sembarampattu village through north, east, south and west streets. After a night halt at Sembarampattu village, the deity would return to the Pootai village via Mettu Street and would reach the temple.

In these streets, only the Vanniyars are living. As the temple and the temple car are the common properties everyone in the village have a stake. Omitting the Scheduled Castes area makes them feel inferior and unequal. They represented this matter to the elders of the Vanniyars and to the temple management in the year of 2005. When there was an objection this from the Vanniyars, the Parayars agitated against the Vanniyars. In the subsequent year’s festival, due to the panic situation, the District administration intervened and directed not to conduct the festival. Then, Parayars approached Viduthalai Chiruthaigal Katchi. This political party stood behind the Parayars on this issue. When the issue became bigger, the board of trustees of the temple filed a writ petition in the High Court of Madras.

### 4.1.5 Role of various institutions and the High Court

#### 4.1.5.1 Role of Village Panchayat

When this problem emerged in the 1980s, most of the elders Vanniyars behaved well with the Scheduled Castes. Their behaviour and attitude towards the people of Scheduled Castes were rational and impartial. They supported the Parayars when they demanded entry to the temple premises and there were only very few people to oppose the demand of the Parayars. In all the meetings after
1996, the elected representatives of the village Panchayat were found to have played a significant role in dealing with the people smoothly. Many discussions were held with the village Panchayat president after 1996 and he had a major role to play in resolving the issue amicably.

### 4.1.5.2 Intervention of Revenue Divisional Officer and Hindu Religious and Charitable Endowment

In the year 2007, the Parayars requested the Vanniyars that the Car carrying the deity should be taken through their Colony also. The Vanniyars opposed, and they said that the route in which the temple car travels was fixed as per the *agamas*. So, there should not be any further discussion on the car festival as the practice adopted in the temple has been in vogue from time immemorial. Parayars were not satisfied with the answer of the people representing the Vanniyars. The Parayars made an appeal to the Revenue Divisional Officer to conduct a Peace Committee. In the peace committee meeting it was agreed that a small car (*Sakadai*) would be routed through the colony (Arumugam vs The Revenue Divisional Officer, 2009)\(^6\). In the Peace Committee meeting held on 26.07.2007, it was decided that apart from the usual route from Poottai and Sembarampattu, a small car (*Sagadai*) can be used for taking the deity to the Colony by considering the width of the road leading to the colony. That decision was not accepted by the Vanniyars of the village.

In 2008 also similar issue was raised but there was no mutual accord between people of Parayars and Vanniyars. Once again, the same problem cropped up and despite a meeting by the Revenue Divisional Officer, no consensus was arrived at. It was demanded by Parayars that temple car festival be conducted in such a way that the temple car was taken from Poottai and Semparampattu villages via the main streets in the Colony. The Hindu Religious and Charitable Endowment Department has no objection for the temple Car being taken the through the colony. The festival was scheduled to
be conducted in the year 2008. But the situation was piquant so the festival was not conducted. Similarly, in 2009 despite the Peace Committee meeting, both the communities did not agree on any reasonable solution.

Again the issue was represented by the Parayars to the local police station and the Revenue Divisional Officer and they constituted a peace committee. The Revenue Divisional Officer of Kallakurichi Block called for a Peace Committee in view of the apprehension of breach of law and order. Peace Committee Meetings were held on 22.07.2009 and 27.07.2009. Parayars claimed that the car had to be taken to the area where they resided, and the Vanniyars objected to it and said that, it was a long tradition that the temple car was taken on the said route. This meeting did not end with the mutual accord. Then, the Revenue Divisional Officer ordered not to conduct the car festival. He stated that a Committee comprising Circle Inspector, Sankarapuram, the Revenue Officials and the Hindu Religious and Charitable Endowment Officials would be formed and they would be taking an appropriate decision regarding the route in which the deity could be taken in procession during the temple festivals(Arumugam vs The Revenue Divisional Officer, 2009)07.

4.1.5.3 Intervention of the High court of Madras

When the issue reached the court on 24.08.2009, the High Court directed the Hindu Religious and Charitable Endowment to come out with their stand by filing an affidavit relating to the route by which the car could be taken. It submitted that the Temple was a public religious institution coming under the jurisdiction of Hindu Religious and Charitable Endowment Department. The Temple was listed under Section 46(1) of the Hindu Religious and Charitable Endowment Act. It is administered by non-hereditary trustees who were appointed by the Department as per the proceedings dated 04.07.2008(Arumugam vs The Revenue Divisional Officer, 2009)08.
i. Writ petitions

There were two writ petitions regarding the issue. One was filed by the board of trustees of the temple and the other was by a Parayar leader. In the writ petition No. 16762/2009 (Arumugam vs The Revenue Divisional Officer, 2009), it was stated that Arulmighu Pootta Mariamman Temple was an age old temple and was in existence for over a century. Poojas were performed in the said temple as per Agamas. All religious festivals, including the procession of the deity during Car festival was performed strictly as per the custom. One of the main festivals of the temple is the annual "TherThiruvizha" (car Festival) which is conducted during the Tamil month of Aadi (between June and July). As per Agama Sastras, various steps were to be taken to perform the Poojas and rituals.

On the last Friday of the Tamil month of Aadi (between June and July), the procession of the Deity would be taken through streets and the car was preceded by fireworks and other religious activities. The deity would be decorated while on the Temple Car and taken through the customary route namely, Middle Street West, North Street and the street behind the temple named Mettu Street. It was also to be taken to Sembarampattu village through north, east, south and west streets. After a night halt at Sembarampattu village, the deity would return to Pootta village via Mettu Street and would reach the temple. It was claimed that from time immemorial, the deity was taken on procession in the Temple Car only on the above mentioned chartered route. The said streets were also called Car Streets.

The villagers, irrespective of caste, creed, community and gender are allowed to offer worship without any discrimination. According to the petitioner- Trustees, certain persons in the Village are obstructing the customary route and are claiming that the deity should also be taken through the village Colony. In connection with the issue, Parayars also filed a writ petition, W.P No. 17111 of
In the writ petition it was contended that the petitioner Trustees are caste Hindus of the village and they are unreasonably denying the right of the Adi Dravidars (Scheduled Castes) of the colony in participating in the temple Car festival.

It was stated that the suit was filed by a person who was not a party to the Peace Committee and by ignoring the Peace Committee Meeting, such a suit was filed. It was stated that the Colony people also wanted to participate in the Mariamman Temple Festival and they wanted the temple Car to pass through the Colony so that the people of the colony could feel a part of the village. There was nothing legally wrong in the solution arrived at by the Revenue Divisional Officer in the Peace Committee Meeting held on 26.07.2007.

To sumup, the first writ petition demanded that, the Poojas and Car festival performed strictly as per the agamas and custom. Certain persons in the village are obstructing the customary route and they demanded that the deity should also be taken through their streets in the village Colony. Further, it was mentioned that the villagers, irrespective of caste, creed, community and gender were allowed to offer worship without any discrimination. The second writ petition prayed that, the Colony people (Scheduled Castes) also wanted to participate in the Mariamman Temple car Festival by taking the car through the Colony so that the people of the colony feel as a part of the village.

**ii. Direction of the High Court of Madras**

In response to the above petitions, the High court gave a verdict as given below (Arumugam vs The Revenue Divisional Officer, 2009). The attempt by the Trustees to prevent the Scheduled Castes from taking the temple car to the Colony during the Temple Car festival held during the month of Aadi cannot be accepted by this Court. Any such order in their favour will amount to perpetuating untouchability.
which has been specifically prohibited by Article 17 of the Constitution of India. The temple Trustees have failed to establish any custom or usage in charting the route for the deity to be taken in the temple Car. For the last three years, due to their intransigence and caste supremacy, the festival had been stopped. It is not as if there is no place in the colony by which the deity can reach the Scheduled Castes, but there is place in the heart of the Vanniyars in the village to accept the Scheduled Castes as their brethren so as to have whole community worship. In such circumstances, the Government cannot be a spectator to vanniyars denying the rights of the Scheduled Castes of the colony and the constitutional mandate would have to be enforced through all legal means.

Under such circumstances, the direction issued by the first respondent Revenue Divisional Officer, informing a Committee of Police, Revenue, Hindu Religious and Charitable Endowment Department officials being constituted to decide the route by which the deity can be taken cannot be found fault with. W.P. No. 16762 of 2009 will stand dismissed. W.P. No. 17111 of 2009 (Arumugam vs The Revenue Divisional Officer, 2009)\textsuperscript{12} will stand allowed to the extent that the Committee suggested by the Revenue Divisional Officer will meet within four weeks and decide the route by which the temple Car will be taken through including the feasibility of having a small car (Sagadai) by which the deity can be carried through the colony and brought back to the main street. When once such a decision is taken by the Committee, it is open to the authorities (the official respondents) to enforce the said route. No one will be allowed to prevent the route being adhered to in the future car festivals to be conducted in the Poottai Mariamman Temple.

4.1.6 Perception of the Scheduled Castes

Arunthathiyar and the Parayars have shared their opinion on the various caste issues and especially issues pertaining to Scheduled
Castes’ access to commons. Arunthathiyars are not vibrant enough to for access to temple, and in fact they do not enter the temple even now. In contrast, Parayars have been fighting for access to temple during 1990s and they continued their protest until they were allowed to enter the temple. One of the persons from Parayar community said that ‘initially we did not ask the Vanniyars to allow us to worship the deity. We insisted on their allowing us to conduct the pongal’. In addition, the Parayars have good opinion about the village Panchayat president. He said that he was good enough to deal with the issues in the village impartially and in a reasonable manner. An old Parayar said that ‘previously there was a man from Vanniyar caste who supported us to enter the temple despite the strong opposition from the other Vanniyars in the village. A group of Arunthathiyars said they had no desire to worship in the temple as they had a separate temple to worship.

4.1.7 Present status of the Scheduled Castes

After judicial pronouncement, in the next year 2010 the temple function was scheduled to be conducted. As it was directed that the temple car should be taken to the area where Scheduled Castes lived, the leader of the Vanniyars visited the colony and discussed the possibilities of bringing the temple car inside the colony along the roads. They also checked the road condition along with the elected representatives and then they decided that bringing the temple car might affect the wheel of the car because of the poor condition of the roads. Also the big temple car be turned at the end of the street of the colony as the road was narrow. For this reason, all the Scheduled Castes accepted the reason and they decided that in future if the roads of the colony were widened, the temple car could be taken through the colony. However, the small temple car was able to travel through the road. As such, at present, only the small car is passing through the colony because of the uneven road.
4.1.8 Summary and Conclusion

The study has recorded the issues in allowing Scheduled Castes in access various commons available at the village level. The issue related to the car festival reached the court and the court gave directions in favour of the writ petition filed by the Parayars. Eventhough the temple was constructed and owned by the Vanniyar community for many centuries, after came under the Hindu Religious and Charitable Endowment department, the temple became a public institution. Therefore, everyone in the village was entitled to take part in the management and worship in the temple. During the 1980s, when Parayars attempted asserting their rights, the people of the Vanniyars threatened the Parayars with dire consequences. Thereafter, elders in the village decided to allow Parayars in 1991 in the premises of the temple after continuous protest by Parayars for ten years.

Subsequently, Parayars participated in monthly pooja and yearly festival for a couple of years by standing outside the temple. After 1996, Parayars requested Vanniyars to prepare pongal in the temple premises. Though there were some minor clashes between both the communities, the elders from both the communities opted to go smooth and decided to allow Parayars to offer pongal. In this issue, elected representatives of village Panchayat were found have played a significant role. Later, they put forth the demand of participating in the car festival too. They demanded that the temple car could also be taken to the road where Parayars lived. When this issue was raised in 2007, there prevailed a panic situation in the village and thus, the temple car festival was stopped on the order of the authorities of HR and E and the Revenue Divisional Officer.

The government machinery such as Revenue Divisional Officer and Police Department greater efforts in bringing harmony in the village by constituting the peace committees in 2007, 2008 and 2009
but no decision was taken to conduct the car festival. When the issue reached the court, there were two writ petitions filed. One was, filed by the board of trustees of the temple (Writ Petition No. 16762/2009). It stated that, there were certain persons in the Village who were obstructing the customary route and were claiming that the deity should also be taken through their streets in the village Colony but the temple car functioning as per Agamas could not be taken to new streets deviating from its customary route. Another writ filed by the Parayars of the village stated that the Colony people (Scheduled Castes) also wanted to participate in the Mariamman Temple car Festival by taking the temple car through the Colony so that the people of the colony could also feel a part of the village. The High court directed the authorities to enforce the said route. At present, a small temple car is taken through the colony because of the awkward road.
4.2 Case 5: Mandalamanikam Village

4.2.1 Introduction

The Scheduled Castes being socially backward have been oppressed for a long time by the dominant castes in almost all parts of the country. In the study area, Pallars have been confronting many problems but this case has its focus only to the issue pertaining to having access to a common road. The caste system is intrinsic in the minds of the dominant caste. They have been attempting through different means to depress the Pallars. The attitude of Thevars seems to be keeping the Pallars in a lower position so that they can maintain the dominant caste position permanently. Those who belong to a dominant caste have been behaving violently against the Pallars particularly in accessing the commons and in the present case the common road. This case deals with the issues of Pallars in accessing the road and other commons.

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

Mandalamanikam village is one of the village Panchayats of Kamuthi Block, Ramanathapuram District. It consists of nine hamlets and the study area is the mother village where every villager passes through. The bypass road also (Ramanathapuram to Thiruchuli) passes through this village and every villager has to use this way to reach the nearby villages or city. The 'Pacheri’ (hamlet) (a Scheduled Caste settlement inhabited by families of Pallar Caste) of Mandalamanikam village is connected with the main road, and there have been disputes over the using of this road. This case is mainly connected with the issue related to common road and other commons available in the village. Besides this issue, there have been also many other issues that have been prevailing in the village such as denial of
access to temples, ponds, tea shops, grocery stalls, barber shops and other public utilities.

4.2.3 History and Backdrop of the issue

The caste issues escalated during the 1990. Till then most of the commons were used by the Scheduled Castes of this village. During the 1980’s families of other backward (OBC) castes such as Iyyar, Naiker, Mudhaliar, Nadar, Moopanar, Pandaram and Thachar lived in all the hamlets of the village except Patcheri. The people of these castes did not restrict Pallars from having access to commons such as temples, ponds, tea shops, grocery stalls, barber shops and other public utilities. From 1980 onwards, the families of these other backward caste groups migrated to the nearby cities. They sold their houses and lands to the people of Thevar caste of Mandalamanikam village and the neighboring villages.

When there were families representing heterogeneous, Pallars were equally populated with the Thevar caste in the village. After the 1990’s, Thevar caste became a dominant caste in the village with a major proportion of agriculture lands in its possession. The landless Pallars usually dependent on wage/coolie work in the lands of Thevars. As the families of other castes migrated to other areas, they had the only option of working in the lands of Thevar caste. In such a case, people who belonged to Thevar caste were not treating Pallars as the people of other dominant castes treated them earlier. The landlords of the Thevar caste discriminated Pallars in all matters including the use of separate glasses for drinking water in hotels.

After facing such discriminatory practices, the Pallars gradually stopped working in the lands of the dominant caste. Subsequently, people belonging to Pällar community started avoiding roads and other public utilities located in the dominant caste areas. As the time passed by, Thevar caste people started questioning the Pallars when they travelled by the roads used as commons and public utilities.
located in the areas of the dominant caste. These types of conversation created enmity between the Pallars and Thevars. On many occasions after 1990, Thevars threatened Pallars with dire consequences if Pallars used commons such as temples, roads and other public utilities situated in their areas. Therefore, the intensity of the caste problem started acquiring larger proportion in this village after 1990.

4.2.3.1 Snowballing of the caste issues

In case, riot or clash between the Pallars and Thevar happened in other areas, it snowballed to this village also. The Thevars of this village behaved violently with the Pallars under such circumstances. In such cases, Pallars did not go along the streets of dominant castes. In the case of emergency, Pallars used to travel by the road where many numbers of Pallar families were present in order to protect themselves from the dominant caste. On many occasions, persons who belonged to dominant castes to pelt used stones at the Pallars when the Pallars walked along the street where Thevars lived. When the Pallars brought these types of issues to the local police station they advised the Pallars to avoid using the road and other public utilities at the time of anxiety.

4.2.4 Issues of Pallars in access to commons

4.2.4.1 First major issue in access to commons

The first major incident occurred in 2004 when Pallars travelled by a government bus. Initially, persons of dominant caste told Pallars not to occupy the seats in a bus along with the dominant castes and later abused verbally by using the caste name. Many times, skirmish erupted between youths of both castes. Frequent incidents made the Pallars more depressed and they became inactive under many situations as they had been encountering these types of problems rather more frequently. However, the elder Pallars lodged a complaint
with the local police as the situation became worse day by day. Accordingly the victims and the accused were summoned by the local police for compromise and no petitions were filed against the accused.

Thereafter, Pallars avoided travelling by the bus along with the dominant caste. In this issue, caste was found to have played a major role in keeping the Pallars indoors. As the efforts of Pallars were not heeded by the police, they stopped making further attempts. Thereafter, the Pallars did not take any minor issues to the police station or court. These trends continued for many years and the relationship between these two communities was spoiled. They did not approach the civil society organizations and the political parties for a permanent solution to this problem. The slavish attitude of the Pallars made the dominant caste more vigorous in caste ideologies and savagery.

4.2.4.2 Status of Pallar’s access to the commons other than the road

The commons are located in different parts of the village. It may not be possible for a person to use the commons located in other parts of the village. Access to all the commons is not questioned, but some commons are inevitable such as temples, roads, markets and government buildings. In fact, Pallars have been using commons such as Kundaaru River (located near their settlement), village markets, and other government offices, but not other commons which are located in other parts of the village. However, a few Pallars have been using a pond for washing purpose located in-between Pacheri hamlet and Mandalamanikam village. Once there was a clash between the Pallars and the dominant caste in using this pond, and thereafter people of dominant caste started using one end and Pallars, the other side of the pond.

Out of the Hindu temples, only two temples (Valavanthan and Eswaran Temples) are common which are situated in the Mother
village. A long time ago, these two common temples were used for worship by all the caste people of the village. Once, the priest of the Valavanthan temple happened to be a person from Pallar community. The Pallars hold the status of “Muthal Padi’ (also called as Mandaga Padi), which indicate that they were given first preference to worship in the temple. When the caste problem escalated during the 1990’s, the dominant caste objected to their worshipping in the Valavanthan temple. The same happened with the Eswaran Temple also Pallars were allowed to worship the lord from outside the temple.

Similarly, the common thrashing floor/drying yard situated in Moolakaarapatti village meant for Pallars, is now exclusively used by the dominant caste. Before, 1990 Pallars also entered the yard only for coolie work. In fact, at no time they entered the yard to dry their grains. In the government school which is located in Mandalamanikam village, none of the wards of Pallar caste enrolled because of the anxiety prevailing among the Pallars. However, children of Arunthathiyar community. Studied in the government school. As the Arunthathiyars houses are located adjacent to the dominant caste and their population being very very meagre, they did not encounter any major caste-based problems in regard to the schooling of their wards.

These discriminatory practices spread to other public utilities such as tea shops and barber shops where Pallars were not allowed to have hair cut/dressing. Pallars did not fight against these unconstitutional untouchability perpetrated practices perpetually by the dominant caste groups. Instead they avoided to have access to public places. To sum up, Pallars were using the commons available in their vicinity, but couldnot have access to the commons located in the area of the dominant caste. In contrast, Arunthathiyars were using some of the commons because they were living within the areas of the dominant caste.
<table>
<thead>
<tr>
<th>S. No</th>
<th>Commons</th>
<th>Status of Scheduled Castes’ access</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Pallar</td>
</tr>
<tr>
<td>1.</td>
<td>Temples (2 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>2.</td>
<td>Common Water taps (12 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>3.</td>
<td>Bathing Ghats</td>
<td>Full access</td>
</tr>
<tr>
<td>4.</td>
<td>Ponds (7 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>5.</td>
<td>Canals (1 in number)</td>
<td>No access</td>
</tr>
<tr>
<td>6.</td>
<td>Graveyards (3 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>7.</td>
<td>Thrashing Yards (3 in number)</td>
<td>No access</td>
</tr>
<tr>
<td>8.</td>
<td>Road</td>
<td>No access</td>
</tr>
<tr>
<td>9.</td>
<td>Primary School upto 5th standard (1 in number)</td>
<td>Partial access</td>
</tr>
<tr>
<td>10.</td>
<td>Village Administrative officers’ office, Village Panchayat Officers’ office and Primary health centre</td>
<td>Full access</td>
</tr>
<tr>
<td>11.</td>
<td>Anganwadi (1 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>12.</td>
<td>Village Market (1 in number)</td>
<td>No 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
4.2.4.3 Issues regarding access to Road

As the caste issues were widely prevalent in the village, the issue in access to the road also arose. Thevars criticized Pallars. They nicknamed and gossiped while the Pallars were travelling along the roads. When the Pallar youth retaliated, a conflict took place. The road issue emerged in 2006. Pallars had a meeting among them and decided not to travel single in the road. Women were the most affected, particularly the girls were advised to avoid the road. There were many occasions in which the Pallars were attacked by unknown persons who pelted stones. Consequently, the Pallars attempted to lodge a complaint with the police but the police officers refused to register the complaint. But, they arranged for a meeting and called the representatives from both the castes and arbitrated. Those meetings seldom resulted in bringing harmony to the village, rather, it aggravated the situation.

4.2.4.4 Reflection on Immanuel Sekaran’s death anniversary and road issue

The problem appeared once again in the mid 2011’s when the entire Pallar caste was bracing to celebrate the ‘Gurupoojai’ function, (homage to the late Mr. Immanuel Sekaran-Leader of Pallar caste) in 2011. It was scheduled to happen on September 12, 2011. At this function, being the major context of the issue on hand, it is most relevant to discuss briefly the Gurupoojai. A number of people congregated at Paramakudi where a platform from different parts of Tamil Nadu was erected over his burial site as a the memorial (Anand Teltumbde, 2011)17.

. Pallars have been conducting gurupoojai since 1957 (after his death). This Gurupoojai was ideologically abhorred by the people of Thevar caste. Pallars from Pacheri village also had plans to participate in the Gurupoojai.
In such a situation, some of the people who belonged to Thevar community gossiped about the abusive number (‘9819’ written on the wall post placed near a ration shop) written before the name of late Thiru. Muthuramalinga Thevar (Leader of Thevar Caste) dated 9th September 2011 (Thangavel vs. State of Tamil Nadu, 2012). There was a wordly duel between both the castes, and Thevars attempted to attack the Pallars. Subsequently, the local leaders of Thevars caste lodged a complaint with the local police over the verbal abuse made by the Pallar youths enroute to the Gurupooja. Peace committee was constituted and a meeting was conducted in the presence of Deputy Superintendent of Police.

The Thevars were not satisfied with the proceeding of the peace committee meeting. Thevars started picking up quarrels with the Pallars in front of the Police and challenged that they would forcefully attack when a Pallar crossed the road. Further, one Mr. Arumugam (belongs to Thevar community) lodged a complaint on 9.9.2011 at 9.00 p.m. against five persons and 15 others who belonged to Pallar caste over the verbal abuse of their leader Mr. Muthuramalinga Thevar in the form of wall writing on the wall adjacent to the ration shop at 6.30 pm. The police registered a case under sections 147, 153(A), 506(i) Indian Penal Code and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No. 32 of 2011 (Thangavel vs. State of Tamil Nadu, 2012). The local Police also informed the Pallars not to travel by the road in order to avoid any untoward incident in the wake of this problem. They announced so just to safeguard the Pallars from dangerous attacks by the Thevar community.

4.2.4.5 Murder of the Pallar Youth

As a precursor to this incident, some of the Pallar youths left their village to participate in a temple festival held at the Muthuramalingapuram Puthur Village, and they were not aware of the
announcement made by the police. They were returning home on the same day (9th September 2011) from the festival. They travelled as a group (2-3 in every group). They could notice some people from the dominant caste coming towards them with dangerous knives. One of the persons from the dominant caste told them, ‘do you think that you are stout-hearted travelling on the road even after we warned not to travel in the road of us’ and they attacked the unarmed Pallar youths with dangerous knives. The Pallar youth Palanikumar (16) (son of Thangavelu of Pacheri hamlet and a student of Government Higher Secondary School, Anaikulam) and his friends were threatened by the person of the dominant caste.

Pallar youths realizing the danger in their attempt to escape from the scene started running from the spot but some of the Thevars chased them and attacked Palanikumar. He was caught in the hands of one of the Thevars. They attacked him repeatedly with deadly weapons. He fell down on the spot and was not able to ambulate. He lost lots of blood and was injured severely. The incident happened at around 12'o clock (9th September 2011) midnight in the by-pass road of the village. The friends of the Palanikumar ran to the village and informed the incident. Many persons of the Pallars caste immediately took all necessary steps to save him. They took him to the nearby hospital. But all their efforts were in vain. They could not save him from death.

4.2.5 Register of Case

Soon after the murder of Palanikumar on the 9th September 2011, his father lodged a complaint with the local police station at 3:00 am on 10th September 2011. The investigation was conducted by the police department two times (Right to Information, 2015)18. After the complaint, the Police arrested five as accused. On 10.9.2011 and 13.9.2011 the Revenue Officials handed over a sum of Rs. 75,000/- and Rs. 1.00 lakh respectively as compensation. The demand drafts
were deposited in the State Bank of India Thiruchuliur Branch\cite{Thangavel vs. State of Tamil Nadu, 2012}. The murder happened because of the cruel behaviour of the Thevar caste people in the village and particularly the dominant ideologies over the Pallars.

### 4.2.6 Role of Various Institutions and individuals in settling the issues

Institutions such as Police Department, Revenue Department and Court have the authority to deal with all kinds of criminal acts. As per the Scheduled Caste and Scheduled Tribes (PoA) Act, 1989, the District Collector and Superintendent of Police shall visit the place of atrocity in case of grave offences along with the Revenue Divisional Officer, and the Investigating Officer should be in the Rank not less than Dy Superintendent of Police. There was no peace committee conducted at the district collector office regarding this issue \cite{Right to Information, 2016}. Other intuitions were not obliged to involve in the investigation of the issues of Pallars. However, this study records the role of all other institutions and the court in particular.

#### 4.2.6.1 Role of Village Panchayat

Besides many institutions, the Village Panchayat has a major role in dealing with the caste issue as it functions at the local level. It understands the issue better than any other institutions since it holds the elected representatives from every hamlet of the village. Mandalamanikam village Panchayat was reserved to the Scheduled caste. In such case, Pallars have the probability of winning the Panchayat election because Arunthathiyars the only other Scheduled caste constitute a meagre proportion of the total population of the village.

Strictly speaking there is no relevance here to discuss the village Panchayat, but it helps to understand the intention and enmity behaviour of the Thevars. Dominant caste people were not even ready
to vote for the Pallars in the Panchayat election. They supported the Arunthathiyars to contest consecutively for two terms. In the past two terms, a contestant from the Arunthathiyar was elected as village Panchayat president. The Pallars boycotted the village Panchayat election held in 2011. Therefore, there is not even one member of the Pallar caste at the local Panchayat. However, the village Panchayat Secretary of Mandalamanikam village belongs to Pallar caste. But, the Pallars of his own caste were fed up with his attitude in dealing with the caste issues and he never reacted in any tense situation.

4.2.6.2 Role of Non-Governmental Organizations and social activists

The Non-governmental organizations such as youth clubs and the Self Help groups did not involve in any kind of mediation against these discriminations. However, the political parties were found to have played a substantial role in organizing the Pallar people and fought together against the caste discriminations on many occasions. The murder of the youth was taken up by the Political parties such as Puthiya Thamizhagam and Tamizhaga Munnetra Kazhagam. These parties supported the Pallars. Puthiya Thamizhagam party stood behind the victim’s father (Thangavel, the petitioner of this case) and helped in filing petition in the High court of Madras. Equally, Tamizhaga Munnetra Kazhagam also supported Pallars on all occasions. P. Rathinam an Advocate and an activist, also one of the petitioners of this case also supported victim’s father in filing the petition and appeared in the court for the petitioner of this case.

4.2.7 Role of Court

Although the petitioner (Thangavel) did not take the issue to the court and pleaded that the equal rights be provided to Pallars in the use of the common road, he has prayed the following through the writ petition in the High Court of Madras (Madurai Bench). He mentioned in his petition that ‘I have no belief in the functioning of the local
police in resolving the disputes. Hence, I pray the High Court to direct the state to construct an alternative pathway for the Pallars to move freely.’ The Writ Petition was filed under Article 226 of the Constitution of India, praying the Court to issue a writ of Mandamus.

The prayers of the writ petition are as follows:

(a) Directing the respondents the District Collector (Ramanathapuram Dist.), the Superintendent (Police Ramanathapuram Dist.), the Deputy Superintendent (Police of Kamuthi, Ramanathapuram Dist.), the Station House Officer (Mandalamanikam Police station, Kamuthi, Ramanathapuram Dist.) and the Tahsildar (Kamudhi Taluk, Ramanathapuram Dist.) to immediately lay an alternative road to our village from Kamudhi Thiruchuli main road through the adjacent path near Mandalamanickam Police Station towards south as it is the long pending demand of Pallars as one of their fundamental rights.

(b) Directing the Central Bureau of Investigation (Shastri Bhavan, Chennai) to investigate first information report filed in Crime No.32 of 2011 against the innocent Pallar members under sections 147, 153(A), 506(i) of IPC and 3 of TNPPDL Act as it is motivated to harass Pallars,

(c) Directing the State of Tamil Nadu, the District Collector (Ramanathapuram Dist.), the Superintendent of Police (Ramanathapuram Dist.) and the Deputy Superintendent (Police of Kamuthi, Ramanathapuram Dist.) to hand over the case registered in Crime No.33 of 2011 on the file of the Mandalamanickam Police, Kamudhi to the CBI and directing them to appoint a competent officer to take up the same and investigate the case in accordance with law under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989.
(d) Directing the N. Arumugam (accused) to pay a fine as fixed by this Court for his mischievous and malicious act of making a false complaint in Crime No.32 of 2011 on the file of the Mandalamanickam Police Station to the High Court (Thangavel vs. State of Tamil Nadu, 2012)²¹

The petitioner has, in the above writ made his intentions very clear. However, Mr. P. Rathinam, the learned counsel who appeared for the petitioner submitted that he was not pressing the prayer regarding (a) and (d) and the writ petition may be ordered with regard to the remaining two prayers viz., directing the Central Bureau of Investigation to investigate the FIR filed in Cr.No.32 of 2011 and directing the State of Tamil Nadu, the District Collector, the Superintendent of Police and the Deputy Superintendent of Police to hand over the case registered in Cr.No.33 of 2011 on the file of Mandalamanickam Police Station, Kamudhi to the CBI with further direction to them to appoint a competent officer to take up the same and investigator the case. The Necessary endorsement was also made by the learned counsel in the case recorded on 7.2.2012 (Thangavel vs. State of Tamil Nadu, 2012)²²

4.2.7.1 Judgment of High Court

In the Judgment, the court after discussing clearly all the points related to the case, pointed out the following:

i. When the case was registered at 3:00 a.m. on 10th September 2011, the investigating officer visited the scene of occurrence and the Kamuthi Governmental Hospital.

ii. The accused were arrested by the police on the same day and remanded to custody.

iii. When the complaint was registered by Arumugam Crime No. 32/2011 under Section 153(A) and 506(ii) IPC and under
Section 3 of PPDL Act and the Deputy Superintendent of Police rushed to the spot, posted pickets and held a peace meeting between two communities.

iv. For the first prayer, it was mentioned in the counter affidavit by the Deputy Superintendent of Police (DSP), Kamudhi contended, the DSP visited the place i.e., Mandalamanickam and Pallapachery villages on 9.9.2011 night to defuse the tense situation. Regarding sanction for laying of new road, the amount had already been sanctioned by the District Collector and roads were being laid.

v. For the second and third prayer, the court referred the case law and has ruled, ‘...in the absence of any allegation against the Investigating Agency, whether a person/complainant can pray for transfer of investigation to other agency Central Bureau of Investigation’. It adds, it is evident that unless it is established in a given case that the local police is not conducting investigation in a proper manner, investigation cannot be transferred merely on the request made by the complainant.

vi. For prayer four, it has been recorded that, the Cr.Nos.32 and 33 of 2011 having been registered on 9.9.2011, a direction can be issued to the State Police to expedite investigation and file a final reports expeditiously. Accordingly, the State police is directed to complete the investigation in Crime Nos.32 and 33 of 2011 and file final reports before the concerned Court, within a period of eight weeks from the date of receipt of copy of this order (Thangavel vs. State of Tamil Nadu, 2012)\(^{24}\).
4.2.8 Report of the Police Department

Crime no. 32/11 was investigated by the police department and could not find the accused so the case was closed. For the crime no. 33/11, the police department has submitted its final report on 14th June 2012 to the court. It has considered and directed to produce the accused and they were produced on 1st September 2015 to the court (Right to Information, 2015)91.

4.2.9 Status of Pallar access to commons after Judicial Intervention

As the High Court has powers to enforce the Fundamental Rights under article 226, the court has miserably failed to take into consideration the core of the problem that has been faced by the Pallars. Because the root cause of the problem was accessing the common road. The court did not direct the state machinery to ensure Pallars using the common road. However, it had directed the state machinery to construct an alternative road for Pallars. At present, Pallars have been using the new road and still have the problem of accessing the road where the Thevar caste resides. The Thevar caste people are also not using the newly constructed road.

4.2.10 Perception of Peoples of the village

Two important arguments have been put forth on this issue, one from the Pallars and the other one from a dominant caste. Pallars of the village expressed that they have been denied access to commons such as temples ponds, and public utilities such as tea stalls, groceries stalls, barber shops etc. They have alternatives for such kinds of commons (i.e. they are consuming goods from the shops owned by Pallar); but when the dominant caste restricted them from using the road they have no other alternative path to travel. The people of dominant caste were angry on Pallars. Murder was one of
the incidents that was taken to the court but there were many other incidents that were not spoken out.

Further, they said that ‘the dominant caste diverted the news of murder because Pallars were involved. They are alleged to have written number ‘9’ in front of Muthuramlinga Thevar poster’. The father of the deceased told ‘there were no possibilities from our side to write like that because we could not go to their area without purpose’ the ration shop is situated in that area so Pallars go there when it functions. Pallar Children are not studying in the school situated at Mandalaminkam village and therefore they also did not go there frequently’.

An elderly man from Pallar community reported that “previously we were depending on them for our livelihood; we worked in their farms; we reverenced the dominant caste wherever we saw them; all these happened because they were our owners; but now our sons and daughters are educated; we admitted them in the best educational institutions; of them, many have got jobs in government and private institutions; our children have to travel through the road to towns and other villages, while passing by the main village, they saw the landlords but our sons/daughters were never aware of their presence. They do not salute them as we have been doing till today”. These might have prompted the dominant caste to develop enmity made them and behave violently towards us.

Another person (Pallar, aged 76) reported “I was asked by Thevars about my children’s employment status: when I replied that my son was employed, he said ‘that is why your son is not mindful of my my presence’. When our children along the streets where the dominant castes reside they question our children ‘why did not our children respect them while passing through the street/road. They also made comments such as had a job emancipated and given a you higher status than ours? ‘Unless I had hired your father as coolie in
my agricultural lands, you would not have been in this position. Keep it in mind and try to respect the elders.’ They warned my son once and it happened with many of our Pallar youth”. The words of these elder men prompted a wider debate because he had been experiencing caste discrimination from his childhood. They have completed many phases in life like suppressions, untouchability, two tumblers, and two bench systems in tea shops, social exclusion, and discrimination. Earlier they used many commons and other public utilities that are restricted at present.

In the opinion of Thevars: ‘Only Pallars wrote badly about our leader (Mr. Muthuramalinga Thevar); on the same day the case was also filed in the police station, but some of us got angry and attacked them, but this was an accident. Another person from the Thevar caste told ‘the issue is not new, many times we warned them not to ride the bike very fast as our children were playing on the road, and we have no intention to stop them from using the road’. In addition, the researcher asked about the reason for denying access to the commons and public utilities. They told ‘these types of practices were not created by us, we have just been following what our ancestors practised. Arunthathiyars maintain a good relationship with us, and even some of the Pallars as well’. To sum up, the caste discriminations have been prevailing for a long time in accessing to the commons and the public utilities and the murder was the only incident taken to the court.

4.2.11 Summary and Conclusion

The study has recorded the Pallars’ issues from its starting point, causes, and the institutional roles of activists and court in settling the issues of access to commons in the Mandalaminkam Village. Despite various institutions working for the Pallars, political parties and the activists have played a major role in bringing this issue to the court systematically. The High court has intervened only
on the prayers of the petitioner but not to the real problem that have been in existence. Even though the victim and other Pallars of the village asked to construct on alternative path, the government institutions such as village Panchayat, Police, Revenue Divisional Officer, District Collector and even State government might have brought equality in the use of the road and should not have taken initiatives for the formation of a separate road. Moreover, constructing a separate road does not bring equality; rather it strengthen the social disorder and the feudalistic ideologies of the dominant caste.
4.3. Case 6: Uthapuram Village

4.3.1 Introduction

Tamil society is known for caste-based divisions and discriminations. Untouchability is pervasive and prevalent even today in some parts of the state, particularly in rural Tamil Nadu. The present case is the best example for the caste problem prevailing between the Scheduled Caste (Pallar, Parayar and Arunthathiyar) and the Pillais for many years in one of villages in south Tamil Nadu viz., Uthapuram. Scheduled Castes have been facing numerous issues in accessing various commons in Uthapuram. The village has witnessed three major caste clashes in 1948, 1964 and 1989. The incident that occurred in 1989 was closely connected with the problem in accessing commons.

There was a peepal tree in the premises of the Muthalamman temple where Pallars have been worshipping from time immemorial. People from Pallar community were pelted with stones by some from the Pillai community when they went to offer prayer at the Peepal tree during the temple festival. This incident led to constructing a wall between the Pallar area and the main village. Pillai community constructed the wall in 1989 on the basis of an “agreement” that was signed by both the caste groups. In all the caste issues, only two caste groups were reported to have involved in castes clashes viz., Pillai and Pallar.

Two major caste discriminations that crippled the Pallars are the subject matter of this case. One was denial of access to Muthalamman temple and the other was the ‘Untouchability wall’ that divides Pallars from the dominant caste area. The study was conducted to trace the history of the causes for the caste based conflicts and also to understand the role of the state, particularly, the Judiciary in ending the caste problem in the village. To collect the
data for building the case study people of both the caste groups were interviewed adopting interviewed through “Focus Group Discussion’. Twelve focus group discussions were conducted in the village to get the data and information. The respondents of the study included the victims, accused, members of the other OBC communities and other Pallar category people. They were interviewed separately.

These issues have been reported by the scholars (Dorairaj, S. 2012 and 2011; Viswanathan, S. 2012; and Sampath, P. 2009) ever since the beginning of the problem. However, the root causes of this riot the role of various institutions in settling the dispute and judicial intervention etc have not been reported. Hence, this case presents the whole picture about the case and its present status.

4.3.2 Basic Information of the Study area in connection with the issue

Uthapuram is one of the villages in the Sedapatti Panchayat Union of Madurai District. It consists of seven wards namely, Thatachapatti, Uthapuram VOC Theru, Uthapuram West, Uthapuram South, Sankara Goundan patti, Nellathathan Naiken patti and Pottalpatti. These hamlets are inhabited by people different caste groups. The dominant castes are Kongu Goundar, Mooper, Naiker, Pillai (kodikaa Pillaimar), Thevar and Valayar (Right to Information, 2016)25. Scheduled Castes are Arunthathiyar, Parayar and Pallar communities.

The total population of the villages is 5149 of which Pallars account for 2172. The total number of households is 1786 of which 806 are above poverty line. There are three youth clubs and twenty-four women self-help groups. People of this village are politically strong and active. They represent many political parties such as All India Anna Dravida Munnetra Kazhagam, Communist Party of India (Marxist), Congress Party of India, Desiya Munnetra Dravida Kazhagam, Dravida Munnetra Kazhagam, Pattali Makkal Katchi,
Puthiya Thamizhagam Katchi, Puthiya Neethi Katchi, Thamizhaga Munnetra Kazhagam and Viduthalai Chiruthaigal Katchi.

**Table 4.3. Status of Scheduled Castes’ access to commons in the Uthapuram village**

<table>
<thead>
<tr>
<th>S. No</th>
<th>Commons</th>
<th>Status of Scheduled Castes’ access</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Arunthathiyar</td>
</tr>
<tr>
<td>1.</td>
<td>Temples (1 in number)</td>
<td>No access</td>
</tr>
<tr>
<td>2.</td>
<td>Common Water taps (15 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>3.</td>
<td>Ponds (8 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>4.</td>
<td>Bathing Ghats (Manimuthararu River)</td>
<td>Full access</td>
</tr>
<tr>
<td>5.</td>
<td>Canals (1 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>6.</td>
<td>Graveyards (5 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>7.</td>
<td>Thrashing Yards (5 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>8.</td>
<td>Village Road</td>
<td>Restricted access</td>
</tr>
<tr>
<td>9.</td>
<td>Village markets (7 in number)</td>
<td>Full access</td>
</tr>
<tr>
<td>10.</td>
<td>Schools (5 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>11.</td>
<td>Anganwadies (5 in number)</td>
<td>Restricted access</td>
</tr>
<tr>
<td>12.</td>
<td>Village Administrative office</td>
<td>Full access</td>
</tr>
<tr>
<td>13.</td>
<td>Village Panchayat office</td>
<td>Full access</td>
</tr>
<tr>
<td>14.</td>
<td>Primary Health Centre (1 in number)</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

Note: ‘Saavadi’ is the place to recreate and to conduct various functions by a villagers, every community have separate Saadavi
This village has five ‘Anganwadies’ situated at Nellaththanpatti, Pottalpatti, Uthapuram VOC Theru, Uthapuram South and Thatachapatti. Four government schools are located at Nellathathanpatti, Uthapuram South, Thatachapatti and Uthapuram VOC Theru. Separate Burial grounds are also available for every community in all the hamlets of the village. Pallars have been facing numerous issues in accessing various commons in the village of Uthapuram. The following are the status of Pallars in accessing the commons. As for as the commons, such as the pond, canal, common water tap and school, are concerned the Pallars are using the facilities available in their locality. There were no discriminations in accessing the government offices and village market. However, there is no possibility of using the commons located in the other parts of the village. In fact, in the Uthapuram south, ‘Periyakanmaai’ (big pond) is located and Pallars use it and it is difficult for the other caste people to make use of it. Some public resources available in some part of the village are accessed only by very few and people living in other parts of the village cannot use it.

The Scheduled Castes were not allowed to use the barber shop owned by the upper caste. Many times the Pallars went and approached for hairdressing but there was no positive action on their part. Some of the barber owners said, “if I allow you, customers from the dominant caste would not come to my shop; so, please understand my situation; they would not agree to sit in the place you sat”. In fact, they are in a position to accept the Pallars but they are forced to avoid them because it may affect their business. Similarly, they have no access to the tea stalls and grocery shops owned by the people of Pillai community.

In contrast, the Scheduled Castes can have access to the tea shops and grocery shops owned by other dominant castes (other than Pillai caste) in the village. In the same way, Scheduled Castes can go to the road and other public utilities owned by the other dominant
castes (Eg: Kongugoundar, Mooper, Naiker). Case in hand, a Pallar is one of the elected members of Uthapuram Panchayat. He found no problem in going to the residence of the Moopar (also a dominant caste). In regard to the graveyard, every community has separate ground and there is no common burial ground in the village and therefore, there is no problem in this regard.

Only elected ward members go to the village Panchayat for the official purpose. They are mostly beneficiaries selected under state and central government schemes who visit the village Panchayat office particularly for enquiring about the schemes and the benefits. No caste discrimination is found in having access to the village Panchayat. Pallars opined that the present village Panchayat president is so simple and encouraging the Scheduled Castes to involve in the activities of the Panchayat. There are four public schools in the village. The children from the hamlets attend the nearby government schools and hence no discrimination is reported. But very few children to the government school and majority of children go to the nearby private schools.

As far as the Muthalamman temple is concerned, it is the biggest among 37 temples in the village. The Muthalamman temple was constructed and renovated by the Pillai community and they do not normally approach any other community for contribution for the management of the temple. Even though it is being managed by the Pillai community, it is located in an unregistered land. In Ezhumalai (name of a place) there is a Muthalamman temple. It is the head for 18 Muthalamman temples in the villages nearby and the Muthalamman temple in Uthapuram village is one among these 18 temples. Festivals are annually conducted every year for all the 18 Muthalamman temples during October. This case is related to the issues related to the ‘untouchability wall’ and the ‘Muthalamman temple’ in Uthapuram Village.
4.3.3 The Process of the caste issues

4.3.3.1 Seed of the caste problem

Uthapuram village had been a hotbed of caste tensions and it has witnessed three major caste clashes in 1948, 1964 and 1989. There were several casualties on all the three occasions. Minor clashes have erupted for two decades and the peace talks by the police with both the caste people failed. In 1948, the first incident took place when a Pillai objected the entry of Pallars into the Muthalamman temple for worshipping the deity. In 1964, the second major incident took place. It was pertaining to grazing of cattle in the lands along the road side and the uncultivable Poramboke (Government land) land of the village. The Pallar community being landless usually takes their cattle to the road side (common) and to the uncultivable land of the Pillai caste for grazing.

In one such case, some of the cattle entered the standing crops in the land of the Pillai community and caused damage to the crops. After seeing this the owner of land who belonged to Pillai community questioned the Pallar and abused him verbally by calling his caste name. Then, a skirmish happened among them. If the herdsman had been from the same Pillai community or from any other dominant caste, the clash might not have taken place but it happened because of his caste identity. During that clash, a Pallar attacked Pillai. As a result, the Pillai conspired to retaliate.

The news about the incident spread over the village, and then a group of people from Pillai caste attacked the Pallar during the night on the same day. They also set on fire some of the houses of the Pallar community. When Pallars started counter attacking Pillai, one of them was dead during the clash. As this incident was not pertaining to the access to the commons, the researcher is not presenting more details on this incident. However after such incidents, the relationship between the Pallars and the Pillai was
under severe strain and the enmity became stronger and remained for a longer time. Thereafter, on many occasions, a few of the Pallar families who were believed to have been involved in clashes were discriminated by the Pillai caste people.

Third, the major incident occurred in 1989 was closely connected with Pallar accessing commons. The people who belonged to Pallar community, by tradition, offer prayer at the peepal tree situated on the temple premises during the festival of the Karuppasamy temple of the Pallars. The devotees, who perform the role of Lord Karuppasamy, Vairavan and Agni, used to go around the peepal tree as a ritual (Sundar, S. 2011)\textsuperscript{26}. The ritual has been in practice only by Pallar community in the village for time immemorial. While offering prayer, some persons from the Pillai community threw stones at the Pallar while performing their traditional ritual dance in the Muthalamman temple. In that simmering condition, both the communities involved in violence and four lives were lost (two persons from each caste). The Police tried utmost to maintain law and order. They fired at the people to control the situation, in which three of the Pallars died in the same spot. This was the first incident in which Pallars failed to access the commons.

4.3.3.2 Accord to construct an Untouchability Wall

After this incident, the dominant caste called upon some of the elders of the Pallar caste and discussed with them the means to end the enmity. Dominant caste told them that there had been problems for many years and if it continued further it might lead to loss of properties and even lives from both the communities. Further, they planned to construct a wall which would divide both the castes. Representatives of the Pallars accepted the accord of the dominant caste.

The representatives of the dominant caste reportedly insisted that the wall was only meant to protect their own people. They
constructed the wall in 1989 on the basis of an “agreement” that was signed by both the caste groups (Viswanathan, S. 2011)\textsuperscript{27}. One Mr. Ponniah (Ex. Army, Pallar) questioned the validity of the 1989 “agreement”, pointing that there were only five signatories on behalf of the Pallars and 200 representing the other side (Viswanathan, S. 2011)\textsuperscript{28}. The wall was raised after the untoward incidents of 1989, which forced Pallars “to take a detour of more than 2.5 km to reach the other side” (Dorairaj, S. 2012)\textsuperscript{96}. The wall which was raised by dominant caste (Pillai) in 1989 following “caste riots” in the village (Viswanathan, S. 2011)\textsuperscript{30} was variously described as “caste wall”, “wall of bias”, “wall of shame” and “wall of untouchability”. The wall was also electrified by the dominant caste to stop the Pallars from jumping across.

The Hindu Newspaper was the first to report the electrification of the wall on April 17, 2008. Following the publication of the report, the district authorities disconnected power supply to the wall (Karthikeya, D. 2008)\textsuperscript{31}. One of the Pallars said ‘one of my cows went near the wall, it got shocked and lost its life, when I informed this to the local leaders, they were not in a position to support me. Then I took no action on it’. At that time, most of the Pallars felt insecure to knock the doors of the police and court.

4.3.4 Role of various Institutions in solving the problem of caste

Caste problem is an axiomatic one in our country and as such various institutions are involved in arbitration. In regard to this case, the minor caste problems have been solved by the elders and the local leaders of the village from both the castes. The caste clashes happened predominantly between the Pallars and Pillai castes. No other Scheduled Castes or dominant caste involved in clashes in the village. Further, Pallars do not get support from the other Scheduled Castes in the village. Also, Pillai caste was supported by the other dominant caste during the caste clashes. Although many active
politicians and political parties function in the village, they never attempted to solve the problem of Scheduled Castes in the village except a few political parties such as Communist Party of India (Marxist), Pattali Makkal Katchi and the Viduthalai Chiruthaigal Katchi.

4.3.4.1 Involvement of civil societies, political parties and Media

The untouchability wall was constructed two decades ago. The police department, political parties and village administrative officers, at the local level, were keeping quiet without making any efforts to end the issue peacefully. The problem was not known widely for many years. However, the village earned notoriety in 2008 when the Tamil Nadu Untouchability Eradication Front (TNUEF) focused on the “wall of untouchability” (Karthikeyan, D. 2011; Dorairaj, S. 2011 and 2012) and the involvement of the Communist Party of India (Marxist). Similarly, The Hindu Newspaper was the first to report on the electrification of the wall on April 17, 2008 (Karthikeya, D. 2008). Thus, these three institutions are primarily involved in bringing out the issue and worked against caste discrimination after 2005.

The Pallars of the Uthapuram took many measures to bring down the untouchability after 2008. In addition, the political parties such as Puthiya Thamizhagam party and Thamizhaga Munnetra Kazhagam were involved but did not pay much attention this issue. After the involvement of the Communist party of India, the issue became much hotter than earlier. They sensitized the Pallars about their basic rights. Thereafter, many of the Pallars attached themselves with that party and thought about a solution. Significantly, one Mr. Ponnaiah of the Uthapuram village took revolutionary measures to solve the caste problem in a smooth way. At this juncture too, the other Scheduled Castes viz., Arunthathiyars and Parayars did not join
them. Mr. P. Sampath, the State convener of the front, who is also a member of the State Secretariat of the CPI (M), followed it up with petitions to the State government and the Madurai district administration in the last week of March 2008 demanding the demolition of the wall. Parties such as the Pattali Makkal Katchi (PMK) and the Viduthalai Chiruthaigal Katchi also supported the demand (Viswanathan, S. 2008)\textsuperscript{36}.

4.3.4.2 Involvement of the District Administration

Meanwhile, the first ‘Peace Committee’ was organised by the Revenue Divisional Officer on 02\textsuperscript{nd} May 2008 (Right to Information. 2015)\textsuperscript{37}. In connection with this issue, about 200 people of the Pallar community represented on 5\textsuperscript{th} May 2008, to the Tahsildar and appealed to him not to grant patta S. No. 433/21 lying in front of the Muthalamman Temple on the ground that it was used by the public in general and patta should not be granted in favour of one individual or a section of the dominant caste. On the same day, the dominant caste from the village went to the Taluk office at Peraiyur and surrendered their family cards as a mark of their protest. Similarly, it was announced by the Communist Party of India (Marxist) that they ready to launch an agitation if the wall was not brought down (Karthikeya, D. 2008)\textsuperscript{38}. These announcements reached the state government of Tamil Nadu.

4.3.4.3 Intervention of the state government

Mr. M. Karunanidhi was at that time Chief Minister of the Tamil Nadu. He held consultations with officials until late in the night about this issue. He took pains to ascertain whether the “1989 agreement” between the Pallars and Pillai caste over the construction of the wall was valid, whether the dominant caste concerned (Pillai or Vellalar) belonged to a sect that believed in living inside a fort as they do in the southern district of Thoothukudi, whether there were any sentiments were attached to the wall, and so on. The decision to demolish a
portion of the wall so as to provide access to the Pallars at one end of the village was believed to have been taken late in the night (Viswanathan, S. 2008; Gopalan, TN. 2008)\(^39,\,40\).

On 6\(^{th}\) May 2008, 1,500 police personnel from the southern districts, including those from the Swift Action Force (SAF), were deployed during the demolition of the wall. The District Collector S.S. Jawahar told the ‘The Hindu’ newspaper that with the demolition, Dalits could access ‘common areas’. He wanted the public, media and leaders of political parties to lend support for bringing about a harmonious relationship among all sections (Karthikeya, D. 2008)\(^41\). The fall of wall shook the Pillai caste in the village.

**4.3.5 Agitation of the caste Hindus**

Pillai caste showed their discontentment by going out from the village and settling in the nearby Thalayuthu hill as a mark of protest against the move to demolish the wall (Karthikeya, D. 2008)\(^42\). The hill is four kilometers away from Uthapuram. The situation became tense again when the Pillai caste who left the village did not respond to the District Collector’s appeal “to return soon so that all in the village can live in amity”. When district officials met them, they made some demands: a Patta to be provided for the Muthalamman temple where they have been worshipping for over 400 years; a permanent police outpost in the village; new houses for people whose homes were destroyed by Dalits during the 1989 “riots” (Viswanathan, S. 2008)\(^43\).

In fact, staying in the open chilly air affected the health of the young children with fever and diarrhoea but the Pillai community refused to accept any medical help extended by the government and also refused to come back to their village until their demands were met. It was really pathetic that the thousands of people camping at the hilly tract in the open air and remained adamant despite facing many odds and threats like illness, wild animals like jackals and innumerable venomous snakes (Rama, Lingam. 2008)\(^44\). On May 12,
Puthiya Neethi Katchi president A.C. Shanmugam met them and reportedly promised to take up their demands with the Chief Minister. With a similar assurance from the District Collector, they returned to the village on May 13 (Viswanathan, S. 2008)\textsuperscript{45}.

4.3.6 Temple entry struggle of the Pallars

4.3.6.1 Year 2008

a. Atrocities against Pallars

As the untouchability wall was demolished, Pallars demanded the district administration to regulate the temple festival so that Pallars could also participate. The Pillai caste people were involved in decorating Muthalamman temple to conduct the festival on 10\textsuperscript{th} October 2008. This was objected to the Pallars directly on 1\textsuperscript{st} October 2008, and it turned into violence on a larger scale and both sides started pelting stones at each other (Reporter, 2008)\textsuperscript{46}. This was informed to the local police station and they arrived instantly. Instead of taking action against the lawbreakers, the police entered the residential areas of the Pallars and beat them up with lathis, not even sparing women, children and elders. Many houses were smashed and their household utensils were damaged. Many including children, pregnant women and elders were severely injured.

Condemning this brutal attack, the Communist Party of India (Marxist), Tamil Nadu Untouchability Eradication Front organized a powerful demonstration at Madurai, demanding the Tamil Nadu government to order a judicial enquiry. All India Democratic Women’s Association (AIDWA) represented by its Madurai District Secretary Mrs. S.K. Ponnuthai filed a writ petition before the court in W P. (MD) No. 11072 of 2008 seeking for a direction to the respondent State to take precautionary measures under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Uthapuram and other vulnerable areas and also to provide adequate
compensation to the affected scheduled caste people (Murugan and ors. Vs. State of Tamil Nadu, 2012). This was the first petition filed in this case.

b. Appointment of Commission by the High court of Madras

Subsequently, the High court directed Justice S. Tirupathi, retired District Judge as chairman of the commission to conduct a full-fledged enquiry into the various allegations relating to the alleged damage to men and materials caused on 01/02.10.2008 at Uthapuram village and based on such spot enquiry, they were directed to submit a joint report to this Court in order to enable this Court to ascertain the facts and pass appropriate orders, depending upon the outcome of such report. The committee recommended that the police officers had not examined caste issues and that there was no record of medical camp. However, the recommendations of the commission were not accepted by the High Court of Madras (Madurai Bench). The Court noted the fact that a medical camp was organised by the Government Health Department and it was also mentioned in the affidavit of the District Collector (Murugan and ors. Vs. State of Tamil Nadu, 2012).

c. Intervention of High court of Madras for granting Compensation and relief to the victim

The High Court appointed a commission consisting of two judges to enquire into the incidents and directed to report its findings to the High Court. The judicial commission visited Uthapuram village and enquired the victims concerned, Pallars and Pillai caste people. Finally, the commission submitted its report to the High Court. The report noted that the police assaults and excesses against Uthapuram Pallars were true and recommended for the compensation. The High Court passed an interim order to pay compensation to the victims (Sampath, 2009).
4.3.6.2 Year 2009

a. Temple entry attempt of Pallars

The ultimate demand of the Pallars was to take part in the temple festival scheduled to happen during the month of October in the same year. In the month of August 2009, once again there was a dispute between the Pallars and Pillai caste people about conducting temple festival. A Peace committee was also constituted by the revenue divisional officers along with the local police. As there was no hope for any settlement, an order was passed on 12.8.2009 by the Inspector of Police, Elumalai Circle, Madurai District refusing to grant permission for conducting the festival (Murugan and Ors. Vs. State of Tamilnadu. 2012)50.

At this juncture, one Mr. V. Marimuthu Pillai claiming to be the trustee of the temple filed W.P. No. 8290 of 2009 before this Court seeking to challenge the order of the Inspector of Police prohibiting them from conducting the temple festival. The same person also filed another writ petition in W.P. No. 8338 of 2009 seeking to challenge an order passed by the Tahsildar, Peraiyur and Executive Magistrate dated 19.8.2009 by which the power was exercised under the provisions of the Cr.P.C to avert the breach of peace. Meanwhile, the court appointed a committee (Murugan and ors. Vs. State of Tamil Nadu, 2012)51 to study the atrocities perpetrated against the Pallars during the disputes which happened in the month of August 2009. Based on the preliminary findings of the committee report, it found the Pallars were subjected to harassment. Therefore, it had granted compensation on 12.09.2009. An interim relief of Rs. 10, 28,000 was provided to 191 victims through Madurai District Legal Services Authority (Karthikeyan, D. 2009)52. As the case was filed in the court, the temple festival was not conducted in this year also.
### 4.3.6.3 Period 2010

**a. Writ petitions**

In the next year, there were six petitions filed in the high court of Madras (Madurai Bench) with different prayers. All the writ petitions filed under Article 226 of the Constitution of India and prayed for the issue of a writ of *mandamus* (*Murugan and ors. Vs. State of Tamil Nadu, 2012*). They are given below:

<table>
<thead>
<tr>
<th>S. No</th>
<th>Details of the Writ Petition</th>
<th>Prayer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>WP(MD)No.10500/2010</td>
<td>a. To direct the Department of Home, State of Tamil Nadu and District Collector, Madurai to provide protection with para military forces to the writ petitioners to worship the peepal tree situated in natham poramboke in front of Muthalamman Temple</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Directing the State of Tamil Nadu and The Nodal Officer, Department of Adi Dravidar and Tribal Welfare to remove all the disabilities imposed upon the writ petitioners as the members of Adi Dravidar in the name of untouchability and restore their civil rights to enable them to lead a dignified life, directing the fourth respondent to facilitate the smooth transition in this regard.</td>
</tr>
<tr>
<td>2.</td>
<td>W.P.(MD)No.10365 of 2010</td>
<td>a. To direct the State of Tamil Nadu to handover the investigation in Crime No.193/2008 on the file of the Ezhumalai Police Station to the Department of AdiDravidar and Tribal Welfare for a fair and proper investigation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b. Directing the Department of AdiDravidar and Tribal Welfare to take action against the erred police officers under the Act for neglect of</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| 3. | W.P.(MD)No.10373 of 2010 | a. To direct the Department of Home, Tamil Nadu to reopen and handover the investigation in Cr.No.55/2008 on the file of Ezhumalai Police Station to any police officer not below the rank of Superintendent of Police who is sensitive to the issues of unequal hierarchical caste structure prevalent in our society after taking into consideration the qualities mentioned in Rule 7(1) of the SC&ST (POA) Act for a fair and proper investigation  

b. Direct the respondents State of Tamil Nadu and Department of AdiDravidar and Tribal Welfare to provide relief amount as per the norms of the Act  
c. Direct the Department of Home, Tamil Nadu to take action against the erred police officers for neglect of duty and other derelictions as per the provisions of the Act. |
|   | W.P.(MD)Nos.10376 and 10415 of 2010 | a. To direct the State of Tamil Nadu to direct the Department of Home, Tamil Nadu to handover the investigation in Cr.No.152/2008, Cr.No.153/2008, Cr.Nos.147/2010 and 141/2008 on the file of the Superintendent of Police, Madurai to the Department of Adi Dravidar and Tribal Welfare for fair and proper investigation  
b. Directing the Department of Adi
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dravidar and Tribal Welfare to take action against the erring police officers under the SC&amp;ST (POA) Act for neglect of duty</strong></td>
<td>c. Directing the Department of Home Tamil Nadu to implement Rule 13 of the said Act in Uthapuram regarding social composition of police recruitment</td>
</tr>
<tr>
<td></td>
<td>d. Directing the Tamilnadu State Legal Services Authority to engage all the statutory mechanisms of the said Act in Uthapuram in order to restore the feeling of security in the minds of people.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5.</th>
<th>W.P.(MD)No.10583 of 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a. To direct the State of Tamil Nadu to withdraw the case in Crime Nos.141/2008 and 147/2010 on the file of the Tamil Nadu State Legal Services Authority and entrust the same to Department of Adi Dravidar and Tribal Welfare for investigation of the case by a competent officer and to file a final report before the jurisdictional magistrate within the time stipulated by the court.</td>
</tr>
</tbody>
</table>

### 4.3.6.4 Period 2011

As the case was pending in the court, the Pillai caste people requested the district administration to grant permission for conducting festival. On 20th October 2011 (Thursday), an interactive session was organized in the presence of Mr. Ashra Garg, Superintendent of Police, in which elders from both the communities signed an agreement (Karthikeyan, D. 2011).54.

**a. Worship of Pallar at the temple**

As it was decided to take Pallars to the Muthalamman temple on 11th November 2011, the district administration and the
superintendent of police had a significant role in bringing peace to the village. They also decided to construct a bus shelter near the temple for use by both sections. It also provides for the use of the pathway created after demolishing the wall dividing the two habitations (Karthikeyan, D. 2011)\textsuperscript{55}. On the 10\textsuperscript{th} November 2011, ten Pallars along with the Pallars' representative Mr. Ponnaiah, and Mr. Sankaralingam worshipped in the temple (Right to Information. 2016)\textsuperscript{123}for the first time after two decades with police protection, they also entered the ‘\textit{Garbagarah}’ (inner part of the temple where idol of the god is placed) to worship the deity.

\textbf{b. Accord of both the castes to use temple}

Thereafter, on 10.12.2011, the high court bench directed the Superintendent of Police, Madurai Rural Mr. Asra Garg, Indian Police Service to appear before the Court and also to file a status report on the ongoing disputes between the Scheduled Caste people and the dominant caste of Uthapuram village (Murugan and ors. \textit{vs.} State of Tamil Nadu, 2012)\textsuperscript{57}. Accordingly a peace committee was organized on the 12\textsuperscript{th} December 2011 and submitted the agreement entered into by both communities. The report reads as follows:

a) Pillaimar community people agreed that they had no objection to the SC community people worshiping in the Muthalamman temple. Similarly, the SC (PL) community people also agreed that the management and administration of the temple will rest would Pillaimar community.

b) SC community people agreed that there was no need for demolition of compound wall around the temple if they were permitted to enter the temple.

c) A place had been identified for bus shelter near the police OP which was acceptable to the SC community people and hence SC community people dropped the demand for constructing a
bus shelter in the temple premises. Similarly, Pillaimar community people agreed to give the said land for construction of bus shelter.

d) Pillaimar community people accepted the demand of the SC community people for broadening the new pathway by removing obstructions and also to withdraw the case filed by them in the Civil Court objecting to the demolition of the old wall.

Both the sides also agreed to withdraw criminal complaints lodged against each other which were under investigation so as to ensure lasting peace in the village."

4.3.7 Verdict of the High Court of Madras

On 20th March 2012, the verdict of the court was released which had recorded each and every event of the issue sensibly and impartially. It had highlighted the historical events and referred to some relevant books that conceptually framed out the discrimination. The judgment appreciated the role played by the Superintendent of police in resolving this issue. It also directed The Superintendent of Police, Madurai District to continue to monitor the happenings in the village and to take appropriate corrective action. It also directed the District administration to provide relief as per the revised compensation (the Central Government) by way of Gazette notification, dated 23.12.2011.

Further, it directed the District Administration to ensure peace and to implement the terms of the settlement in its letter and spirit, so that the strife between two sections for over two decades would be remembered as a thing of the past and the constitutional spirit of Article 17 could be firmly established. It also stated that “The Uthapuram experience shows that if the Will of the people is strong, they can find solutions among themselves even in the absence of a State intervention. Such was the fundamental duty imposed under
Article 51-A (e) of the Constitution. Ultimately Uthapuram message is very clear. It was a case of a Wall (caste) which divided but their Will (power) united them” (Murugan and Ors. Vs. State of Tamil Nadu. 2010.)

4.3.8 Role of various government machineries

As the temple festival was scheduled for June month, the Pallars were preparing to worship at the temple. On 29th June 2012, approximately 300 hundred Pallars participated in the temple Kumbabhishekam (Right to Information. 2016). Next year, in 2013 the temple festival was not conducted. In 2014, the Pillai community informed the District Administration that they would conduct the festival on 8th-9th April 2014. In this connection, on 7th April 2014 the Revenue Divisional Officer convened a peace committee meeting along with the Deputy Commissioner of Police and Thasildhar. The representatives of both the communities participated in the meeting held at Uthapuram Police station. The representatives of Pillai community were not satisfied with the proceeding of the meetings and so involved in quarrelling with the officials and also pelted stones at the police vehicles.

Then, a case was registered in the Ezhumalai Police station in Crime. No. 64/14, U/s- 147, 148,324,353,307 IPC and 3(1) of TNPPDL Act and investigation was in progress (Sundar, S. 2014). Again, on 21st October 2014 there was a peace committee meeting headed by Revenue Divisional Officer to conduct temple festival and it was also in favour of conducting the festival. In 2015, again the dominant caste informed Deputy Commission of Police that they would conduct the festival on 10th-21st October 2015. The Revenue Divisional officer called for a peace committee meeting along with the Thasildhar, Inspector of Police, and Village Administrative officer in which representatives from the both the communities were present.
The Pallars present at the meeting reported that untouchability was severely practised by the dominant caste and further they informed that there might be a chance of violence between both the castes in case if the festival was conducted. Consequently, the district administration refused permission to conduct the festival.

4.3.9 Perception of the villagers

One of the elected representatives of village Panchayat from the Parayar community told 'we have no desire to go to Muthalamman temple as it was constructed by Pillai community and we have no entitlements to ask for rights'. From the focus group discussions, the perception of Parayars towards this issue was weird because they were told they did not want to access Muthalamman temple as they had their own temple in their locality. They took this stand because their living area was away from the main village. The only common they were using was the common road and they could not use the public utilities located in the dominant caste area. They had their own common burial ground and some of their community men owned grocery shops, tea shops, hotels etc. The Perceptions of the Arunthathiyars with regard to the temple issue were more or less similar. Therefore, none other than the Pallar caste from the Scheduled Castes category attempted to enter the public places. In fact, they were not getting support from the Arunthathiyars and Parayars on any social issue. People from these two caste groups were working as agricultural coolies in the land of the dominant caste groups in the village.

In the words of the Pallars, they agreed to let the construction of the wall go on to protect them from the Anti-Social elements in the village. Further, they believed that the wall would make them secure from any anti-social elements. One of the elders from the Pillai community said ‘we don’t feel Arunthathiyar, Parayar or any other community make trouble in our peaceful life, the only threat is Pallar;
the constructed wall is not the untouchability wall, it’s a ‘protection wall’. The justification for electrification of the wall was that ‘in the past, on several occasions our things were missing, so we felt it was robbed; to avoid any clash with others we electrified the wall.

4.3.10 Status of access after Judicial pronouncement

Pallars have been using the road after the demolition of the wall, but there has been some problem in accessing to the temple. During 2013, a festival was planned but it was not celebrated due to the enmity between these two caste groups. Then a group of representatives from Pallar community reported this to the revenue officers, they realized that there was no possibility for conducting the festival because of the problematic situation. Then, with the aim of conducting the temple festival in the coming years, the Revenue Divisional Officer conducted a peace committee on 7th April 2014, but the people who belonged to the dominant caste pelted stones at the police. This happened when the revenue and police officials were holding talks with Pallar representatives.

Every year during the festival time, request and representation from both the communities reached the district administration. But in the peace committee meeting no consensus was reached the festival. As a result, no festival was held after 2012. Every time, the District Administration and Revenue Divisional Officers had to make it very clear to the Pallar caste that the temple festival would be conducted provided the Pallars allowed it.

4.3.11 Summary and Conclusion

The wall constructed by the Pillai caste people to divide the Pallars remained an indelible evidence of the supremacy of the caste system. At the time of construction of the wall, there were many institutions functioning in the village namely police department and Village Administrative Officer. The institutions became active only
after the issue reached the state government through the media. The institutions took necessary steps to bring the wall down only after the state intervention. Many times, the village elders went for arbitration among themselves rather than filing a complaint with the police. Pallars had to confront verbal abuses and skirmish from the dominant caste even in the presence of the police persons. Sometimes, the youths of the village aggravated the issue and kept the enmity alive among the villagers (Dorairaj, S. 2011).  

In this issue, the State Government of Tamil Nadu, District Administration, Revenue Divisional Officer and Police department played a significant role in bringing a harmonious relationship in the village. Similarly, the Judiciary intervened impartially; on its stand, the High court of Madras (Madurai Bench) had directed the officials and people on many occasions to conduct themselves respecting the constitutional provisions. Eventually, Pallars are utilizing the common road and other public places, but access to the temple still remains a dream. At present, Pallars cannot worship in the Muthalamman temple even after judicial intervention.
References


5. *Office of the Village Panchayat*, Pootai Village of Kallakurichi Block, Villupuram District

6. Arumugam and Ors Vs The Revenue Divisional Officer-cum-Executive Magistrate and Ors. W.P. Nos. 16762 and 17111 of 2009, *High Court of Madars*.

7. Arumugam and Ors Vs The Revenue Divisional Officer-cum-Executive Magistrate and Ors. W.P. Nos. 16762 and 17111 of 2009, *High Court of Madars*.

8. Arumugam and Ors Vs The Revenue Divisional Officer-cum-Executive Magistrate and Ors. W.P. Nos. 16762 and 17111 of 2009, *High Court of Madars*.

9. Arumugam and Ors Vs The Revenue Divisional Officer-cum-Executive Magistrate and Ors. W.P. Nos. 16762 and 17111 of 2009, *High Court of Madars*.
14. Note: ‘9’ denotes the derogatory remarks on Gender (Transgender)
15. Fir Price Shop: It is the shop where economical poor of India can avail the subsidized food and non-food items.


