

Justice Delayed is Justice Denied

K Jothi Sivagnanam

The ordinary election for local governments in Tamil Nadu scheduled to be held in October 2006 will pose a challenge as well as an opportunity to the newly elected state government in rendering social justice for the dalits of Pappapatti, Keeripatti, Nattarmanglam and Kottaka-tchienthal. It is a challenge because these are the villages of southern districts where the dominant caste of the region viz. Kallars had successfully prevented the election of dalits for reserved posts since 1996 by resisting all the efforts of the state, media, dalit and left parties, various NGOs and National Human Rights Commission. October 2006 would be the third ordinary election and would mark the twentieth election announcement for these villages. One thing is very clear that any further delay in rendering justice to these communities may be an outright denial of justice forever.

The core objective of the 73rd and 74th amendments to the constitution is to establish democratically elected local self-government to ensure economic development and social justice (Article 243G and 243 W). However one of the major challenges in realizing this avowed ambition and institutionalizing local self-government is the dominance of local power elites, local economy, society and polity. The Ashok Mehta Committee observed even in the seventies that the dominance of local power elite resulted in the emergence of oligarchy forces excluding weaker sections from participation in local government institutions. Many scholars and studies have confirmed such trend in many states. Hence the 73rd Constitutional Amendment has provided reservation for weaker sections (Article 243D) in order to bring structural changes in the social composition of local governments.

Being the main provision for social change, the reservation intended to bring down the local power of economically and socially dominant groups and aims at preventing the exclusion of weaker sections from participation in local government institutions and to promote "Social Justice". In short reservation is the main instrument with which the broader visions of the Constitution viz. social justice has to be striven for. But in a southern district of Tamil Nadu all these rationale are challenged severely to keep the power structure of the dominant caste in its age-old inertia. The victims are not merely the dalits and social justice but also the legitimacy of the state itself.

The Government of Tamil Nadu also passed the Conformity Act that includes the necessary provision for the reservation of seats for SC/STs. The first local body election was held simultaneously to all the three tiers and 1,16,747 representatives were elected including 44,143 women and 24,229 SC/STs. Out of the total, SC/STs constitute 20.6%. The second election was held in October 2001 in which about 1,17,564 representatives were elected that include 38,540 women and 24,229 (20.6%) SC/STs. The representation of SC/STs to the extent of 20% was not only due to the reservation but also due to the involvement of many NGOs. Though the overall picture appears to be positive, the detail at the ground level fails to do so. 'Pappapatti syndrome' is just one such popular case.

The poll announcements for the four reserved panchayats in the South where dalits were prevented to contest from the inception of the new Act, were made 19 times by the State Election Commission, still the state appears to be naive enough not to learn anything from the past except making the next announcement for the election. The “Kallars” and their ‘village committee’ on the other hand appear to be sufficiently resourceful to find innovative method to prevent the dalits from getting elected. They indulged in various methods of threatening dalits ranging from intimidation to vandalism during the last one decade.

When the DPI had fielded its candidate, the village committee fielded puppet candidates of their choice and elected him with thumping majority. As expected the puppet resigned immediately after taking charge. Now the dalits were under the full control and command of the Kallars. The dalits have been driven to the extent that they themselves accept the legitimacy of Kallars’ power in the light of their social, economic and political dominance. In recent years, the poll announcement in fact irritated the dalits because they fear that it may disturb the tranquilly of the village. Though some educated dalit youth with employment in Madurai want to challenge the atrocities, the men and women at home who are mostly working as agricultural labourers on the lands of Kallars refused to challenge their masters.

The abysmal failure of the state for the last one-decade to take any effective steps to elect the dalits triggered some debates in the state Assembly. The following are some of the responses from different sections. The Local Administration Minister argued that “they do not contest elections simply because they do not wish to. Not because they face a threat to their lives from the upper caste people”. The Usilampatti MLA added that dalits did not wish to contest because “they do have no funds and that they cannot do much for the panchayats by contesting”. The State Election Commission in its own defence argued that ‘if people do not come forward to contest there is nothing that State Election Commission can do ...It is for the people to exercise their democratic right and contest.

All those defensive arguments are not convincing in the light of the fact that the state has ultimately failed to conduct election in spite of some nominal efforts like sending high-level teams to convince the villagers. There was widespread and extensive coverage in all media exposing this once-in-six month ritual without any concrete steps being taken to resolve the issue sternly. The left and dalit parties have reported this issue to the President, Prime Minister and Sonia Gandhi, the National Human Rights Commission and the National Commission for SC/STs to intervene.

The National Commission for SC/STs has expressed its ‘anguish and dismay ‘at the state’s failure to take concrete action to ensure the participation and representation of dalits in these reserved seats. They have suggested the withdrawal of drinking water from those panchayats that refuse to accept a dalit president. The chairman of the Commission warned that ‘such (caste) discrimination should not be allowed to continue in this modern age’. All similar efforts delivered nothing to convince the Kallars; on the contrary the dominant caste in these villages has successfully managed to resist the process and gained some legitimacy for its demand for dereservation and rotation in lieu of the completion of the ten-year tenure.

The 'justification' claimed by the Kallars is that dalits in these villages are numerically very less and hence they stubbornly resisted to accept a dalit panchayat president. Further, they argue that the post of president was adorned by one of their 'caste lords' in those "golden days" and they can't imagine a dalit in that chair. Hence let the state government dereserve the post to facilitate the Kallars to complete one full term before allowing a dalit to occupy. The district collector of Virudhunagar once recommended to the state government to dereserve the panchayat. Like the Kallars' argument, he too put forth the number argument, to defend his suggestion and concluded that dereservation is the only solution for the problem. Surprisingly, Mani Shankar Aiyer, the MP elected from Tamil Nadu and present Union Minister for panchayat raj is also in favour of similar number theory and he cites the Constitution, as the source of his inspiration.

Numbers in any democracy obviously play a significant role. But if one leaves SC/STs to the mercy of mere 'numbers', they cannot be elected anywhere in the subcontinent. In fact, the numerical disadvantage is one of the precise rationale for which reservation, under the protective discrimination policy, has been proposed as the remedial measure. Reservation is expected to protect the dalits not only against the 'numerical strength' but also against social, economic and political might of the dominant communities. But the irony of the present case is that the numbers are not that much uncharitable to the dalits. The following table gives the population figures of SC/STs in these four villages as per the 1991 census, in Keeripatti, Pappapatti and Nattarmanglam, SC/STs constitute around 30% and in Kottakatchienthal, for which the collector recommended dereservation, it is 41.3%

Caste Cleavages

These four villages have become so notorious due to the ingenious methods of making the grassroots democracy a farce. In terms of the caste dominance and atrocities regarding the institutionalization of local government, there are many southern districts that display similar tendencies towards dalits. In southern districts, the caste cleavages between the dalits and the Kallars are very sharp and the latter still dictate the terms in all village affairs by virtue of their economic and numerical strength. They were ravaged by frequent caste clashes during nineties and several studies and reports found that the educational and economic uplift of dalit and the state intervention through protective discriminatory policies were the main provocation and reasons for such onslaught. Bjorn Aim (1996), who studied the Cumbam Valley riots in this region, argues that the system of positive discrimination is closely linked with competition and antagonism between castes. And inter-caste violence is possibly a sign of the effectiveness of the system. Thus the dominant caste reacts to any challenge to the status quo either from the state or from the dalits. The reaction would be violent if the challenge comes from the latter.

There were a large number of posts for which there was no contest or nominations. The latter includes posts mostly reserved for SCs. A general 'decree' was sent through the village by the higher castes not to file nominations mainly in reserved posts and as a result dalits have been successfully prevented from getting elected. In some of the most sensitive areas in Madurai district where the 'village diktat' and other intimidating measures are very open, elections were announced for the ninth time from

1996 onwards. Those who defy the decree, no doubt, will be the victims of the wrath of the higher caste.

Murder of Murugesan, a dalit president of the Melavalavu village panchayat in Madurai district along with six others is one such shocking incident. The practice of issuing 'decree' and preventing dalits continued even in the second ordinary election held under the new Act. For 1.17 lakh posts in rural local bodies 3.98 lakh nominations were filed. However, for as many as 7342 posts in rural local bodies there has been only one nomination each and for 105 posts there has been no nomination at all. Another reason attributed, besides caste cleavages, for such large number of 'single' or 'no nominations' was auctioning of posts. Again this was also reported mostly in the southern districts. The State Election Commission said that they have not received any such complaint since 1996.

All these are evident enough to show that the Pappapatti Syndrome is not a mere reservation issue, that too in some isolated case, but a part of the wider traditional system of the south where the caste atrocities of the dominant communities against the weaker sections are widespread and frequent. The issue at stake is not reservation but sheer untouchability and Pappapatti syndrome is merely a symbol of its sustainability in the South. It also shows the shocking degree of the resistance of the dominant communities against any attempt to disturb the age-old inert caste and power structure. PCR Act can be applied when it is the case of untouchability practiced by individuals. But when untouchability is practised in an open but collective manner against an entire community, what are the relevant acts?

When the first five years term was completed the Kallars exerted pressure to rotate the reserved seats. The government however, unyieldingly extended the term of reservation to ten years i.e. up to 2006. Now the pressure for rotation will be heavier. Hence the state, dismissing any such pressure, should make a categorical declaration that there would be no rotation without the implementation of reservation for one full term. The possibility of bringing necessary changes in the panchayat Act to introduce the political party system at the village level also can be explored before the third ordinary election during 2006. But implementation of such proposal requires the complete support of all the major political parties in Tamil Nadu. Modern Political parties are the keystone political institutions in representative regime expected to fulfill three critical functions namely, nominating candidates for public offices, formulating policies and setting the agenda for public and mobilizing support for candidates and policies in an election (Hasan 2002). Some of these functions are performed by other institutions too. The important factor that distinguishes parties is their emphasis on linkage. Political parties are the key link between individual and the State and State and society. They provide the crucial connection between social process and policy-makers, influence debates and policies on issues affecting the interests of various social groups in the political system.

In Tamil Nadu, a state known for its political dynamism and social radicalism, major parties, except the Left and the parties representing the dalits, have not come forward to address the issue seriously due to the compulsions of the competitive electoral equations.

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SC/ST Population in 1991

Name of the Panchayat	Population		
	Total	SC/STs	Percent of SC/STs
Pappapatti	1589	467	29.4
Keeripatti	1336	397	29.7
Nattarmangalm	2374	716	30.2
Kottakatchienthal	572	236	41.3

Sources : Census 1991.

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