

# **Litigation against Political Organization? The Politics of Dalit Mobilization in Tamil Nadu, India**

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## **ABSTRACT**

This article examines contemporary Dalit assertion in India through an ethnographic case study of a legal tool being mobilized by Tamil Nadu's lowest-ranking Arunthathiyars in their struggle against caste-based offences. The Arunthathiyars of western Tamil Nadu are increasingly taking recourse to the 1989 Prevention of Atrocities Act (PoA Act) in an attempt to bring members of higher castes to justice. The article explores how Arunthathiyars are employing the law and how their litigation is reshaping the politics of caste in this part of Tamil Nadu. The authors document how a process of litigation by Arunthathiyars is countered by a politicization of caste by the dominant Gounders of the region, who recently entered electoral politics with a new caste-based party. Even though the litigation route further antagonizes caste relations, it is argued that the PoA Act has provided Dalits with an invaluable tool to seek justice, democratize public space, and challenge the power of the dominant caste in the region. Dalit social movements, it is concluded, are more likely to be successful if they are backed by a legal weapon and accompanied by Dalits' growing economic independence.

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The research on which this article is based was funded by a DFID-ESRC research grant (RES-167-25-0296). The research would not have been possible without the help of our field assistants, most especially Gayathri. Drafts of this article have benefited from comments by Judith Heyer, Pratiksha Baxi, Andrew Wyatt and Anupama Rao, participants at the QEH South Asia Seminar, and four anonymous reviewers. All shortcomings remain our own.

## INTRODUCTION

Across India, Dalits remain the most marginalized communities, suffering from continued economic deprivation and social exclusion. Despite decades of post-colonial affirmative action policies, state welfare programmes, Dalit NGO and civil society activism, and political mobilization, many Dalits remain without effective weapons in their struggle against everyday dependency, exploitation and discrimination. To date, many processes of Dalit assertion have been piecemeal and partial, often failing to lead to lasting improvements in material livelihoods, social justice and empowerment. This article contributes to theoretical understandings of modes of Dalit assertion in India through an ethnographic case study of a legal tool being mobilized by Dalits in Tamil Nadu in their struggle against caste-based offences. The Arunthathiyars (aka Matharis) of western Tamil Nadu, the state's lowest-ranking Dalit community, have begun to take recourse to a legal instrument, the 1989 Prevention of Atrocities against Scheduled Castes and Scheduled Tribes Act (PoA Act), through which they seek to bring members of higher-caste communities to justice. In regularly appealing to the law and taking (or threatening to take) offenders to court, Arunthathiyars have turned to court litigation to redress a range of offences.

This article explores how the Arunthathiyars of western Tamil Nadu are employing the law, the nature of their collective mobilization around it, and the ways in which their litigation is reshaping the politics of caste in this part of Tamil Nadu. We discuss how Arunthathiyars' turn to the law and their use of the PoA Act has been accompanied by increased grassroots mobilization in the region. The ethnography reveals that a powerful dialectic has emerged in which local Dalit mobilization is given teeth by the availability of a legal weapon that can be used in pursuit of Dalits' goals. At the same time, grassroots organization and mobilization enables increasingly economically independent Dalits to make use of a legal tool that otherwise few of them would be aware of, let alone know how to use. The article shows that Dalit — and indeed other — social movements are more likely to be successful if they are backed up by a legal weapon or supportive legislation, and accompanied by growing economic opportunities and independence. Moreover, we also show how Arunthathiyars' new-found voice in western Tamil Nadu has set in motion a number of reactionary political processes.

On the one hand, Arunthathiyars' recourse to the PoA Act and their community's concurrent organization into local-level movements has engendered strong reactions from the region's dominant land-owning community of higher-caste Kongu Vellala Gounders. The Gounders have reacted to Arunthathiyar grassroots mobilization by launching a new caste-based political party (the Gounder-dominated Kongu Nadu Munnetra Kazhagam, or KNMK). Through this party they seek to influence formal electoral politics and counter some of the challenges to their power in the region, including those resulting from what they perceive to be the misuse of the PoA Act by Arunthathiyars. A process of litigation by Arunthathiyars is thus countered by a renewed politicization of caste by Gounders: an unintended outcome of the litigation route is, therefore, that it consolidates politics along caste lines and further antagonizes caste groups that are already strongly opposed to each other.

On the other hand, the 1989 PoA Act not only provides Arunthathiyars with an unprecedented legal tool to help them assert themselves vis-à-vis the region's dominant caste but also with a novel way to consolidate their emerging collective mobilization. It offers them a new — legal and rights-based — language for reframing the terms of political engagement in the region. We argue that the PoA Act is central to the ongoing transformation of the politics of caste and the political economy of power in western Tamil Nadu. The politics of caste is no longer shaped by the hegemony of the economically and politically dominant caste and contained within private spaces of homes and fields, as it was in this part of the state. Rather, a dialectic of violence is emerging in which caste antagonisms are increasingly being played out in the political arena of courts, legal cases and electoral politics, as well as in the public sphere of street demonstrations, protest marches and media. In this context, the legal avenue has made a significant difference to Arunthathiyars in their search for recognition and assertion, not least, as we will demonstrate, through feelings of fear and anger that the use of the law has engendered among Gounders. It is the new political and affective dynamics produced by Dalit litigation and mobilization — and their impact on the region's caste politics — that are the concern of this article.

While litigation under the 1989 PoA Act offers a relatively novel route for Dalit empowerment, Dalit assertion against social discrimination and economic deprivation is not new. At the time of Independence, untouchability was abolished and affirmative action legislation was introduced to reserve places for Dalits in higher education, parliament and government employment, roughly in line with their proportion of the population. Later, seats in local government bodies, such as Panchayats, were also reserved for Dalits (Lerche, 2008). Government attempts to mitigate caste discrimination through legislation were complemented with social welfare policies from the 1960s onwards, including universal schooling, PDS (the Public Distribution System), school midday meals, housing schemes and, more recently, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) (Carswell and De Neve, 2013a, 2014a; Heyer, 2012; Heyer and Jayal, 2012; Still, 2011). These policies not only aimed to alleviate poverty but often targeted Dalits and tribal communities in particular, seeking to improve the material conditions of their livelihoods. While Dalits' progress has been very gradual, gains have certainly been made. It is clear, however, that improvements in Dalits' socioeconomic circumstances are an outcome not only of government welfare programmes and reservation policies, but also of wider transformations in the rural economy that have freed them from bonded relationships, offered them new livelihood opportunities, and reduced their dependency on dominant caste communities (Carswell, 2013; Carswell and De Neve, 2013b; Lerche, 2008; Pandian, 2013). Yet despite progress resulting from government schemes, market opportunities and access to education (Ciotti, 2006; Jeffrey et al., 2004), the socioeconomic marginalization of many Dalit communities remains deeply entrenched in rural society — even in otherwise highly developed and welfare-providing states, such as India's southern state of Tamil Nadu.

Dalits, however, have not left their fate solely in the hands of the state and the market. Since at least the 1980s, they have organized themselves through Dalit movements, grassroots mobilization, transnational advocacy networks, and caste-based parties to challenge high-caste domination and extend political representation to

their communities.<sup>1</sup> In some parts of the subcontinent such movements have turned into political parties and gained significant political power through electoral success, as illustrated by the impressive rise to power of the BSP (Bahujan Samaj Party) in northern India in the 1990s and 2000s (Pai, 2000, 2009). A similar political movement trajectory can be identified in Tamil Nadu, but with rather ambivalent outcomes.

Tamil politics have long been dominated by two regional parties, also known as Dravidian parties: the DMK (Dravida Munnetra Kazhagam), which first came to power in 1967, and the AIADMK (All India Anna Dravida Munnetra Kazhagam), which was launched following a split from the DMK in 1972. These rival parties emerged from the earlier Dravidian movement, whose anti-caste, Tamil nationalist and social justice ideology reshaped Tamil politics. The two parties have ruled the state alternately since 1967, and their continued domination of politics is evident at the village level today. However, despite the Dravidian parties' initial strong egalitarian and secular ideology denouncing caste itself, Dalits were gradually marginalized within these parties which came to be dominated by intermediate castes such as the Thevars, Nadars and Gounders (Gorringe, 2007; Harriss, 2002; Wyatt, 2010). Dravidian parties used Tamilness, Gorringe argues, 'to avoid enacting politically sensitive election pledges on land-reform, dowry and caste' (2012: 41), and ended up consolidating the political and economic power of the state's higher castes.

Since the 1980s the Dravidian hegemony has been challenged by a rapid fragmentation of the political party landscape. Smaller parties emerged, many of them being the product of caste-based political mobilizations or caste-based movements, including by Dalits (Gorringe, 2007; Karthikeyan et al., 2012: 31). The well-known Pattali Makkal Katchi (PMK), formed by the non-Dalit but Backward Caste Vanniyars in 1989, shook up Tamil politics, not least by placing caste concerns and caste identity on the political agenda. During the same period, various grassroots Dalit

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<sup>1</sup> Other forms of assertion include struggles over temple access, land rights and mass conversions (Pandian, 2000; Waghmore, 2013). More recently, transnational advocacy and networking — often drawing on a rights-based language, working in collaboration with INGOs and supported by international donors — have offered Dalits new avenues in their struggles for political and economic emancipation. The debates that surround the pros and cons of such transnational connections are beyond the scope of this article, but are addressed in recent work by Hardtmann (2008), Lerche (2008), Steur (2012) and Waghmore (2012), amongst others.

movements crystallized in the state-level Dalit Panther Iyakkam (DPI or Dalit Panther Movement). This Paraiyar-led movement eventually entered electoral politics under the banner of the Viduthalai Chiruthaigal Katchi (VCK or Liberation Panthers Party) in 1999 (Gorringer, 2005).

The rise of the DPI as a social and political force has certainly made a difference for many Dalits in the state. According to Gorringer, ‘Dalit movements in Tamil Nadu, ... have raised consciousness, challenged residual forms of untouchability and forced Dalit issues into the political limelight. Whilst Dalit organisations are still peripheral to the corridors of power, they have gained political recognition and placed their concerns onto the agenda’ (2010a: 119). They have challenged the Dravidian parties’ claim to represent all Tamilians and all castes. But realities on the ground provide a more nuanced picture. While Dalit movements have undoubtedly made remarkable inroads into the political arena, two limits to the success of Dalit political mobilization in Tamil Nadu need to be mentioned. First, Dalit assertion itself continues to operate along caste lines, with Pallars and Paraiyars dominating and Arunthathiyars largely disenfranchised within this process of political representation (Gorringer, 2010b: 108). The DPI is primarily a Paraiyar-led party, while the Pallars of southern Tamil Nadu lead the Puthiya Tamilagam, which entered electoral politics in 1996 (Gorringer, 2007; Karthikeyan et al., 2012; Pandian, 2000). Thus, caste itself acts a persistent force in fracturing Dalit social mobilization and political representation in the state. Second, despite having a radical and militant agenda at the outset, the transformation of the leading DPI into a political party and its entry into electoral politics has weakened the movement’s initial radical, transformative agenda. Indeed, Gorringer argues, the recent institutionalization of Dalit parties in mainstream politics — exemplified by recent cross-party and cross-caste alliance-building efforts — has led to a loss of radicalism: ‘political opportunism, it seems, has tamed the Dalit Panthers’ (Gorringer, 2007: 64; Wyatt, 2010). Thus, internal divisions and a lack of unified Dalit mobilization continue to pose serious challenges to Dalit political assertion, including electoral defeat, co-optation by mainstream parties, and the continued exclusion of the most oppressed Dalits such as Arunthathiyars (Gorringer, 2007; Pai, 2009).

In Tamil Nadu as elsewhere in India, Dalit assertion has met with high-caste resistance and retribution, often resulting in violent clashes, riots and murder (Gorringe, 2005; Pandian, 2000). A higher-caste backlash is in itself not new. Pandian rightly sees the 2012 ransacking of three Dalit settlements in Dharmapuri by a large mob of Vanniyars as a sign not of strength but of ‘the inability of the intermediate castes to exercise caste power over [Dalits] as in the past’ (Pandian, 2013: 14). Intermediate castes’ hegemony is slipping, he argues, in the light of Dalits’ upward mobility and new-gained freedom from agrarian dependence. Gorringe similarly interprets recent violence against Dalits by Muthuraiyars in central Tamil Nadu over the display of a VCK flag as ‘a direct response to Dalit political engagement. Muthuraiyars took issue with what they perceived to be an ostentatious display of Dalit pride’ (Gorringe, 2013: 3). Indeed, emerging Dalit mobilization has been countered by new outbreaks of anti-Dalit violence, often instigated by intermediate castes who see their higher status directly threatened by Dalit assertion (Karthikeyan et al., 2012; Mendelsohn and Vicziany, 1998). What we observe in western Tamil Nadu, however, is a Gounder backlash not so much through physical force — although here too instances of violence persist — but through a turn to electoral politics in an attempt to counter the wave of Dalit mobilization and assertion in the region.

Given the original marginalization of the lowest-ranking Arunthathiyars within the Tamil Dalit movement, it is no surprise that the Arunthathiyars of western Tamil Nadu identify only poorly with the broader movement, left as they are without any form of meaningful political representation within it. In these circumstances, the question arises of what alternative strategies are available to pursue Arunthathiyar political empowerment, and how the Arunthathiyars are addressing their marginalization in the political arena. This article focuses on one strategy employed by the Arunthathiyars of Tamil Nadu: the use of the law in combination with emerging grassroots mobilization. In the PoA Act of 1989, Dalits acquired a legal tool with which to bring perpetrators of caste atrocities to justice or, at least, to *try* to do so. The initial Untouchability (Offences) Act of 1955 was a criminal law that sought to reduce anti-Dalit offences and improve their social relations with caste Hindus (Rao, 2009: 174). In 1974, the Protection of Civil Rights (PCR) Act was passed, which aimed to make the 1955 Untouchability (Offences) Act more effective. With

the PoA Act of 1989, the Government of India further extended protection for members of SC/ST communities (Thorat, 2002). The 1989 PoA Act, operationalized in Tamil Nadu from 1995, is more stringent in that it is non-bailable and the penalties are much harsher, including imprisonment. In western Tamil Nadu, Arunthathiyars have begun to use this PoA Act (locally still referred to as the ‘PCR Act’) in their attempt to both curb and challenge caste-based forms of discrimination or ‘caste atrocities’, the legal term used to describe such offences.<sup>2</sup> Any offence under the Indian Penal Code committed against a member of Scheduled castes by a non-Scheduled caste person is considered an ‘atrocities’, even if caste is not the primary motive or consideration behind the offence (Rao, 2009: 174). The Act lists a number of abuses, from relatively minor offences like the use of caste names and insults, to brutal incidents of violence, including murder and rape. The atrocities that are most prevalent in this region include not only various insults, the use of caste names, and many other forms of humiliation and discrimination (such as exclusion from temples and separate tea cups at village tea stalls), but also harassment, physical violence and forms of coercion related to bonded labour relations.

In this article, we are not dealing with the question of the effectiveness of this Act in legal terms — how many cases are filed, come to court or end in convictions — but rather with the social life of the Act, that is, the ways in which the Act is used and experienced by both Arunthathiyars and higher-caste Gounders, and how litigation contributes to the reshaping of caste relations and caste politics in the region. We are interested in the ways in which the PoA Act has achieved political and symbolic significance among the Arunthathiyars. Despite the fact that it is poorly enforced, few cases actually go to court and even fewer are successful, the practices surrounding this Act and the discourses that it has produced have begun to reshape the politics of caste in western Tamil Nadu. The ethnography presented below reveals that, despite its very limited legal impact, the use of the PoA Act alongside sustained local-level mobilization in the region has raised the profile of the ill-treatment of Arunthathiyars: their struggles are now increasingly played out in the public domain of police stations, courtrooms and the media rather than remaining hidden within the villages. There is clear evidence that caste relations are being transformed, not only

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<sup>2</sup> Dalits’ recourse to the law has also taken place in other parts of India; see for example Rao (2009) for western India.



through the emerging grassroots mobilization by Arunthathiyars but also through the shifting discourses of power, fear and intimidation that the use (and threat) of the Act has produced. Dalits who previously had nowhere to go can now turn to the courts, and they see ‘putting a PCR case’ as an important weapon in their fight against discrimination. Although Gounders know they will probably be able to buy their way out of cases, it is not only an expensive inconvenience to have to fight a case but it also turns fear, stigma and public scrutiny onto them. This, we will show, has complex effects. While empowering Dalits, it also encouraged the development of a Gounder counter-offensive in the form of caste-based electoral politics through which Gounders seek to reaffirm their dominance in the region. This politics reached its peak in 2009 with the launch of the KNMK, a Gounder-led political party which seeks to fend off some of the challenges to the community’s power in the region.

## **SETTING THE SCENE**

Our study is based in Kongu Nadu, in western Tamil Nadu, where the Gounders have long been the dominant community, socially, economically and politically. One year of field research was carried out in 2008–09 in two villages<sup>3</sup> south and south-west of the city of Tiruppur, a large industrial centre of garment production at the heart of Kongu Nadu. In Allapuram, 18 km south of Tiruppur, most villagers work in agriculture or commute to Tiruppur for garment work. In Mannapalayam, a village 17 km south-west of Tiruppur, agriculture and power loom work exist side by side, and many Arunthathiyars are power loom workers bonded to Gounders by debt. While the demographic composition of the two villages differs, both are made up of a large landowning community, the Gounders, a small number of intermediate caste groups, and a substantial number of landless Dalits. Arunthathiyars are the main Dalit community in both villages, while in one village there are also Christian Adi Dravidas (aka Paraiyars) and in the other there are migrant Dalits from different castes. As the main landowners and cultivators, Gounders have a long history of employing Arunthathiyars on their farms. Initially working as *pannaiyaal* (permanent farm servants) for Gounders, Arunthathiyars (the most land-deprived and lowest-ranking

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<sup>3</sup> All names, including the village names and the names of Arunthathiyar organizations, are pseudonyms.

Dalit caste) have a long history of being economically dependent on, and tied to, Gounders (Carswell and De Neve, 2013b; Cederlöf, 1997). They continue, to this day, to be the primary source of agricultural labour for landowners. In addition, in those villages where Gounders began to invest in power looms from the 1970s onwards, they were also employed as power loom operators in the workshops that mushroomed across the countryside. As the power loom industry is highly labour intensive and requires a constant supply of labour to keep the looms running, Gounders began to offer ‘cash advances’ to attract and retain labour, thus reproducing relations of debt bondage within this predominantly rural industry (see Carswell and De Neve, 2013b).

Today, debt bondage in the village power loom industry is a source of great resentment for Arunthathiyars, who remain both tied to, and economically dependent on, Gounders for their livelihoods. This resentment is at least in part fuelled by their awareness of the other opportunities available within this rapidly changing regional economy. In recent decades, the economy of the region has been driven by industrial production for export markets, and many Arunthathiyars are attracted by new jobs, for example in the Tiruppur garment industry. Frustration is particularly high among those Arunthathiyars who are keen to escape village employment in power looms but are unable to do so because of the bonds of debt that keep them tied to Gounder employers. Gounders, in turn, feel increasingly vulnerable in the villages. They see urban developments as threatening their grip over labour, and particularly over Arunthathiyars whom they successfully controlled in the past and whom they wish to keep subordinated in order to safeguard both agriculture and rural industries.

These regional economic transformations have exacerbated tensions between Gounders and Arunthathiyars, producing increased levels of conflict and antagonism. Arunthathiyars accuse Gounders of exploitation, debt bondage and other atrocities, while Gounders complain of Arunthathiyars’ laziness, lack of commitment and overall untrustworthiness. Gounders also feel that Arunthathiyars are pampered by the state whose various welfare schemes have made paid work less worthwhile for Arunthathiyars (Carswell and De Neve, 2014a ; Heyer, 2012; Wyatt, 2013). Atrocities against Arunthathiyars continue on a regular basis in this part of Tamil Nadu, and include disputes over access to temples, public spaces, drinking water, burial grounds and seats on buses, as well as harassment of Dalit women and issues surrounding cash

advances in power looms. While debt bondage is more persistent in power loom villages than in predominantly agricultural villages, atrocities against Dalits occur across the region. It is against this wider background that we have to understand Arunthathiyars' recent mobilization in the region and their turn to the law. While the PoA Act is particularly mobilized in the power loom belt of western Tamil Nadu, often involving disputes over debt and bondage, the Act is used more widely by Dalits in their struggle against a range of offences and atrocities committed by higher-caste people.

### **DALIT ASSERTION: DISCOURSES AND PRACTICES OF THE PoA ACT**

The relationship between Dalits and Gounders in both study villages, but particularly in Mannapalayam, is a tense and unhappy one. In Mannapalayam, Dalits frequently refer to the *jadi kavalai* or 'caste trouble' that they experience in the village. This consists not only of persistent forms of caste discrimination, but also of continued economic dependence on Gounders. Discrimination occurs at many levels: Dalits are not allowed into the houses of Gounders (despite working in the power looms attached to those houses); they are given different water pots and cups when at work in the power looms (with the result that most take water from home); they are not allowed inside the temple; they are not allowed to sit in the inner part of the tearoom; and many believe they are given separate cups in the village tearoom. Such discriminatory practices build on long-standing expressions of untouchability in Tamil Nadu that include the refusal of access to village tea shops and the use of the two-tumbler system, which until recently was widespread across the state (Pandian, 2000; Still, 2009). But fresh in the memory of many Dalits are the even worse — often violent — relations between Dalits and Gounders in the past. Dalits were expected to get off their bicycles and lower their *lungis* if passing a Gounder, water tanks on Gounders' land would be polluted with cow dung to prevent Dalits from using them, and stories abound of beatings brought on by perceived slights. Dalits had few ways of publicly challenging this behaviour: they depended on Gounders for work, were tied into highly exploitative relations of patronage and had no awareness of the law as an avenue for action.

Today, this has changed and Gounder dominance is increasingly being contested. To some extent, Dalit assertion has been enabled by access to employment outside the village, such as in urban industries, by government welfare programmes, such as the PDS and housing schemes (Heyer, 2012), and by recent forms of local-level organization (Gorringe, 2005). In this region, and for the Arunthathiyars in particular, the availability of and mobilization around the PoA Act is recognized by Dalits themselves as a powerful tool in their struggle against higher-caste domination and oppression. The use of the PoA Act has to be understood against the background of Arunthathiyars' economic dependence on Gounders, and their fear of the power that these rich farmers and power loom owners continue to hold. This power continues to shape Arunthathiyars' everyday social interactions with caste people in the village.

Our research in Allapuram and Mannapalayam identified a significant number of PoA cases, including one against the elected village president. Those cases, and the PoA Act more generally, were a major topic of conversation among both Gounders and Arunthathiyars. The cases were brought for different reasons, and almost any dispute — however minor — can quickly escalate into a PoA case. Thus, for example, an argument over a seat on a bus between two women (one Dalit and one Gounder) from Allapuram led the Gounder family to beat up the Dalit woman. Fearing that this would lead to a PoA case, the Gounders approached Kulandaisamy (the Dalit ex-President of the village) asking him to help make a 'compromise'. He suggested that they raise money for her to be treated in a private hospital, but when the money was not forthcoming the family proceeded with a PoA case. When the case came to court a Gounder man was sentenced to prison for two years, but he immediately appealed, was released on bail, and the case continues through the courts. In another case, the parents of two children (one Gounder and one Dalit) ended up fighting after a play-fight between their children got out of hand. It was only when the families went to the police, and the Gounders insulted the Dalit family in front of the police, that the Dalit family used the insult as the basis for a PoA case.

Another case, this time from the village of Mannapalayam, which was recounted to us by people from both sides, gained notoriety because it involved the village president and Senthil, a low-level government employee in charge of

collecting water fees. A dispute that began over the non-payment of wages to Senthil escalated when the village president (a Gounder) was alleged to have hit Senthil (an Arunthathiyar) across his ear during a local temple festival. Senthil was hospitalized and a PoA case was filed against the president. Later, the two parties reached a ‘compromise’ — almost certainly after a payment was made to Senthil. The latter explained that ‘because we work in the same department and have to work together ... so I made a compromise’. So closely was his livelihood tied up with that of the president that he could not afford to continue the case. Although he withdrew the case before it went to court, Senthil and his family are adamant that the PoA is crucial for their protection: ‘without the PCR [PoA] we would not even be able to take any case to the Police Station. ... It isn’t safe to abolish the PCR ... please will you write down that this PCR should *never* be abolished. Earlier we were slaves to the Gounders — now things are changing with this PCR.’

Today, the PoA Act has become one of the very few, but highly significant, weapons that Dalits can mobilize against Gounders. In fact, it has become so important to protecting Dalits that, in a discussion about the Act, a Christian Dalit (Adi Dravida) told us that they kept SC (Scheduled Caste) on their community certificates ‘for jobs and for safety’ — safety meaning that their SC status would allow them to take recourse to the PoA Act in case of an offence against them by a higher-caste person. One Arunthathiyar explained the effect of the PoA Act on higher-caste villagers: ‘people are now scared to beat Arunthathiyars because they may be arrested’. Kulandaisamy, a politically active Arunthathiyar, told us:

Earlier Gounders depended on agriculture and as Arunthathiyars were the only ones who worked for them, they wanted us to stay as slaves so that they could survive ... But once the PoA Act was launched they became a bit scared because it is a very strong Act. It is only because of this Act that they are being quiet now and not creating problems.

Arunthathiyars perceive the Act not only as a major tool in their current struggle with Gounders but as an effective way to instil a degree of fear in Gounders and thus challenge some of the latter’s previously uncontested dominance in the village. Arunthathiyars now consciously use the PoA Act to confront the otherwise largely unchallengeable power of Gounders in the village. Or, as one man who had filed such

a case told us ‘before we could never go against a Gounder. We couldn’t oppose a Gounder. [But now] we have PCR cases!’.

However, the legal effectiveness of the Act remains very limited. Few PoA cases go to court and fewer still are actually won: a recent study of 386 PoA cases (from the period 1996–2001, from two courts in Tamil Nadu) gives a good indication of the trend (Britto, 2007).<sup>4</sup> The study, conducted by the Director of the NGO Vaan Muhil, found that in only seventy-five of the 386 cases was a judgment delivered, and in only eighteen of those seventy-five cases was the accused convicted. This amounts to a negligible conviction rate of 4.66 per cent of the total number of cases in the study, while in only 3.86 per cent of cases was the accused actually punished (ibid.: 181). Available data on subsequent years confirm this pattern: in 2002 the state-wide conviction rate was 4.58 per cent; in 2003 it was 4.72 per cent; in 2004 it was 2.69 per cent; in 2005 it was 0.94 per cent; and in 2008 it was 3.75 per cent (ibid.; see also Government of Tamil Nadu, 2009).<sup>5</sup> Hence, the state-wide conviction rate remains systematically below 5 per cent, thus confirming villagers’ sense that very few perpetrators are ultimately convicted and punished. Most cases end in acquittal, either on technical grounds or because the victims or witnesses withdraw before or during the trial. Dalits often withdraw their case because of threats and fear of repercussions (Britto, 2007: 170–4). Many reach ‘compromises’ as a result of Gounders’ intimidation and/or financial settlement out of court. As one Arunthathiyar put it: ‘[At the police station] I had a feeling of fear [*bayam*]. They are very rich and capable of anything. But we wanted to smooth it over — the Gounder [also] wanted to make a compromise’. There is a wide discourse about the ‘compromises’ that are reached: while for Dalits such compromises or settlements are at one level disheartening, they still have significant effects (cash payments, release from debt bondage and longer-term fear instilled in Gounders), for Gounders these compromises are presented as proof of Dalits’ misuse of the Act, to which we return below. If the dispute involves a cash advance, then the compromise will often include writing off the debt. As a prominent power loom owner explained: ‘We have to get out of the case by

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<sup>4</sup> The study considered 386 cases from six southern districts of Tamil Nadu (Tirunelveli, Thoothukudi, Virudhunagar, Madurai, Ramanathapuram, Sivagangai).

<sup>5</sup> See also Pandian (2000: 510) for a similar pattern of low conviction rates for the earlier period of 1992–97.

compromising. We say, okay, I don't want your advance but the worker has to withdraw the case. This is what happens mostly in this village'. The often forced compromises that ensue indicate that the PoA Act remains a weapon of the weak.

Despite the widely acknowledged importance of the Act to Dalit assertion in the region, Dalit activists are well aware of the low conviction rate for PoA cases and there is a strong feeling that Gounders end up 'getting away with it'. One local activist observed that few Gounders are punished and he placed much of the blame on the police:

The police will always side with the Gounders ... Police will usually make the PCR case fail anyway, and not fill in the forms properly. ... The PCR is a non-bail-able case, but the police will say, we will dilute the case and write it in a different way, but you need to give us some money to do that. Only the police benefit, only the police make money. ... So, in the end all PCR cases are being settled; they negotiate over it and compromise, and it never goes to court.

Police corruption is seen to be widespread and was commented upon by most Dalits who had filed cases. For example, Senthil and his family (mentioned above) reflected on the close relationship between local Gounders and the police, noting that local police officers tended to give '90 per cent of respect to Gounders, and only 10 per cent of respect to us ... and the [local] police will always favour the Gounders'. This seems to be the case. Gounders not only have close kin and caste connections with members of the police; they also cultivate these relationships by, for example, inviting police officers from the local police station as guests of honour at their family and village functions. Gounders have more power to get things fixed than any other community in the region. There is no doubt that at the level of filing a First Information Report (FIR) in a local police station, Gounders have a lot of leverage and they themselves openly acknowledge that they pay the police to drop cases (see below). It is also widely known that even Dalit police officers are routinely co-opted by members of higher castes. But, critically, once an FIR has been filed, PoA cases have to be dealt with by senior police officers (at the level of Deputy Superintendent of Police [DSP] or above), over whom Gounders have less influence. And, indeed,

Senthil's family also acknowledged that the DSP was unbiased and treated them with respect.

Crucially, Arunthathiyars' increasingly widespread recourse to the PoA Act is accompanied by an emerging grassroots mobilization in the region. This recent Arunthathiyar movement is worth commenting on in the light of the community's long-standing marginalization within state-level Dalit political organization. As Gorringe (2007, 2010b) has pointed out, the Dalit Panther Iyakkam (DPI) never represented the particular interests of the lowest-ranking Arunthathiyars in the state, nor has the movement's more recent political avatar, the Viduthalai Chiruthaigal Katchi (VCK), made any significant efforts to include Arunthathiyars under its umbrella — its emphasis on Tamil and Tamilness being seen by Telugu-speaking Arunthathiyars as exclusionary. Lack of economic resources, combined with one of the lowest social and educational status levels in the region, long prevented the Arunthathiyars from organizing themselves along political lines or otherwise. Recently, however, their community has started mobilizing at the local level, not through formal political party organization but through what Gorringe has called everyday 'routine activism' (2010b: 111), that is, forms of grassroots organization by activists that help to raise Dalit consciousness and support their day-to-day struggles against atrocities and discrimination, especially in rural areas. Such routine activism is about painstaking networking 'to forge solidarity and create a stable movement infrastructure' (ibid.: 115) and, as we argue here, it also plays a key role in facilitating political representation and legal action. Since the early 1990s several Arunthathiyar movements and NGOs have emerged in the districts of Coimbatore, Theni and Tiruppur, among others.

A focal point of this everyday activism and networking in the region is Anbu, an Arunthathiyar organization with its main office close to Tiruppur and in the heartland of the Arunthathiyar community. Anbu was created in 1992 by Mr Nagaraj, a dynamic and charismatic activist now in his late forties, who has been imprisoned on three occasions for mobilizing against caste-based discrimination. With the help of international NGO funding, Mr Nagaraj began to develop an impressive grassroots network of Arunthathiyar activists across seven districts in the west and centre of Tamil Nadu where Arunthathiyars constitute the largest Dalit community. Anbu's



organizational network is solid and extensive. It consists of over fifty sub-district-level committees, each of which is made up of twenty-five committee members, two leading organizers and a secretary. These sub-district committees meet on a monthly basis to discuss issues that have arisen in their area and decide on actions to be taken. Every two weeks, all committee secretaries gather for a meeting chaired by Mr Nagaraj in the main office at which issues from the sub-districts are discussed and information about atrocities or incidents is shared among activists. The activists include equal numbers of Arunthathiyar men and women, ranging in age from early twenties to late fifties, all of whom are passionate about curbing discrimination, improving Arunthathiyar welfare, and giving their community a voice in the region.

From interviews with Mr Nagaraj and activists, and from participation in several meetings at Anbu, it became clear that this ground-level organization fulfils a number of key functions for the community. First, it provides a framework for activism and networking among Arunthathiyars across the region. Awareness is raised at the meetings about rights, entitlements, and ways to fight Gounder atrocities and other forms of caste-based discrimination. Second, the organization is a source of ad hoc support when caste-based incidents occur. The local organizers and committee secretaries are the first to turn up at the site of such incidents, but Mr Nagaraj too spends much of his time attending trouble spots where his intervention is needed. Crucially, this support includes raising awareness about the PoA Act among the Arunthathiyars as well as practical help such as providing guidance at the police station with filling in an FIR and filing a PoA Act case. Without knowledge about how and when to file a PoA case, few Arunthathiyars would be able to take this legal route on their own. Movement leaders and activists, such as those involved in Anbu and similar organizations, are instrumental in enabling Arunthathiyars to exert at least some of their legal rights. Moreover, Mr Nagaraj often brings issues directly to the attention of the Commissioner of Police or the District Collector. Finally, Anbu organizes regular marches and rallies in front of the Collectorate or local police stations to attract wider public support and to strengthen the community's voice. Such public demonstrations are now staged on a regular basis, often attracting considerable numbers of participants, recruited through Anbu's organizational network. They are used to protest against newly exposed instances of bonded labour, to support demands

for the abolition of manual scavenging, or to publicly denounce ongoing instances of caste discrimination.

Public meetings and marches have also been instrumental in expressing Arunthathiyars' demands vis-à-vis the state. In 2009, the state government passed a bill that now earmarks 3 per cent of the Scheduled Caste reservations of college places and government jobs for Arunthathiyars. While the combined efforts of the community's movements — and support from the Communist Party of India (Marxist) — played a key role in obtaining this change in legislation, Arunthathiyars' attempts at organizing themselves at the state level have been greatly hampered by the internal and regional fragmentation of their movements and NGOs. While organizations such as Anbu and others in Theni and Coimbatore district are remarkably active within their regions, and occasionally collaborate on a larger platform, there now exist a multitude of grassroots movements across the state. At one level, this reflects the community's rising confidence and capacity for mobilization, but at another level it reveals a lack of unity as well as a lack of the resources and leadership needed to develop a sustained state-level Arunthathiyar movement for political representation

Reflecting on the PoA as a tool for Dalits, Mr Nagaraj concluded with moderate optimism that the Act and the concurrent mobilization of Arunthathiyars in Anbu and other movements have had some effect: 'our people have become a little more *tairu* [brave] and they now dare to go to the police station; because of this Act the police and the Gounders fear us a bit more. When we now mention Anbu they really get scared!'. The PoA Act and Arunthathiyar mobilization in western Tamil Nadu are clearly seen as important tools in the ongoing struggle against the dominant caste of this region. Crucially, it is a weapon around which local grassroots mobilization has crystallized, even though as a community Arunthathiyars still lack an overarching movement or party to provide them with a sustained and unified political voice and representation in the state.

## **GOUNDER PERSPECTIVES ON THE USE OF THE PoA ACT**

What is the Gounders' side of the story? How do they view the PoA legislation and the ways in which it is used by the Arunthathiyars of the region? What do they make of Arunthathiyar grassroots mobilization? For their part Gounders accuse Arunthathiyars of misusing the PoA Act for the purpose of escaping debts. In discussing the PoA Act Gounders invariably raise the issue of cash advances in power looms and control over local labour, rather than seeing PoA cases as being about wider issues of discrimination. Everyday Gounder discourse on the PoA reveals, first and foremost, that they see this legislation as undermining their long-standing control over low-caste labour in this region and threatening the status quo. One Gounder power loom owner talked about the difficulties of ensuring that workers turn up for work and claimed that Arunthathiyars use the PoA Act to 'scare' employers. Disputes over work are intense. One Gounder explained: 'if an SC man does not come to work and if a Gounder calls him and asks him why is he not at work, then immediately the SC man will file a case'. Using the kind of language that is usually heard from Dalits, he claimed: 'We are like slaves [*adimai*] and they [Dalits] are like owners [*mudalali*] now ... we can't say anything ... we always have to speak with respect, otherwise they'll put a case against us. For seven days' work they'll only work five days, and we can't do anything'. He further commented that Gounder employers themselves are now tied to the workers: having given workers cash advances of Rs 20,000–30,000 they now can't afford to simply dismiss them: 'We're tied to them ... we need them. ... we need workers ... we can give food and water for free ... but still can't find the workers'.

Gounder narratives about the PoA clearly reveal their anxiety about having lost their grip on a labour force that until fairly recently they were able to control. This loss of control is partly due to the availability of work in Tiruppur and elsewhere, which attracts ever larger numbers of Arunthathiyars to town (Carswell and De Neve, 2014b; Heyer, 2012). Moreover, in this region a widespread Gounder narrative has developed that puts the blame on government schemes like the PDS and MGNREGA for having taken away the need for Arunthathiyars to work hard and for making them lazy. Gounder landowners across the region complain about populist government policies that they claim favour lazy Arunthathiyars over hard-working Gounders. One Tiruppur factory owner, bemoaning the shortage of workers in his company, expressed it in typical fashion: 'Workers have become lazy! They work for two or

three days to earn enough to feed their family and for the rest of the week they stay at home and sleep! They don't have to work anymore because the government gives them everything: free TVs, free rice, free everything!'. Gounder landlords similarly complain that the availability of 100 days of paid work under MGNREGA, alongside the attractions of urban work, have not only pushed up agricultural wages, but also taken away much-needed agricultural labour from the fields (Carswell and De Neve, 2013a, 2014a). Rural power loom owners, most of whom have also invested huge amounts in cash advances, complain that the PoA Act has not only made Dalits laid-back and uncommitted to work, but also enabled them to break the bonds of debt that tie them to employers and leave the village in search of employment elsewhere. For Gounders — landowners and power loom owners like — the PoA undermines their control over a rural agrarian and industrial workforce that until recently they were able to maintain through tightly managed relationships of socioeconomic domination and debt bondage.

Gounders also complain extensively that the PoA Act is being 'misused' by Dalits to escape debt or make money. Disputes over cash advances in the power looms particularly agitate Gounders. One power loom owner who had had three PoA cases filed against him explained: 'if they aren't coming to work and I go to ask them to come, and they don't come and I ask them to repay the advance, then they immediately put a case'. The Mannapalayam village president, a rich Gounder farmer and power loom owner (himself subject to a PoA case), explained: 'if an owner asks for his cash advance back then there might be an argument and in anger both will use words, and then they say you've scolded me, so I'm going to put a [PoA] case'. He claimed that when workers do not turn up for work and owners shout at them or ask for their cash advances to be returned, the workers immediately use this Act, claiming that they were abused by having been called by their caste name. He argued, as many Gounders do, that Arunthathiyars use the PoA Act to make money and evade repayment of their advances — although ironically the case against him had nothing to do with advances at all.

Even those Gounders who are outside the village take a similar view, as some politically active Gounders told us:

Basically, people only put PCR cases to take money from people. It depends on how rich you are — if middle class they'll take Rs 100,000–200,000. If it's a rich person it'll be Rs 500,000. ... Gounders feel it's a prestige problem to go to the police station or jail or court ... they don't want to go ... and so they give a negotiated amount, and the police will also get some of the money. ... people just put PCR to get money.

This narrative of PoA abuse was particularly pronounced among rural powerloom factory owners who claimed that Arunthathiyar power loom workers use the Act to avoid having to repay their outstanding debts. Gounders systematically refer to these cases as *pooy* cases or false cases. As Nagasamy, a power loom owner in Mannapalayam, put it: 'They get lots of money from us [as cash advances] and when we ask for it or we ask them to come to work, they complain that we abuse them and they put a case against us! They've now got into the habit of putting *pooy* [false] cases!'

In the power loom units, disputes over cash advances are a major reason why Arunthathiyars turn to the law. One power loom owner noted: 'If we ask an SC worker to return the [advance] money, he can immediately file a case against the owner'. Another power loom owner, who had also had a PoA case against him, told the story of how one of his workers had left the village without repaying his Rs 7,000 advance. The details of what happened when the owner and his brother went to try to find the man are unclear, but the outcome was a PoA case against the owner. Gounders feel angry that the case can be made against them without evidence. They claim that it is one person's word against another's, and they are not used to their word being treated as equal to that of an Arunthathiyar. As a Gounder woman from Mannapalayam noted, 'if we just tell anything little to SC people they immediately file a PCR case ... if you just use the word Mathari they will file a case'.<sup>6</sup> Gounders are also angry that they are not able to get anticipatory bail for PoA cases, and therefore complain that 'with no enquiries, no evidence ... we can be arrested'. Clearly, Gounders have come to fear the use of PoA by Dalits and feel threatened by the stigma, humiliation and expense of having a case filed against them — hence,

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<sup>6</sup> 'Mathari' is another caste term for Arunthathiyars, who also used to be called Chakkiliyars, which is today seen as a highly derogatory term.

their eagerness to ‘compromise’ around PoA cases, which not only prevents cost and conviction but also helps to avoid humiliation and restore social honour within their circles (Baxi, 2010: 227).

Nevertheless, the Gounders have not easily given in to Arunthathiyar threats and they have their own ways of fighting back. One way is to bribe or co-opt the police — often themselves Gounders — for example, to avoid an FIR being completed or to prevent it being turned into a court case. Gounders openly admitted bribing their way out of PoA cases. As one power loom owner told us, ‘we’re afraid of the police, so we will give them money — Rs 50,000–60,000 — to drop the case ... we give money, plus food and drinks ... and the police will drop the case. If we go to jail we have to pay even more!’. Another explained how he had managed to get out of the PoA case put against him: ‘I paid Rs 15,000; of that Rs 3,000 went to the man who put the case, and the remaining was shared amongst the police.... The police use this situation to make ever more money!’. Many even stated that the people who do best out of the PoA Act are not the Arunthathiyars but the police, because of the large sums of money they make through bribes. A Dalit activist based in Coimbatore had a particularly negative view of the value of PoA, as he felt Gounders were never brought to account and punished, and most cases never even made it through the courts. He argued that ultimately what was needed was political power, and he expressed a great deal of anger over the fact that the police made huge amounts of money from the bribes paid on these cases: ‘in the end all PCR cases are being settled; they negotiate over it and compromise, and it never goes to court. I have never seen a case go to court over here’.

Another response is for Gounders to collectively intimidate Arunthathiyars, thereby forcing them to withdraw a complaint and settle the case informally. While all informants referred to ‘compromises’ being made, these rarely carried the sense of voluntary and conciliatory settlement implied by the term. ‘Compromises’ become a site of contestation over power and, as Baxi has noted, act ‘as a tool in the hands of defence lawyers and the accused to pressurise complainants and victims to change their testimonies’ (2010: 210). In most cases compromises amount to a forced ‘giving in’ by Dalits under pressure from Gounders. Dalits told of how they are fearful and eager to settle, typically stating: ‘we were scared and there was no way out’. They not

only fear retaliation during the process, but their concerns about their family's safety far outlast the legal case, not least where they are still dependent on Gounders for their livelihood (see also Britto, 2007). They are often ready to appease the Gounders in the light of counter-threats and intimidation. Indeed a migrant power loom worker in Mannapalayam, who had put a PoA case against his employer following a dispute about the repayment of an advance, explained what happened when they got to the police station:

Some 'Dalit Movement' people were at the police station, and saw fifty Gounder people around us, and asked what was happening. They helped us fill in the form and said they could file a PCR case. But we didn't want to do that ... we were scared. ... And then one tried to help us make a compromise and settle ... and so we dropped the PCR case.

Arunthathiyars told us that Gounders are very effective at giving each other support, with dozens of them turning up at the police station as soon as any Gounder is accused. As one Dalit explained with reference to a case he was involved in: 'they have phones and vehicles, so they called each other, and over 100 came to the police station.' Gounders themselves confirmed that this is how they support each other. One of them explained that as soon as he was arrested he made a phone call and ninety fellow caste men turned up at the police station to support him. Dalits now have a support network too, but still lack the resources and networks that Gounders have access to.

In addition to taking joint action and forcing Dalits into making compromises, many Gounder landlords and power loom owners now take recourse to migrant labour, in an attempt to reduce their dependency on local Arunthathiyars altogether (see Carswell and De Neve, 2013b). In Mannapalayam, for example, a substantial part of the power loom labour force now consists of migrant workers (both Dalits and non-Dalits), whom Gounder power loom owners consider more reliable and easier to manage. Finally, in a more concerted effort to suppress Arunthathiyars' use of legal action, Gounders have made the alleged 'misuse' of the PoA Act a central issue of their newly launched political party, to which we now turn.

## **THE GOUNDER COUNTER-OFFENSIVE: THE KONGU NADU MUNNETRA KAZHAGAM**

The anger and frustration of the Gounders have been channelled in quite forceful ways. In addition to their various strategies to annihilate PoA cases — bribing, intimidating and forcing ‘compromises’ — Gounders also took recourse to a new form of collective action: they reinvigorated their caste association, turned it into a political party and entered electoral politics to bolster their position in the region. This mobilization culminated in 2009 in the launch of a caste-based political party, the Kongu Nadu Munnetra Kazhagam (KNMK, or Kongu Region Development Party). It is through this political party and their participation in electoral politics that Gounders have sought to show their collective strength and to counter Dalit mobilization in the region (see also De Neve and Carswell, 2011).

Some background to the launch of this political party is appropriate. The Kongu Vellala Gounders not only form the dominant landowning caste in this region of western Tamil Nadu, known as Kongu Nadu, but as a close-knit community they have been extremely enterprising and economically successful, both in agriculture and in the emerging urban industries of Coimbatore and Tiruppur, such as the textiles and engineering (Chari, 2004). As a community they have benefited from education, OBC (Other Backward Caste) status and industrial opportunities that arose in the region since Independence. They are also well organized as a caste. Out of an earlier Kongu Vellala Sangam (Kongu Vellala Gounder Organization) established in 1976, Kovai Chellian, an influential community leader from Coimbatore, launched the Kongu Vellala Gounder Peeravai (KVGP, or Kongu Vellala Gounder Association) in 1988, through which he promoted the education and economic improvement of the Kongu Vellala Gounders, although KVGP did not stand in elections as a political party.

After the death of Kovai Chellian in 2000, the Association was left without clear leadership until it was revitalized by three key actors from 2007 onwards: E.R. Eashwaran, ‘Best’ Ramaswamy and N. Balasubramanian. As engineers and industrialists, these three individuals toured Kongu Nadu from 2007 in an attempt to convince Gounders that their caste would be better served if their Association was turned into a political party. They believed that only formal political representation



would enable them to advance their community. This form of political action was largely inspired by the Vanniyars' launch of their political party twenty years earlier, the PMK, which was mentioned by almost every Gounder interviewee discussing their new party. With its new leaders, the Association was reinvigorated and became very active during 2008. In the run-up to the 2009 parliamentary elections two further developments occurred. First, the Association expanded and strengthened its grassroots support in both towns and villages through an extensive network of activists who set up local divisions of the Association across the villages of Kongu Nadu. Second, and on the basis of this impressive ground-level networking, the Association organized a large caste gathering on 15 February 2009 near Coimbatore, where the new political party, the KNMK, was launched. This was less than three months before the parliamentary elections of April 2009, and was a strategic move to attract attention and votes.

What drove the Gounders to establish their own political party? What were they hoping to achieve through political party organization? And what were the key points that shaped their initial party agenda and their first election campaign? Four issues emerged repeatedly in interviews with Gounders across the region. First, and for many rural Gounders most importantly, the key driver to join hands was what they considered 'the gross misuse and abuse' of the PoA Act against their community. It became clear that strengthening opposition to the growing use of the PoA Act by Dalits was a major incentive for rural Gounders to join the party. In interviews with party activists, the alleged 'misuse' of the PoA Act tended to be the first mentioned and most passionately debated issue they wanted addressed. By the time the official manifesto was printed, however, the PoA had moved right down the agenda. This was partly because by then the KNMK had to present a public image of itself as a party that stood for the welfare of the region as a whole, and partly because the leadership realized that this was not a piece of legislation that actually *could* be changed. Nevertheless, the issue of the PoA Act remained a major campaigning point in the villages and one that attracted Gounders to vote for KNMK. After the 2009 election, Mannapalayam's president gave this explanation for the KNMK's success: 'The KNMK did well here ... because there are many Gounders here, and because of the PoA cases they all joined together and voted KNMK. ... The KNMK promised they'd change the PoA Act, and that is their main focus — so many Gounders voted for

them'. Nagasamy, a power loom owner in Mannapalayam, put it this way: 'I voted for the KNMK ... for our safety. Now the KNMK will suppress some of those [PoA] cases'. Importantly, the PoA Act is an issue around which the PMK has also rallied more recently, with its leader Ramadoss asking for a uniting of the intermediate castes to fight for an amendment to the provisions of the PoA Act (Pandian, 2013: 13).<sup>7</sup>

Another major issue for rural Gounders, which became a second rallying point for the newly established party, was the ban on toddy tapping. Since 1987, Tamil Nadu banned the tapping and sale of toddy (a coconut-based alcoholic drink), with government shops of the Tamil Nadu State Marketing Corporation being the only legally permitted outlets for the sale of alcohol. Across the region, however, many Gounder farmers converted land to coconut plantations in response to falling groundwater levels and labour shortages, and were keen to have the ban lifted. Gounder farmers widely accuse the government of making millions of rupees from alcohol sales while depriving poor farmers of a potentially significant source of income. This was a key election demand in the 2009 parliamentary elections and again in the 2011 state elections.

In urban contexts a different narrative dominated explanations for the establishment of the new party: the issue of state neglect. There is a strong and widespread feeling among the Gounders of the area that despite their large contribution to the state's wealth, they receive little recognition or support from the government. Gounders repeatedly emphasize the neglect of the community by both the state government and the main political parties. Prabhu, a young garment factory owner in Tiruppur, put it this way: 'Politicians are splitting up our community. More than 50 per cent of the state's earnings come from the Kongu region, yet we get no benefits or recognition for that. The government just gives everything for free to the people, but we — who bring in so many earnings — get no support!'. Such narratives — repeated both in town and villages — are typically backed up with reference to the lack of a reliable power supply to agriculture and industry and the lack of support to

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<sup>7</sup> Similar demands to scrap the PoA Act have been made by the Marathas of Maharashtra (Waghmore, 2013: 78).

address the pollution issue that affects both farmers and industrialists (see also Vijayabaskar and Wyatt, 2013).

Crucially, however, for the party to achieve electoral success, an emphasis on the interests of the Gounder community had to be replaced in the run-up to the elections with a focus on the needs of the region as a whole. Thus, at the launch of the party, the name Kongu Vellala Gounder Peeravai, which refers to the Kongu Vellala Gounders, was replaced with a party name that refers to the regeneration of the region as a whole: the Kongu Nadu Munnetra Kazhagam (Kongu Region Development Party). While clearly the product of a caste-based movement, once established as a political party, the association's public rhetoric soon shifted in an attempt to represent the interests of, and appeal to, all people of Kongu Nadu. While the party leaders thus began to claim an interest in the welfare and development of all Kongu Nadu people, the insurmountable paradox of the party became immediately obvious: how to reconcile an exclusive, caste-based and anti-Dalit agenda with an inclusive regional image needed to achieve electoral success? The party emerged from a strong alliance between rural and urban Gounders, both of whom felt increasingly threatened by government policies that they experienced as populist, pro-poor, and undermining Gounder efforts to develop the region's economy. Yet to have a wider appeal, caste had to be dropped from the agenda and replaced with issues of regional development.

In addition to the narrative of neglect, another major issue on the KNMK agenda is Gounders' demand to be included in the MBC (Most Backward Class) list and to obtain reservations for the community that are proportionate with their share in the population. They claim that 'OBCs who constitute 32% of the population have been left competing for just 23% quota now. In contrast, just a few communities which have been classified as MBCs are enjoying the benefit of 20% reservation' (*Times of India*, 2008). Talking from Tiruppur, N. Balasubramanian justified this claim as follows:

People here in Tiruppur are industrialists but they only form a small percentage of the Gounders. When you go to the villages you find that many people of our community are poor. So we are asking the government to conduct a survey of the region and to give us a quota in line with the percentage of our people who are poor.

Despite being the economically dominant community of the region, this demand was often reiterated as something the community felt entitled to and it was high on the KNMK agenda at the time of both the 2009 and 2011 elections (for further detail, see Vijayabaskar and Wyatt, 2013).

## **CHANGING BALANCE OF POWERS?**

It is clear that the KNMK is first and foremost a caste-based party that appeals to Gounder caste identity and is primarily concerned with the interests of Gounders. The launch of a political party by the Gounder elite is a reflection of how this otherwise powerful community feels threatened by Dalits' gradual, albeit still limited, political mobilization and economic advancement in the region. The 2009 election results were telling of the community's political repositioning. Launched less than three months before the Parliamentary elections, the KNMK independently contested twelve constituencies in the western districts of Tamil Nadu, and as a new party they ran a well-organized electoral campaign. While the party won no seats, they did win close to 600,000 votes with several candidates gaining around 100,000 votes (see also Vijayabaskar and Wyatt, 2013). Most importantly, it was widely agreed after the elections that the KNMK had played a major role in taking votes away from the ruling DMK and its allies in western Tamil Nadu. It was in these districts that the DMK alliance lost most of their seats and that the AIADMK opposition alliance — traditionally more successful among rural Dalits and with a long-term stronghold in western Tamil Nadu (Gorringer, 2007; Harriss, 2002) — obtained some of their main electoral victories. In other words, the KNMK contributed to the losses of the DMK-led government and split the vote in western Tamil Nadu. In this sense, the KNMK had a real impact on the 2009 election results.

The fact that it did not win any seats did not discourage the party's leadership. To the contrary: after the elections there was confidence that the 2011 state-level elections would offer a greater opportunity to win seats. By the time of the 2011 elections, the KNMK had allied itself with the ruling DMK and was allocated seven seats to field candidates in areas where they had performed well in 2009. In the event, the vote for the DMK in those seven constituencies was very low and the KNMK

failed to get any of its candidates elected, although it gained around 370,000 votes in total. Campaigning by the KNMK in 2011 was rather ineffective and the alliance with the DMK further contributed to its defeat — not least because of the widespread unease within the Kongu region over the ruling party, its populist welfare policies and widespread corruption.<sup>8</sup> It remains to be seen whether the KNMK's appeal will translate into longer-term electoral success for the party, or whether its agenda will be transformed and ultimately appropriated by the existing Dravidian parties, leading to a weakening of its agenda (Gorringer, 2007).<sup>9</sup>

Importantly, the formation of the KNMK had repercussions beyond electoral results. One of these relates to the use of PoA legislation. At the time of the 2009 elections it was reported that the number of PoA cases filed had fallen. Ponnarasu, a KNMK youth leader, reported in April 2009 that since the large Association meeting on 15 February the number of 'false' PoA cases filed in the region had declined. He attributed this to the show of strength by Gounders under the KNMK banner. Mr Nagaraj, the leader of Anbu, similarly reported a drop in cases at the time of the 2009 election. He noted that because of the KNMK:

The police, the government and all other political parties are afraid of the Gounders now. If we ask to file a case, the police won't arrest the Gounder as they fear the community's retaliation. Often, if we put a case, they will put a false counter-case against us in order to force us to come to a compromise and drop the case.

Whether these changes were due to the heightened tensions at the time of elections or the result of direct KNMK intervention is unclear. In any case, Gounders have used their newly launched party to show collective strength and intensify pressure to 'compromise' on PoA cases. As such, the use of the PoA Act continues to be a highly contentious issue in the region around which both Dalits and Gounders now mobilize.

## CONCLUSION

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<sup>8</sup> For a critical discussion of the term 'populism' in Tamil politics see Wyatt (2013).

<sup>9</sup> It needs to be noted that a recent split within the KNMK led E.R. Eashwaran to launch a new party, the Kongunadu Makkal Desia Katchi (KMDK) in March 2013.

In the light of their marginalization within the wider Dalit movement of Tamil Nadu, the Arunthathiyars of the Kongu region have developed their own strategies in their fight for justice and empowerment. The Arunthathiyars are increasingly organizing themselves in grassroots organizations and acting collectively to challenge domination, discrimination and violence by higher castes. Key to their new assertiveness is a relatively recent legal tool, the 1989 Prevention of Atrocities Act, which they use, or threaten to use, in an attempt to transform the social relations and practices that shape their everyday life. Litigation, in combination with grassroots mobilization, is widely perceived by Arunthathiyars as a powerful weapon in their struggle to expand the spaces of justice and dignity at the margins of the state apparatus. This article has argued that the use of this Act has had a number of social and political impacts.

First, the use of the PoA Act is part of a broader attempt by Dalits to access and mobilize those public spaces and liberal values in the legislation and the state apparatus that allow them to challenge village-based modes of authority and dominance by higher castes (Gorringer, 2013; Rao, 2009; Waghmore, 2013). The importance of this Act in everyday social life thus goes well beyond the very limited successes it has yielded to date in terms of legal outcomes. With reference to Dalit electoral politics, Gorringer has argued that '[j]udging the decision to contest elections solely on the basis of vote share and seats gained would be mistaken. ... [I]t is arguably in social terms that the greatest impact of DPI politics can be seen' (2007: 65). The same can be said for Arunthathiyars' recent turn to litigation: assessing its impact merely on the basis of conviction rates would be short-sighted. Rather, as Rao has pointed out in a study of Dalit assertion in western India, caste atrocities and the legal tool to fight them have come 'to occupy a central place in state discourse as well as Dalit activism as a barometer of social relations' (Rao, 2009: 176). Indeed, a significant effect of Arunthathiyars' use of the PoA Act is that it has moved Dalit issues into the public arena and produced a public discourse about caste discrimination that has opened up spaces within the formal state apparatus to challenge local higher-caste authority and exploitation.

A crucial aspect of this is the two-way interaction between Dalit mobilization and the use of the PoA Act: while grassroots mobilization is needed to bring Dalits

together and assist them in using this legal tool, the tool itself provides Arunthathiyars with a focal point around which to raise consciousness and build networks of support, or as Gorringer put it, to organize ‘routine activism’ (2010b: 111). The PoA Act is what gives Dalit mobilization teeth and purpose. Rao’s broader observation thus rings true here too: ‘[t]hrough atrocity laws are preventive, they are also productive: they reorganize social life around new governmental categories that themselves become available as objects of social and political attachment’ (Rao, 2009: 177). In this part of Tamil Nadu, the PoA Act is productive of new social relations as it assists Arunthathiyars in their long-term struggle to challenge Gounder dominance and to transform caste relations at the local level. Or, following Waghmore (2013: 62), the Act sits at the crossroads of struggles to transform rural ‘untouchable’ subjects into post-colonial citizens with equal rights. The existence of the Act — and often just the threat of using it — enables Arunthathiyars to bring cases of abuse out of the fields and workshops into the public sphere, and to re-direct fear, threats and intimidation at those who used to unequivocally dominate them. Indeed, the Act constitutes one of the key state institutions through which rural Dalits in this part of India — and elsewhere (Rao, 2009; Waghmore, 2013) — seek to pursue justice and to democratize the public space of the villages in which they work and reside.

However, Arunthathiyars’ recourse to the law has also set off a counter-offensive among the dominant Gounders. As Gorringer reminds us, very often ‘caste sentiment has been exacerbated as Dalit movements have confronted BC dominance’ (Gorringer, 2007: 62). This is precisely what is happening in western Tamil Nadu. Dalit litigation has intensified caste antagonism and has made Gounders turn to caste-based electoral politics in their attempt to stem Dalit assertion. Anger and frustration among Gounders have led to an unprecedented turn to electoral politics in the region, culminating in the launch of the Gounder-led KNMK in 2009. Ultimately, the context becomes one in which Dalit legal action and grassroots organization come face to face with Gounder political mobilization. Here, as in northern Tamil Nadu where the PMK and the Vanniyars are similarly rallying against Dalit mobilization, caste remains the backbone of social and political activism. Harriss argued that despite investment in progressive welfare measures in Tamil Nadu, ‘the DMK have failed to carry on an ideological offensive in civil society against casteism’ (2002: 112; see also Pandian, 1994). This conclusion holds true in the light of recent developments in western Tamil

Nadu, where caste is again being politicized in a longer-term struggle over power (*EPW* Editorial, 2013). High-caste anger and frustration have produced forms of political engagement (electoral, judicial and grassroots) in which caste continues to play a pivotal role.

Nevertheless, some things have changed. Rao, with reference to western India, concludes that '[t]he past two decades in particular have witnessed a change from violence that prevents Dalits from claiming political rights to violence that responds to their perceived political militancy' (2009: 180). The dialectic of violence currently marking caste relations in western Tamil Nadu illustrates this trend as a threatened dominant community reacts against the mobilization of the lowest rungs of society. Anti-Dalit violence committed by Vanniyars in northern Tamil Nadu has been interpreted in a similar way, that is, as a reaction against the slipping hegemony of the intermediate castes (Pandian, 2013). Rao, however, sees this new expression of 'violence as a form of social reproduction rather than as the destruction of social bonds' (Rao, 2009), or as a way in which social life is staged, performed and reproduced over time. But this need not necessarily be the case. The material presented here has shown how the PoA Act has provided rural Dalits with a new tool to fight injustices, to mobilize at the margins of the state, and to reverse some of the intimidation and threats ordinarily directed towards them. The PoA Act, in combination with grassroots organization, enables them to challenge the status quo rather than merely reproduce it, even though caste remains the structuring force and framework behind it all. As such, the main significance of the PoA Act does not lie in the legal outcome of litigation, but in the social transformations that the use of the Act engenders in Dalits' lives as well as in the new dynamics of caste conflict and electoral politics that it brings about.

In conclusion, our analysis provides a number of insights into Dalit social movements and their relationship to both the law and economic empowerment. While the success of social movements among low-caste communities obviously depends on a range of factors, our case study allows for three observations. First, social movements for justice are more likely to have an impact when buttressed by a legal weapon that gives them teeth. Second, Dalit social movements have a greater chance of succeeding when their struggles are accompanied by a wider process of social



change and economic empowerment. Third, both litigation and caste mobilization have given individual struggles a collective dimension and a public face by bringing them into the wider institutional arena of state actors and institutions. This is particularly meaningful for Dalits who until very recently were at the receiving end of private threats, intimidation and violence, and whose battles were largely restricted to individualized fights with rural employers. In western Tamil Nadu today, legal weapons, grassroots mobilization and economic empowerment go hand in hand to produce gradual but clearly visible transformations in the public landscape of caste relations. In order to gain sustained political voice and representation at the state level, however, Arunthathiyars' social movement organizations need to further nurture unity and collaboration, and develop leadership that can take grassroots activism to the next level.

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