

# Vachathi case: The brave who have created history



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The verdict delivered by the Madras High Court in the over 30-year-old Vachathi case on Sept. 29, 2023 has been hailed far and wide. This is the verdict upholding the judgment passed by the Dharmapuri district principal sessions court on September 29, 2011. The Vachathi case has gone down as one of the most important cases in the annals of the Indian judiciary system.

These court verdicts have enhanced the dignity of the Indian judiciary. The judgments are historic because the complainants are from the lowest rung of the society – the tribal people suppressed at the bottom of the social hierarchy – and the defendants are the officials, that too, those who have got patronage and support from the government. Hence, the court judgments, no doubt, have assumed historic significance.

## **The dedicated action warriors**

For the miracle in the form of court verdicts to happen, there have been several people who have sweated it out. The Tamil Nadu Tribals Association and the Communist Party of India (Marxist) have seamlessly worked hard to get justice right from the days they intervened to this day. They have changed the struggle over a small village's problem into a statewide movement, conducting the case without compromise, instilling in the people's mind courage and confidence and getting justice finally. Equally important is the contribution of those who have worked, using their power for the people's welfare.

The major turning point in this case was the report submitted by Bamathi, the then South Zone Director of National Commission for Scheduled Castes and Scheduled Tribes. When we were moving the court against the then AIADMK government over the issue, it was Mythili Sivaraman, the then president of the All-India Democratic Women's Association (AIDWA), who made the National Commission for SCs/STs intervene in the case. She submitted a petition in person to Bamathi, IAS, on August 3, 1992, over the issue. Consequently, Bamathi, along with her assistant Iniyam, visited Vachathi and collected details from the villagers about how they were harassed and affected. She sent a report based on her first-hand survey to the Commission.

## **Important turning point**

Bamathi, in her report, confirmed whatever charges we had levelled against the officials except the charge of rape. She was of

the opinion that as the women affected by sexual harassment had been in prison at that time, she could not check the veracity of the charge. The National Commission set up as per the Constitution told the truth aloud about the injustice meted out to the Scheduled Tribes.

The High Court ordered Bamathi to lead a one-person enquiry commission and submit a report on the state of affairs in Vachathi. In her report, Bamathi recommended an investigation by a competent agency on the sexual harassment and sandalwood smuggling. Accepting the report, High Court judge Abdul Hadi ordered a CBI enquiry into the issue.

So it is manifest that it was Bamathi who made a vital turning point in the case.

### **Honesty and talent**

When the case was entrusted to the CBI, it was two and a half years since the violent incident had happened in Vachathi. By that time, all traces and clues had been wiped out. Yet the CBI, taking up the case and investigating it thoroughly, finally proved all charges. It was Jagannathan, DSP, who played a vital role in the whole investigation. As he and his team had worked diligently and honestly, the Dharmapuri district sessions court praised them and ordered a reward of Rs. one lakh to them.

Another important person was Jayabalan, who was the only person who argued on behalf of the affected tribal people, working as CBI's special advocate. His remarkable arguments

and presentation of his viewpoints were instrumental in winning the case.

### **Govt. women staff as witnesses**

The statements presented by two government women employees as witnesses assumed significance in proving the charge of sexual harassment. There were 15 women personnel in the police team that raided Vachathi on June 20, 1992. None of them was included in the list of the accused. The then minister Sengottaiyan asked, “How could rapes have happened when there were women police personnel?”

A woman police personnel, as a witness, said as follows: “At 6 pm on that day, the forest officials herded women of the village into a truck. We said we would also like to come along. But the officials said that they were taking the women only to load sandalwood and asked us not to go with them. So, we did not go then. After an hour, when the truck returned, it did not halt at the spot near the banyan tree and sped ahead.”

Another witness was Lalithabhai, the then warden in the Salem Women’s Prison, who said, “The Vachathi women were in distress and depression then. When asked about their woeful looks, they said, ‘the forest dept. men raped some girls and the girls were bleeding.’ I took the girls to the prison hospital and admitted them as inpatients.”

When comrade Annamalai and I went to the prison and met the women, Lalithabhai shared the same information with us.

Though working as government employees, the women conscientiously presented truths, adding strength to the case.

## **Great human rights movement**

Several have branded it as delayed justice. Yet justice has prevailed, thanks to honest judges. The hearing started in the Krishnagiri sessions court and judge Akbar Ali began hearing the witnesses. Later on, judges Ashokkumar, Mathivanan and Sivakumar heard the case as it had been registered under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The judgment had yet another strong base in courage and honest of judge Kumaraguru, who delivered his verdict as Dharmapuri district judge and Velmurugan, who passed his judgment in the appeal case.

The case could not have been won but for the efforts made by the CPM lawyers' team consisting of senior advocates N.G.R. Prasad and R. Vaigai, advocates G. Samkiraj, K. Ilango and Subburam. The role of the Vachathi people too was important as they had stood steadfast, unfazed by the stick-and-carrot policy adopted by the officials.

At a time when 'human rights' was not much known, it was the Communists who waged a war against the human rights violations, making the Vachathi case a rights movement.

By and large, it is undoubtedly a verdict that has come as a beacon of hope to all the oppressed people all over the country.

**Translated by V. Mariappan.**