

**OPEN LETTER TO**  
**THE HONOURABLE CHIEF JUSTICE OF INDIA AND HONOURABLE JUDGES**  
**OF THE SUPREME COURT OF INDIA**

As citizens, we look to you, Honourable Judges of the highest court of law in our land, to protect the rights of those who stand powerless, marginalised by society due to their class, caste, gender or ethnic origins. In particular, we believe that sometimes only the Supreme Court can safeguard the right to life of citizens, when every other avenue has failed to do so.

This is especially so in the case of Soni Sori, a tribal woman on whom gross sexual torture has been inflicted while in police custody in Chhattisgarh. We write to you with deep dismay at her continued vulnerability despite her repeated pleas for protection from various courts, and urge you to give serious attention to the grave violation of the rights of a tribal woman undertrial, the facts and documents regarding which are pending before the Supreme Court in the case. (WRIT PETITION (CRL) NO. 206 OF 2011 ). Briefly:

- Soni Sori is a 35 year old adivasi school teacher and warden of a government-run school for tribal children in Jabeli, Dantewada - one of the few operational schools in the area, till the Chhattisgarh Police forced her to flee from Dantewada in early September 2011. She has been arrested and is being tried as a suspected Maoist supporter in several cases.
- Soni Sori was arrested in Delhi on 4<sup>th</sup> October 2011 after she had exposed significant evidence of being framed by the Chhattisgarh Police in multiple cases, including the Essar bribery case to the newsmagazine, Tehelka. ([http://tehelka.com/story\\_main50.asp?filename=Ne151011coverstory](http://tehelka.com/story_main50.asp?filename=Ne151011coverstory)).
- Fearing retaliation while in custody, Soni Sori had pleaded before the Additional Chief Metropolitan Magistrate, District Court, Saket as well as the Delhi High Court that she be held in custody in Delhi and sought to face trial outside the state of Chhattisgarh.
- However, on 7 October 2011, Soni Sori was remanded to the custody of Chhattisgarh Police by the Additional Chief Metropolitan Magistrate, Saket District Court, Delhi, albeit with directions to the Chhattisgarh Police to 'follow due process'.

This was Soni Sori's first attempt to seek protection. A plea she is still making, now in your court.

- The Delhi High Court too, in its order of 8 October 2011 ordered the Chhattisgarh Police to file by 14 October 2011a report outlining steps taken to keep her safe.

This was Soni Sori's second attempt to seek protection against the police via the judicial process.

As Soni Sori was remanded to Chhattisgarh, there was serious apprehension of custodial intimidation and violence. Fears that have unfortunately proven to be well placed, given the evidence of sexual violence and torture of Soni Sori while in police custody. A brazen contempt of court, of human rights law and the rights guaranteed to all citizens by the Indian Constitution.

***Flagrant contempt of court and violation of human rights follows.  
Damning evidence of custodial sexual violence emerges.***

On 10<sup>th</sup> October 2011 Soni Sori was to be produced before the Court of the Magistrate in Dantewada. However Soni Sori, who had been in perfect health when she was remanded to the custody of Chhattisgarh Police in Delhi, was in such terrible physical pain that she could not even stand up or step out of the police van and reach the courtroom. The police claimed 'she slipped in the bathroom and had hurt her head'.

That day, Soni Sori did *not* appear in person before the Magistrate, nor did the Magistrate see her – only a court clerk came to the police van and yet, it is wrongly recorded in the Order sheet that she was produced before the Magistrate who remanded her to judicial custody for 14 days.

The examining doctors at the Dantewada District Hospital and the Government Medical College in Jagdalpur have recorded that 'she has a history of unconsciousness', that she is 'unable to stand due to pain in lumbar region; and that she has injuries on her head and back, and that black marks were observed on her toes' – indicating she had received electric shocks.

In subsequent statements to relatives, her lawyer and a letter addressed to the Supreme Court itself, Soni Sori has described the custodial torture that she was subjected to. She has stated that she was 'pulled out of her cell at the Dantewada Police Station on the night of 8/9 October 2011 and taken to S.P. Ankit Garg's room.' There she was stripped and given electric shocks and that stones and batons were inserted into her private parts'. When she awoke the next morning, she had severe aches all over her body, especially her neck and spine, and acute pain in her lower abdomen. She has subsequently informed her lawyer (affidavit submitted to the Supreme Court), that she found several stones inserted in her vagina, many of which she managed to remove herself, but not all.

The Supreme Court (in WRIT PETITION (CRL)NO. 206 OF 2011 ) observed that the injuries against her person did not appear to be as simple as the State was making them out to be, and ordered an independent medical examination in NRS Medical College Hospital in Kolkata. The medical report, presented to the Supreme Court on 25th November, 2011 states that two stones were found inserted deep inside her vagina and one in her rectum. The MRI scan also reveals annular tears on her spine. All irrefutable evidence of custodial sexual abuse and torture that Soni Sori has suffered at the hands of Chhattisgarh Police.

Yet, on 1<sup>st</sup> December 2011, the Supreme Court ordered that Soni Sori remain in the custody of the Chhattisgarh State for an additional period of 55 days until the next hearing on 25<sup>th</sup> January, 2012. Given the prior apprehension of such violence especially in cases under the shadow of the Maoist issue, and in light of the medical examination report placed before the Court, we are distressed that no immediate action was initiated against responsible police officials, nor protection ensured for Soni Sori until the next date of hearing.

After all, it is only the Court that can *insulate* a victim of sexual custodial assault from her oppressors, particularly when serious charges have been made against the senior police officer. It is only the Court that could have ensured that she is not made more vulnerable after she has spoken out about this torture, despite threats to her person and family. It is only the Court that can send out a clear signal that the rights of citizens *will be protected*, and that when the police abuses its powers, the judiciary will not

stand by in silence. It is only the Court that can ensure that Chhattisgarh police will abide by the rule of law and if they violate the rights of citizens, they too will be held legally accountable and punished.

That Soni Sori has suffered custodial violence at the hands of the Chhattisgarh Police, in spite of the attention of the Court, the national media and the explicit orders of the Delhi High Court to ensure her safety, is extremely worrisome. It points towards a dangerous and flagrant contempt for law by the police in Chhattisgarh.

We hope that the Supreme Court will ensure that justice is finally done to this tribal undertrial woman and will set precedent to provide effective protection to the legal and human rights enshrined in the Constitution of India, especially for those placed in such vulnerable conditions.

21<sup>ST</sup> DECEMBER 2012

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3. Romila Thapar, Professor Emeritus, Jawaharlal Nehru University, Delhi
4. Madhu Bhaduri, former Ambassador of India
5. Dr Imrana Qadeer, Retired Professor, CSMCH, JNU, New Delhi
6. Farah Naqvi, Activist
7. Vasanth Kannabiran, Hyderabad
8. Lalita Ramdas
9. Githa Hariharan, Writer, Delhi
10. Dr C Sathyamala
11. Dr Mira Shiva, Delhi
12. Prof. Veena Shatrugna, retired Deputy Director, National Institute of Nutrition, Hyderabad
13. Jayati Ghosh, Professor, JNU
14. Rohini Hensman, Writer and Activist, Bombay
15. Sandhya Srinivasan, Consulting editor, Indian Journal of Medical Ethics / Infochange News & Features
16. Veena Poonacha, Director, Research Center for Women's Studies & Hon. Director, Center for Rural Development SNTD Women's University Mumbai

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7. Kavita Srivastava, General Secretary, PUCL, Rajasthan
8. Dr Arati Chokshi, Secy-PUCL, Karnataka
9. Maheen, Madhya Pradesh Mahila Manch
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