

**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

**SIGNED:-**

**Individuals:-**

1. Professor (Retd) Uma Chakravarti
2. Brinda Karat, Politburo Member CPI(M) and former MP Rajya Sabha
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

**Organisations:-**

1. Sadhna, Vani, Saheli Women's Resource Centre, Delhi
2. Kalpana, Rinchin, Geeta C., Women Against Sexual Violence and State Repression, a national network
3. Aruna Roy, MKSS, Rajasthan
4. Mary John, CWDS, Delhi
5. Annie Raja, General Secretary, National Federation of Indian Women (NFIW)
6. Sudha Sundararaman, Gen Secretary, All India Democratic Women's Association (AIDWA)
7. Kavita Srivastava, General Secretary, PUCL, Rajasthan
8. Dr Arati Chokshi, Secy-PUCL, Karnataka
9. Maheen, Madhya Pradesh Mahila Manch
10. National Alliance of People's Movements
11. Anant Bhatnagar, PUCL, Rajasthan
12. Gouri Choudhury, Action India, New Delhi
13. Sarojini N, Deepa, Sama - Resource Group for Women & Health, Delhi
14. Saumya Uma, Women's Research & Action Group, Mumbai
15. Mamta Jaitly, Vividha : Women's Documentation and Research Centre, Jaipur
16. A Suneetha, Co-ordinator, ANVESH

## **Individuals CONTD:-**

17. Pamela Philipose, Journalist
18. Abha Bhaiya
19. Abha Sur, Program in Women's and Gender Studies, Massachusetts Institute of Technology, Cambridge, USA
20. Aditya Nigam, Fellow, CSDS
21. Amar Jesani, Mumbai, India
22. Adv Kamayani Bali Mahabal, Human rights activist, Mumbai
23. Adv Neelabh Dubey, Chhattisgarh High Court
24. Adv. Veena Gowda
25. Akhila Vasan, Public Health Researcher, Bangalore
26. Akshi Singh, Student, Delhi School of Economics
27. Amelia Vaidya, Goa
28. Prof. Amit Bhaduri
29. Ammu Abraham
30. Anahita Sarabhai, Ahmedabad
31. Anand Jha
32. Anand Philip, MBBS, Cochin
33. Anil Singh, MUSKAAN, Bhopal
34. Anna George, Delhi
35. Anomita Goswami
36. Anuradha Pati
37. Anusha Hariharan
38. Asha Kilaru
39. Ashley Tellis, Department of English, Ramjas College
40. Ayesha Kidwai
41. D. W. Karuna, Chennai
42. Deepak Srinivasan, Media and theatre practitioner, Bangalore
43. Deepankar Basu, University of Massachusetts, Amherst, USA
44. Diamond Vahali Oberoi
45. Dipankar
46. Dr Anand Phillip, Cochin
47. Dr Anant Phadke, Pune
48. Dr Dhruv Mankad
49. Dr Dhananjay Kakde, Pune

## **Organisations CONTD:-**

17. Madhuri, Jagrit Adivasi Dalit Sangathan, Madhya Pradesh
18. Jashodhara Dasgupta, Sahayog, Lucknow
19. Jagori team
20. Anu Kapoor, Swayam, Kolkata
21. Ashim Roy, General Secretary, New Trade Union Initiative
22. Ashok Khandelwal, Right to Food and Work Resource centre, Rajasthan
23. Chayanika, Lesbians and Bisexuals in Action, Mumbai
24. Dhiviya, Sangat, Delhi
25. Dr Abhijit Das, Director, Centre for Health and Social Justice, New Delhi
26. Dr S Sridhar, Medico Friends Circle
27. Anil Tharayath, PSA, New Delhi
28. Asit Das, POSCO PRATIRODH SOLIDARITY, Delhi
29. Dr. Kaveri Rajaraman, Member, PDF, WSS-Karnataka, PUCL-Bangalore
30. Dr. Manisha Sethi, Dr. Sanghamitra Misra, Ambarien Al Qadar, Dr. Farah Farooqi, Prof. Azra Razak for Jamia Teachers' Solidarity Association
31. Dunu Roy, Director, Hazards Centre, Delhi
32. Fr. Cedric Prakash SJ, Director, 'PRASHANT' (A Centre for Human Rights, Justice and Peace), Ahmedabad
33. Gayatri Buragohain, Executive Director, FAT – Feminist Approach to Technology, New Delhi
34. Jai Sen, CACIM, Delhi
35. Jayasree Subramanian, Eklavya, Hoshangabad, Madhya Pradesh
36. Joyanti, Sachetana, Kolkata
37. Kavita Krishnan, National Secretary, All India Progressive Women's Association (AIPWA), Delhi
38. Lakshmi Premakumar, Delhi Forum
39. Lata P.M, National Centre for Advocacy Studies (NCAS), Pune

## **Individuals CONTD:-**

50. Dr G.V.Sivalingam.MS (Gen) Surgeon, Salem
51. Dr George Paul, MDS, Maxillofacial Surgeon, Salem. T.N., Trustee, Health and Medical trust
52. Harish Dhawan, Delhi
53. Dr Indira Chakravarthi, Delhi
54. Dr J. Gurunathan, Neurosurgeon, Salem.
55. Dr Jacob Puliyel, Paediatrician, Delhi
56. Dr Jayaramachandran. FRCS ENT Surgeon, Salem, Chairman, Ethical Consultancy Services.
57. Dr Madhurima Nundy, Delhi
58. Dr N Raghuram, GGS Indraprastha University, Delhi
59. Dr Narendra Gupta, Chittorgarh, Rajasthan
60. Dr P.Vijayan. MD, DA. Consultant Anaesthesiologist, Salem, Tamilnadu
61. Dr Poonam Srivastava, USA
62. Dr R Mahalakshmi, JNU, Delhi
63. Dr R. Sukanya, Public health researcher, Bangalore
64. Dr Rakhal Gaitonde, Chennai
65. Dr Ramila Bisht, JNU, Delhi
66. Dr Sandhya Ahuja
67. Dr Sathyanarayana, MBBS, DHA, MBA, MPH, Assistant Professor, Indian Institute of Public Health
68. Dr Sunil Kaul, The Ant, Assam
69. Dr Sylvia Karpagam, MD, MBBS - Community Health
70. Dr Vani Pujari. MRCOG, J.S.Hospital , Salem
71. Er S.Saravanan.BE, Co-Convener, INTAC, Salem chapter
72. Gargi Sen, Film maker, Delhi
73. Geeta Ramaseshan
74. Geeta Seshu, Journalist, Mumbai
75. Geetanjali Gangoli
76. Gowru Chinnapa
77. Guhan Jayaraman, Professor, IIT-Madras
78. Jagdish Patel, Baroda

## **Organisations CONTD:-**

40. Madhu, Partners for Law in Development, Delhi
41. Madhumita Dutta, CJP-TN, Chennai
42. Meena S Seshu, Sangram, Sangli
43. Meena, Forum Against Oppression of Women, Mumbai
44. Penkoottu. Kozhikode, Kerala
45. Prem Krishan Sharma, President, PUCL, Rajasthan
46. Pyoli, National Vice-President, Vidyarthi Yuvjan Sabha
47. PUCL-National
48. Renu Khanna, SAHAJ, Vadodara
49. Sandhya Y.K., National Alliance for Maternal Health & Human Rights (NAMHHR)
50. SANHATI – online journal
51. Santanu Chacraverti, President, DISHA, Kolkata
52. Shankar Gopalakrishnan, Campaign for Survival and Dignity
53. Yasmin, Aawaaz-e-Niswaan, Mumbai
54. Sharanya Nayak, Secretary, Humane, Koraput
55. Shripad Dharmadhikary, Manthan Adhyayan Kendra, Badwani & Pune
56. Shweta Vachani, Preeti Gill, Urvashi Butalia, Zubaan Books
57. Siddhartha Vatsyayan, Director, AAG, New Delhi
58. Subhash Gatade, New Socialist Initiative
59. Tapan Bose, General Secretary, South Asia Forum for Human Rights (SAFHR)
60. Tithy Nandy, HealthWatch Forum, UP
61. Uma V Chandru, Member, PUCL-Bangalore, Coordinator,WSS-Karnataka
62. Vimochana, Bangalore
63. Vinay Kulkarni, Prayas, Pune
64. Anuradha Kapoor, SWAYAM, Kolkata
65. SAHIYAR – Stree Sanghathana, Vadodara

## **Individuals CONTD:-**

79. Joe Athaily
80. Kalpana Kannabiran, Hyderabad
81. Kalyani Menon Sen, Gurgaon
82. Kanak Shashi, Bhopal
83. Kasturi Chatterjee, JNU, Delhi
84. Kaushiki Rao, Mumbai
85. Kochurani Abraham
86. Kriti Budhiraja, Jawaharlal Nehru University, Delhi
87. Laurent Fournier, Jadavpur, Kolkata
88. Lesley A Esteves, Journalist
89. Lokesh Malti Prakash
90. Madhuresh Kumar, National Organiser, NAPM
91. Mahtab Alam, Civil Rights' Activist and Journalist, Delhi
92. Manisha Gupte, Pune
93. Manshi Asher, Researcher-Activist, Himachal Pradesh
94. Maroona Murmu
95. Mita Deshpande
96. Mrs.Lakshmi Siddarth, Director, T.M.S. Eye Hospital, Salem
97. Mukul Mangalik, Associate Professor in History, Ramjas College, University of Delhi
98. Nalini Vishvanathan
99. Nandini Manjrekar, TISS, Mumbai
100. Nandini Rao
101. Nandita Shah, Mumbai
102. Nayan Jyoti, Research Scholar, Delhi University, Krantikari Naujawan Sabha
103. Neera Adarkar, Architect, Mumbai
104. Neeraja Vaidya, Goa
105. Niloufer Bhagwat, Mumbai
106. Nisha Biswas
107. Nivedita Menon, Professor JNU
108. Noor Zaheer, Chief Co-ordinator, Foundation of SAARC Writers & Literature
109. P.K.Basant, Associate Professor, Department of History and Culture, Jamia Millia Islamia, New Delhi

## **Organisations CONTD:-**

66. Indira Pancholi, Bhanwari Devi, Gyarasi, Karuna Philip, Nazma, Mahila Jan Adhikar Samiti, Rajasthan
67. Nari Nirjatan Pratirodh Mancha, Kolkata
68. Sundarban Banadhikar Sangram Committee

### **Individuals CONTD:-**

110. Philip Kujur, BIRSA-Mines Monitoring Centre, Jharkhand
111. Ponni Arasu, Chennai
112. Pramada Menon, Gurgaon
113. Prasanna Nair, Journalist, Cochin
114. Praveena Sridhar
115. Preeti Mehra, The Hindu, New Delhi
116. Priya Thuvassery, Associate Producer, NDTV, New Delhi
117. Priyanka Srivastava (University of Massachusetts, Amherst)
118. Prof. Anil Sadgopal, Secretary, Shiksha Adhikar Manch, Bhopal & Former Dean, Faculty of Education, University of Delhi
119. Prof. K.J.Mukherjee, JNU, New Delhi
120. Professor (Retd) Anand Chakravarti
121. Professor Mohan Rao
122. Professor Sadhna Saxena, Department of Education, University of Delhi
123. Professor Supratik Mukhopadhyay, ANP Division Saha Institute of Nuclear Physics, Kolkata
124. Purnima
125. Pushpa Achanta, Member, WSS-Karnataka
126. Rabin Chakraborty
127. Rahul Varman, Professor, IIT Kanpur
128. Raj Vaidya, M.Pharm, Community Pharmacist, Goa
129. Rajshri Dasgupta, Kolkata
130. Rakesh Ranjan, Asst Professor, Shri Ram College of Commerce, University of Delhi
131. Ramlath Kavil
132. Ranjana Padhi, Pune
133. Rashmi Singh
134. Reva Yunus, Ph.D. Scholar in Education, Bangalore
135. Rituparna Borah
136. S.Srinivasan, LOCOST
137. S.Z. Haider
138. Shalini Krishan, Delhi
139. Shalini Sharma, Research Scholar, London
140. Shreya, Hoshangabad, MP

## **Individuals CONTD:-**

141. Shambhavi Srivastava
142. Sheeba Aslam Fehmi, Research Fellow, Jawaharlal Nehru University, Delhi
143. Shreya Khemani, Hoshangabad, Madhya Pradesh
144. Shrutipriya Dalmia
145. Smita Gupta, Senior Fellow, Institute for Human Development, Delhi
146. Smiti
147. Sophie Keir
148. Kate Millet
149. Soumik Banerjee, Sundarpahari, Godda, Jharkhand
150. Soundarya, Ph.D. Student, National Institute of Advanced Studies, Bangalore
151. Srila Roy
152. Subhalakshmi Nandi
153. Suchismita Chattopadhyay, JNU
154. Suchitra Mathur, Faculty, Indian Institute of Technology, Kanpur
155. Sujit
156. Sumati Panikkar, PhD scholar, JNU, Delhi
157. Supriya Madangarli
158. Teena Gill
159. Tultul Biswas, Bhopal
160. Vahida Nainar
161. Sanjeev Mahajan, California
162. Neetu Jain
163. Santosh Rohit Yerrabolu, Buffalo, NY
164. Vasudha Nagaraj, Advocate, Hyderabad
165. Xavier Dias, Editor, Khan Kaneej Aur Adhikar, (Mines, Minerals & Rights), Jharkhand
166. Y. Madhavi , New Delhi
167. Zubair Ahmed
168. Annie Cariapa, Psychotherapist, Spanda, Bangalore
169. Suneeta Dhar
170. Payal Dhar, Author
171. Balaji Narsimhan
172. Balmurli Natrajan, Assistant Professor, and member, South Asia Solidarity Initiative, NY



## **Individuals CONTD:-**

173. Vinay Bhat
174. Umang Kumar, Alliance for Secular and Democratic South Asia Association for India's Development Boston for Bhopal
175. Mira Roy -- women's rights activist
176. Dr. Soma Marik , RKSM Vivekananda Vidyabhavan, West Bengal
177. Rukmini Sen -- women's rights activist
178. Professor Achin Vanaik, Delhi University
179. Dr. Jairus Banaji, SOAS
180. Professor Kunal Chattopadhyay, Jadavpur University
181. Sushovan Dhar, trade unionist
182. Bodhisattwa Ray, trade unionist
183. Pratip Nag
184. Mihir Bhosale
185. Tapan Bose, trade union activist
186. Dr Bindu Desai
187. Ra Ravishankar, Engineer, Bengaluru
188. Shivali Tukdeo, Assistant Professor, National Institute of Advanced Studies, Bengaluru