

People's Union for Democratic Rights

To

The Hon'ble Chief Justice
Delhi High Court
New Delhi

16 July 2015

Subject: Perpetration of Sodomy on escaped prisoner Javed (age 18) from Tihar

Dear Hon'ble Chief Justice

This is to bring to your notice the issue of male rapes inside Tihar jail as has been once again raised before us by 18-year old Javed who had attempted to escape from Tihar a few weeks back.

To reiterate the facts of the incident, in the intervening night of 27-28 June 2015, two inmates Javed and Faizan, aged 18 and 19 years respectively, had attempted to escape from the prison but were re-captured by the police. In the entire incident, what has gone unnoticed is that Javed had complained of being sexually abused inside the jail. While speaking to the press after he was produced before the Tis Hazari court, Javed mentioned that he had fled because he was sexually abused in jail (*See Times of India on page 4 dated 03.07.2015, "Tihar inmate says he fled after being sexually abused"*). Javed was housed in Jail no. 7 or what is otherwise known to inmates as the "Munda ward" where prisoners between the age of 18 and 21 years are lodged. According to the news report, the jail authorities refused to take his complaint about sexual abuse seriously as according to them Javed did not raise the issue earlier. Though three enquiries have been ordered in the incident by the Lieutenant Governor, the Delhi Home Minister and the DG Tihar (*Asian Age, 30.06.2015, "Double inquiry into Tihar jailbreak"*), but none of them have considered the aspect of sexual abuse about which Javed has mentioned.

Male rape in Indian jails has been widely reported in the newspapers for the past many years now. Also, an NHRC report titled "Suicide in Prison" published in December 2014 points out that one of the main reasons for suicides in jails is rapes by fellow prisoners. The report notes on page 20 that, "In interviews with inmates who were prevented from committing suicide, many of them said that they had been raped or strongly coerced for sexual favours".

In view of the above facts and circumstances, it is of utmost importance that the commission of heinous offences on the body and person of Javed while he was in judicial custody be investigated by an impartial agency. We, therefore, beseech you to take appropriate action with regard to bringing the perpetrators to book in the case of Javed, sending a strong message that the judiciary as the custodian of constitutionally guaranteed rights will not tolerate the practice of rape of male prisoners in jail.

Yours sincerely

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