

SC Quashes Remission Granted To Convicts In Bilkis Bano Case

Why In News

- **Supreme Court** on, January 8, quashed orders of **remissions granted to 11 convicts** and sent them back to jail in the Bilkis Bano gangrape case. The top court said the state cannot invoke powers under Article 142 to allow 11 rapists to continue to be free.



Bilkis Bano Case

- **On March 3, 2002**, she was **gangraped and 14 members of the family**, including her three-year-old daughter, were killed by a mob in Limkheda taluka of Dahod. The bodies of six were never found.
- The 11 convicts were sentenced to life imprisonment by a CBI special court on January 21, 2008.



- **Bilkis Bano was 21 years old**, as well as five months pregnant, when she was gang-raped in 2002 while fleeing the Gujarat riots that broke out after the Godhra train burning incident. Her three-year-old daughter was among the seven family members killed.
- The **11 men facing life-term imprisonment** in the case walked out free from the Godhra sub-jail on August 15 after the **Gujarat government allowed their release under its remission policy**.



- They had **completed more than 15 years in jail**. The Gujarat government had released the 11 convicts on the basis of the 1992 remission policy and not the policy adopted in 2014 which is effective today, the court said.
- In 2022, as part of the celebration of the '**Azadi Ka Amrit Mahotsav**', the government issued guidelines to states and Union Territories to grant special remission to those prisoners who have completed at least half their sentence, including male convicts above the age of 60, terminally ill and women and transgender prisoners above the age of 50.

SC Judgement

- A bench of Justices **B V Nagarathna and Ujjal Bhuyan** declared the government of Gujarat where the offence took place was not the competent authority to take such a decision, as the state of Maharashtra where the offenders were tried on the order of this court was only capable to take the decision on remission of the convicts.



- Supreme Court said it cannot be **unmindful of the conduct of 11 rapists** who abused the process of law to gain orders of remission. The deprivation of liberty of 11 rapists is justified, the court added noting that they had liberal furloughs and parole during their sentence.
- The court directed the convicts to **report to jail within two weeks**.
- The court said the exercise of power by the state of Gujarat is an instance of usurpation of power and abuse of power. The court has held that the state of trial and **sentencing is the "appropriate" government** with powers to pass orders of remission.



- On the apex court's order, the trial and sentencing in the **Bilkis Bano case had been transferred from Gujarat to Maharashtra**.

- While **setting aside Gujarat government's decision** to allow premature release of the convicts, the apex court had observed that the appropriate government to take a call on remission was Maharashtra, since the trial in the case had happened in Maharashtra.



- It has also clarified that it is the **Maharashtra state which is the appropriate government to decide** on the remission applications of the convicts. This means that the convicts can approach the Maharashtra government in the future for remission and that it will depend on the remission policy of the state among other factors.