

1. Bilkis Bano Case

Prelims Syllabus: Constitutional Bodies, Regulatory Bodies

Mains Syllabus: GS-II Structure, organization and functioning of the Executive and the Judiciary
Ministries and Departments of the Government; pressure groups and formal/informal associations
and their role in the Polity.



Why in News?

- The Supreme Court has recently sought a response from the Centre, Gujarat Government and others on a plea filed by Bilkis Bano, who was gang-raped and seven members of her family were killed during the 2002 post-Godhra riots.

What is Remission?

- The suspension is the stay or postponement of the execution of the sentence.
- In remission, the duration of the sentence is reduced, without changing the nature of the sentence.
- In remission, the nature of the sentence is remained untouched, while the duration is reduced i.e. the rest of the sentence need not be undergone.
- The effect of the remission is that the prisoner is given a certain date on which he shall be released and the eyes of the law he would be a free man.
- However, in case of breach of any of the condition of remission, it will be cancelled and the offender has to serve the entire term for which he was originally sentenced.

Constitutional provisions for Remission:

- 'Prisons' is a State subject under the State List of the Seventh Schedule of the Constitution.
- Indian laws provide pardoning power sourcing from statutory and constitutional authorities.
- By virtue of Article 72 and 161 of the Constitution of India, the President and Governor can grant pardon, to suspend, remit or commute a sentences passed by the courts.

What are the new norms?

- **The prisoners who would qualify for premature release under the scheme are:**
 - ✓ Women and transgender convicts of ages 50 and above
 - ✓ Male convicts of 60 and above who have completed 50% of their total sentence period without counting the period of general remission earned
 - ✓ Physically challenged or disabled convicts with 70% disability and more who have completed 50% of their total sentence period
 - ✓ Terminally ill convicts
 - ✓ Convicted prisoners who have completed two-thirds (66%) of their total sentence
 - ✓ Poor or indigent prisoners who have completed their sentence but are still in jail due to non-payment of fine imposed on them by waiving off the fine
 - ✓ Persons who committed an offence at a young age (18-21) and with no other criminal involvement or case against them and who have completed 50% of their sentence period would also be eligible for the remission

Exceptions to these norms:

- **Following persons would not be eligible for the grant of special remission:**
 - ✓ Persons convicted with death sentence or where death sentence has been commuted to life imprisonment or persons convicted for an offence for which punishment of death has been specified as one of the punishments
 - ✓ Persons convicted with sentence of life imprisonment
 - ✓ Convicts involved in terrorist activities or persons convicted under the Terrorist and Disruptive (Prevention) Act, 1985, Prevention of Terrorist Act, 2002, Unlawful Activities (Prevention) Act, 1967, Explosives Act, 1908, National Security Act, 1982, Official Secrets Act, 1923, and Anti-Hijacking Act, 2016