

### 3. What is Bilkis Bano Case?

**Prelims Syllabus:** Governance

**Mains Syllabus:** GS-I Indian Society | Role Of Women & Women Organization



#### Why in News?

- The Supreme Court has indicated it will primarily focus on the question of Gujarat's jurisdiction to prematurely release 11 men sentenced to life for the gang rape of Bilkis Bano and the murder of her family during the 2002 riots.

#### Central idea:

- The Bilkis Bano case is a landmark case of gangrape and mass murder that occurred during the 2002 Gujarat riots in India.
- Bilkis Bano, then a 21-year-old pregnant woman, was raped and her family members were murdered during the riots that followed the Godhra train burning incident.
- The case was initially left unnoticed, but after persistent efforts by Bano and her supporters, the case was reopened and the perpetrators were brought to justice.

#### Initial investigation and cover-up

- **No proper investigation:** Despite the gravity of the crime, the initial investigation was not conducted properly.
- **Evidence tampered:** The medical examination of Bano was conducted after several days, by which time crucial evidence had been lost.
- **No FIR registered:** The police refused to file a First Information Report (FIR) initially, and when they did, they left out crucial details of the incident.

## TIMELINE OF BILKIS BANO CASE

In the 2002 mob violence in Gujarat, Bilkis Bano was gangraped and her family members were killed. Her case went to court and accused were jailed after a trial:



**03.03.2002**

**BILKIS BANO FAMILY WAS ATTACKED BY A MOB AT RANDHIKPUR VILLAGE NEAR AHMEDABAD; BILKIS, FIVE MONTHS PREGNANT, WAS GANG- RAPED; HER KIN KILLED**

**March 4, 2002:** First FIR was filed in Limkheda police station in Dahod district; Names of the rapists included in the FIR

**March 25, 2003:** A summary report was filed and accepted by the Limkheda judicial magistrate; Limkheda judicial magistrate effectively closed the case citing in consensus as a reason

**April 2003:** Bilkis approached NHRC which asks Harish Salve to represent her in SC

**April 2003:** Bilkis approached SC seeking quashing of the summary report of Limkheda magistrate, a CBI investigation against Gujarat police officers and compensation

**October 25, 2003:** SC asked Gujarat government to stop the state CID investigation

**December 18, 2003:** SC handed over the case to CBI

**January 2004:** CBI arrested 12 accused

**February 11, 2004:** CBI filed an interim report highlighting complicity of Gujarat police

**April 9 2004,** CBI filed chargesheet against 20 people, including 6 police officers and two govt doctors

**April 2019:** SC directed Gujarat government to give Rs 50 lakh, a job and accommodation to Bilkis

**October 2020:** Bilkis again approached SC and said she was not satisfied with compliance of the apex court order with regard to the job offer and provision for accommodation made by the state government. The SC asked Bano to approach authorities with her grievances

**May 12, 2004:** CBI filed final reports mentioning gross violation and complicity of Gujarat cops

**July 2004:** Bilkis filed petition to transfer the case outside Gujarat

**August 2004:** The case transferred to special CBI court in Mumbai

**January 13, 2005:** Charges were framed

**February 20, 2005:** Bilkis identified 12 accused; The trial initially began in Ahmedabad

**January 21, 2008:** A special court convicted 11 men and sentenced them to life imprisonment for raping Bilkis and murdering seven of her family members, while acquitting seven, including cops and doctors

**May 4, 2017:** The HC convicted 7 people – 5 policemen and 2 doctors – under charges of not performing their duties and tampering of evidence.

**July 10, 2017:** SC dismissed appeals of two doctors and four policemen against conviction

### Reopening of the case:

- Bano and her supporters continued to fight for justice, and in 2004, the case was transferred to the Central Bureau of Investigation (CBI) on the order of the Supreme Court.
- The CBI conducted a thorough investigation and filed a charge sheet against 19 accused persons, including police officers and doctors who had tried to cover up the crime.
- In 2008, the trial began in a Mumbai court.

### Conviction and sentencing

- In 2017, after a long legal battle, a Mumbai court convicted 11 accused persons, including one police officer, for gang rape and murders.
- The police officer, who was the main accused, was sentenced to life imprisonment, while the others were given seven years' imprisonment.
- The court also acquitted seven other accused persons due to lack of evidence.

### Key issue: Release of convicts

- In February 2021, the Bombay High Court acquitted five of the convicted persons, citing lack of evidence.
- The court also upheld the life imprisonment of the police officer and reduced the sentence of the other convicts to three years.
- The convicts were released from prison after serving their sentence.

### What are the laws on remissions?

- Prisoners are often granted remission of sentences and released on important occasions such as birth and death anniversaries of prominent leaders.
- The President and the Governors have the power to pardon, suspend, remit, or commute a sentence passed by the courts under Articles 72 and 161 of the Constitution.
- Under Section 432 of the Code of Criminal Procedure (CrPC), the state governments also have the power to remit sentences as prisons are a state subject.
- However, the powers of remission of the state government are restricted by Section 433A of the CrPC.
- It mandates a person serving a life imprisonment sentence for an offence where death is a punishment or where a death sentence has been commuted, cannot be released until they have served at least 14 years in prison.

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### Critical reception of the judgement

- **Justice vindicated:** Bano and her family members expressed disappointment with the decision of the court to acquit some of the convicts, and they plan to challenge the verdict in the Supreme Court.
- **Communal angle to the release:** Bano has been a symbol of courage and determination for survivors of sexual violence in India, and her case has highlighted the need for justice and accountability for crimes committed during communal riots.

### Significance of the case:

- The Bilkis Bano case is significant as it highlights the issue of communal violence in India and the failure of the authorities to provide justice to the victims.
- The case also underscores the need for the protection of the rights of women and minorities in India.
- The long legal battle fought by Bano and her supporters shows that justice is possible, but it requires persistence, courage and the support of civil society.

