

## **BILKIS BANO CASE – TRIUMPH OF JUSTICE**

“Violence is not the key to Peace,  
Protest is not lead with Ease,  
Hatred is all that leads to,  
Justice is all that it needs”

According to Article 14 of Constitution of India, rule of law has been defined which promulgates access to justice for people. Access to Justice means reaching justice easily through legal proceedings at appropriate time delivery of justice should be impartial and non-discriminatory, state to take all necessary steps to provide fair, transparent, effective and accountable service that promote justice for all.

Justice is available to everyone irrespective of the disparities and specifically, the state shall cater to the victims as well. Though, it may be true most of the time, few cases leave dilemma in the hearts of people when there may be little loopholes that may lead to disparities. One such is the case of Bilkis Bano.

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 is a 21 year old pregnant woman, who was raped and her family members were murdered during the riots that followed the Godhara train burning incident.

Despite the gravity of the crime, the initial investigation was not conducted properly. The police refused to file a First Information Report (FIR) (U/s 154 CrPC) initially and when they did they left out the critical details of incident. The medical examination of bano was conducted after several days which should be conducted within 24 hours from receiving such information U/s 164A of CrPC and through that time crucial evidence has been lost.

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. The accused in the case were arrested in 2004 and the trial was moved out of Gujarat to Maharashtra after bilkis bano case received death threats. In 2008 the special CBI court sentenced 11 accused to life Imprisonment on the charges of to rape a pregnant woman (S.376), murder (S.302) and unlawful assembly (S.141) under Indian Penal Code. The court

acquitted seven other accused including police officer for lack of evidence. The Bombay high court in 2017 upholds the conviction and life imprisonment of 11 people in gang rape case.

One of the accused had approached the Gujarat high court seeking remission of the sentence under sections 432 and 433 of code of Criminal procedure. Under Articles 72 and 161 of Constitution, the President and Governor have the power to pardon and to suspend, remit or commute a sentence passed by courts. Since a prison is a state subject, state governments have powers to remit sentence. The apex court directed Gujarat government to look into the issue of remission of his sentence following which the government formed a committee. The committee took a unanimous decision in favour of remission of all the 11 convicts in the case. Bano and her family members expressed disappointment with the decision of the court to acquit some of convicts and they plan to challenge the verdict in the Supreme Court.

The Bilkis Bano case is significant as it high lights the issue of communal violence in India. One of the challenges in this case was delay in delivery of justice due to initial inaction of authorities, procedural delays and political influence. The acquitted of police officers raised concerns about police accountability and need for effective mechanisms to hold law enforcement officers responsible for their action. It also emphasized the importance of investigating and prosecuting such crimes as per international human rights standards.

The Bilkis Bano case underscored the significance of an independent and robust judiciary in a democratic society. The case's outcome rekindled faith in India's legal system and highlighted the potential for justice, even in cases marred by communal biases and political influence.

It served as a reminder to the nation that the pursuit of justice should be unwavering and that collective efforts are essential to ensure accountability and uphold the rule of law. The judiciary's intervention ensured that the wheels of justice kept turning despite the immense challenges sending a powerful message that no one is above the law and that justice can be obtained regardless of one's social or economic status.

“All the great things are simple and many can be expressed in a single word: freedom, justice, honor, duty, mercy, hope”