

## **Bilkis Bano case: Ex-NHRC member Sujata Manohar terms decision to release 11 convicts as 'dilution of rule of law'**

<https://indianexpress.com/article/india/bilkis-bano-case-ex-nhrc-member-sujata-manohar-terms-decision-to-release-11-convicts-as-dilution-of-rule-of-law-8103732/lite/>

Former Supreme Court Judge Sujata Manohar, who was a member of the National Human Rights Commission (NHRC) when the body intervened in 2003 on behalf of Bilkis Bano, termed the government's decision to release 11 convicts in the gangrape and murder case from the 2002 Gujarat riots a "dilution of rule of law".

"Especially in a case like this, the decision to release the convicts cannot be made arbitrarily. When a court has convicted and sentenced them, releasing them arbitrarily dilutes the rule of law," the former judge told indianexpress.com.

On August 15, 11 convicts walked out of prison after the Gujarat government panel remitted life sentences awarded to them. Bilkis Bano, pregnant at the time, was gangraped and her three-year-old daughter Saleha was among 14 killed by a mob on March 3, 2002, in Dahod during violence that broke out across Gujarat after the Sabarmati Express was attacked in Godhra and 59 passengers, mainly kar sevaks, were killed.

Significantly, in 2003, it was the NHRC's crucial intervention that ensured legal assistance for Bano to approach the Supreme Court after the Gujarat police had closed the case.

The human rights body, under former Chief Justice of India JS Verma, had met her when he visited a relief camp in Godhra in March 2002. Justice Manohar was a member of the Commission then, that had appointed senior advocate and former Solicitor General Harish Salve to represent her before the Supreme Court.

Salve argued for a fresh probe by the Central Bureau of Investigation (CBI) and, subsequently, for a transfer of the trial from Gujarat to Mumbai. Bano's case was the only Gujarat riots-related case that was investigated afresh by the CBI.

"It is very sad to see the case take this turn. We want women to be empowered but we do not ensure adequate safety for them. The remission does not send a proper message on the protection of women," Justice Manohar said.

## **Bilkis Bano case: NHRC to discuss convicts' release on Monday**

<https://www.newsbytesapp.com/news/india/bilkis-bano-case-nhrc-to-discuss-on-monday/story>

A week after the release of 11 convicts sentenced to life imprisonment in the Bilkis Bano gang rape case, the National Human Rights Commission (NHRC) is set to bring up the subject for "discussion" on Monday, The Sunday Express reported.

Notably, it was the NHRC's intervention in 2003 that ensured legal assistance for Bano in the Supreme Court following the Gujarat Police's cross.

### **Context**

Why does this story matter?

Bano was 21 years old and five months pregnant when riots erupted in Gujarat following the burning of the Sabarmati express train.

On March 3, 2002, Bano and her family were attacked by a mob that raped her and killed her family members in Randhikpur village near Ahmedabad.

Over 1,000 people were reportedly killed in the Gujarat riots in 2002.

### **Details**

What role did NHRC play in the case?

The human rights commission, led by former Chief Justice of India JS Verma, met Bano in March 2002 at a relief camp in Godhra.

Later, a senior advocate prominent and former Solicitor General was chosen by the NHRC to defend her before the Supreme Court.

However, following the Gujarat government's remission ruling, the convicts walked out of the Godhra sub-jail on August 15.

### **CBI**

Sentence was first pronounced by CBI court

In 2008, a special Central Bureau of Investigation (CBI) court in Mumbai sentenced the eleven accused to life in jail for gang rape and the murder of seven members of Bano's family.

The Bombay High Court eventually affirmed their conviction.

Bano was fleeing her village with her family to escape the violence that had erupted in Godhra at the time of the occurrence.

### **Incident**

What do we know about the incident?

Bano was accompanied by 16 family members including her three-and-a-half-year-old daughter.

On March 3, 2002, the family was attacked by a group of 20-30 persons armed with sickles, swords, and sticks

They raped women members including Bano. Later, seven of the family were found dead, and six were missing. Only Bano, a man, and a three-year-old child survived the brutal attack.

### **Trial**

Trial went on for six years

Following death threats against Bano, the trial was moved from Gujarat to Maharashtra. In Mumbai court, charges were made against 19 people, including six police officers and a government doctor.

A special court convicted 11 persons, including a Head Constable, in 2008 for "making incorrect records" to save the accused.

The court found seven persons not guilty due to a lack of evidence.

## Rapists freed: Is this how justice ends for Indian Muslims?

<https://www.aljazeera.com/opinions/2022/8/21/rapists-freed-is-this-how-justice-ends-for-indian-muslims>

It was Independence Day — for rapists and murderers.

On August 15, 11 convicts serving life terms for having committed mass murder and gang-raping Muslim women in the Indian state of Gujarat in 2002 were released. The state government had ordered their remission. It is not a coincidence that their release came on a day when India marked 75 years of freedom from colonialism. The men were garlanded when they stepped out of prison.

Bilkis Bano, the lone survivor among a group of Muslims who were chased and attacked with lethal weapons as part of a pogrom against the community, received the news of the release of her assaulters with shock and disbelief. “How can justice for any woman end like this?” she asked in a statement.

Bilkis, who was five months pregnant at the time, was among three women who were gang-raped by the convicts now set free. Her daughter Saleha’s head was smashed before her, killing her instantly. She was three years old. In all, 14 people were murdered in the attack.

From that moment, Bilkis fought against the odds — and the might of the Gujarat state government then led by current Prime Minister Narendra Modi and still headed by his Bharatiya Janata Party (BJP) — for justice. The local police officer who registered her case, after she walked almost naked from the scene of the crime, distorted her account to make the case weaker, according to the Central Bureau of Investigation, India’s premier investigative agency. A court found later that police officials and doctors fudged the facts, tried to manipulate the autopsy process and falsify records and destroy evidence. It was only when the National Human Rights Commission (NHRC) took up her case that the wheels of justice slowly started turning.

The case was moved out of Gujarat because the Supreme Court was convinced that a fair trial was not possible in that state. In 2008, a special court in Mumbai convicted the accused of rape and murder, a verdict upheld by higher courts. In 2019, the Supreme Court asked the Gujarat government to give Bilkis Bano Rs 50 lakh (\$62,560), a house and a job as compensation. The amount was unprecedented for such cases and underlined the extraordinary nature of the crime.

This wasn’t just about Bilkis. Scores of feminists, human rights defenders and organisations joined hands to shelter Bilkis, who had to live in hiding for her safety, constantly moving from one place to another. Their fight was also for every other person brutalised and murdered in what, in the eyes of many, was part of a genocidal crime against Muslims. When people with no criminal record decide to rape and kill women and men for their religion, as happened in 2002, it becomes all the more heinous.

Now, justice is being trampled upon.

After one of the convicts appealed to the Supreme Court for release, the top court of the land asked the Gujarat government to act in keeping with the state's remission policy in 2002. Using holes in that policy, a Gujarat government-appointed committee — loaded with BJP members — recommended remission. Never mind that Bilkis, who lives in close proximity to the homes of the released convicts, must now fear for her life, and the safety of her family, once more.

Why was this done on Independence Day? The symbolism is inescapable, especially since Modi had — only hours earlier — spoken about the need to respect women, in a speech to the nation. It is inconceivable that the Gujarat government could have pressed ahead with the release of the convicts without the consent of the prime minister's office and the office of the home minister, Amit Shah, who is Modi's most trusted lieutenant. Shah held the home office during Modi's time as Gujarat chief minister too.

The message to Bilkis and all those who held her hands while she fought for justice is clear: This is how battles for justice will end in Modi's India; that crimes against Muslims — even mass murders and gang rapes — will be treated lightly.

Sadly, none of this is surprising. After all, it was under Modi's rule in Gujarat that Bilkis first had to run for her life and hide from the state machinery. It was Modi's government in the state that fought her as she battled for justice.

Going back further, it is important to remember that Vinayak Damodar Savarkar, one of the ideological gurus of the ruling dispensation, had once justified rape as a legitimate weapon that could deter Muslims from doing the same to Hindu women.

It is also not a coincidence that calls for the murder of Muslims and rape of Muslim women have been given by so-called Hindu religious leaders in recent months. Instead of punishing them, Indian authorities have targeted those who exposed this hate speech, such as fact-checker Mohammad Zubair, who was arrested on spurious grounds.

Equally worrying is the role of some bodies that had once stood by Bilkis — like the Supreme Court. In June, activist Teesta Setalvad was arrested after the Supreme Court itself suggested that her pursuit of justice for the victims of the Gujarat pogrom was a conspiracy for which action should be taken against her.

If the message to Muslims is to not expect justice, the signal to the BJP's supporters is that they are immune from punishment for any crime. That in fact, any allegations that a Hindu has committed a crime against a Muslim must be a conspiracy — irrespective of the evidence available. Already, that is the claim being peddled by some regarding the 11 men released in the Bilkis case.

The remission of their sentences has sparked outrage in Indian civil society, with most opposition parties criticising the move. Interestingly, the newest contender for power in Gujarat, the Aam Aadmi Party — which rules in the national capital, Delhi, and in the state of Punjab — has maintained a studied silence. Is it choosing political expedience over justice?

The BJP, through decisions like this — which should be abhorrent to all sensitive people — is trying to make its constituents, who are mostly Hindu, partners in this perversity. They must speak up against this release.

The implications for India's 200 million Muslims are even more dire: Justice, even if secured as an exception, can be undone at any moment. Even on a day when they, like other Indians, are celebrating the nation they have always embraced, but that is now turning its back on them.

## **Bilkis Bano Case: बिलकिस बानो गैंगरेप केस में दोषियों की रिहाई पर NHRC में कल होगी चर्चा, समझिए क्या है पूरा मामला**

<https://www.financialexpress.com/hindi/india-news/release-of-11-bilkis-bano-convicts-nhrc-to-discuss-on-monday/2638127/>

बिलकिस बानो के गैंगरेप और उनके परिवार की हत्या करने वाले सभी 11 अपराधियों को रिहा किए जाने के एक हफ्ते बाद इस मामले पर अब कल यानी सोमवार को राष्ट्रीय मानवाधिकार आयोग (National Human Rights Commission) में चर्चा होगी. NHRC के चेयरपर्सन जस्टिस अरुण मिश्रा के कार्यालय ने संपर्क करने पर इसकी पुष्टि की. बता दें कि 2002 के गुजरात दंगों के बिलकिस बानो गैंगरेप और हत्या मामले में उम्रकैद की सजा काट रहे 11 दोषियों को गोधरा उप-जेल से स्वतंत्रता दिवस के दिन रिहा कर दिया गया था.

NHRC पैनल क्या कर सकता है

NHRC के पास मानवाधिकारों के उल्लंघन से संबंधित किसी भी शिकायत की या तो Suo Motu से या हस्तक्षेप की मांग वाली याचिका प्राप्त होने के बाद जांच करने का अधिकार है. NHRC अगर चाहे तो वह राज्य सरकार से रिपोर्ट मांग सकती है और सरकार के फैसले को अदालत के समक्ष चुनौती देने के लिए पीड़ित को कानूनी और वित्तीय सहायता भी सुनिश्चित कर सकती है.

मर्डर, दहेज, करप्शन से लेकर क्रिमिनल कॉन्सपिरेसी तक, बिहार के कई मंत्रियों पर हैं गंभीर आरोप

NHRC के ज्यादातर सदस्यों ने नहीं दी प्रतिक्रिया

NHRC के चेयरपर्सन जस्टिस अरुण मिश्रा के कार्यालय ने भले ही दोषियों की रिहाई के मामले पर सोमवार को चर्चा होने की पुष्टि की है, हालांकि, आयोग के ज्यादातर सदस्यों ने इस मामले पर टिप्पणी से इनकार कर दिया. अध्यक्ष के अलावा NHRC में तीन सदस्य, छह पदेन सदस्य और एक विशेष आमंत्रित हैं. इनमें से कई सदस्यों ने कहा कि उन्हें इस मामले की जानकारी नहीं है. वहीं, कुछ ने इस पर टिप्पणी करने से इनकार कर दिया.

जस्टिस महेश मित्तल कुमार, जो कि एक सदस्य हैं ने कहा कि सदस्य "सभी मामलों पर नज़र नहीं रखते हैं." उन्होंने कहा, "मैं मीडिया में किसी मुद्दे का जवाब नहीं दे सकता. NHRC पर विचार-विमर्श के बाद ही टिप्पणी करेंगे." एनएचआरसी के एक अन्य सदस्य ज्ञानेश्वर मनोहर मुले ने कहा, "मैं दिल्ली में नहीं था और न ही मुझे इस मामले की जानकारी थी. मैं सोमवार को अध्यक्ष के साथ चर्चा करूंगा." तीसरे सदस्य, राजीव जैन का भी कहना है कि उन्हें इस मामले

के बारे में जानकारी नहीं है. राष्ट्रीय अल्पसंख्यक आयोग के अध्यक्ष और NHRC के एक पदेन सदस्य, इकबाल सिंह लालपुरा ने कहा, “मैं बहुत अस्वस्थ हूँ और पिछले कुछ दिनों से अस्पताल में भर्ती हूँ. इसलिए मैं इस मामले से अनजान हूँ और फिलहाल इस पर टिप्पणी नहीं कर पाऊंगा.” इसके अलावा, राष्ट्रीय महिला आयोग की अध्यक्ष रेखा शर्मा, जो NHRC की पदेन सदस्य भी हैं, ने टिप्पणी करने से इनकार कर दिया. राष्ट्रीय बाल अधिकार संरक्षण आयोग के अध्यक्ष व विशेष आमंत्रित सदस्य प्रियांक कानूनगो का कहना है कि उन्हें इस मामले की जानकारी नहीं है.

राष्ट्रीय अनुसूचित जनजाति आयोग के अध्यक्ष हर्ष चौहान ने कहा, “मैं अनुसूचित जनजाति आयोग के अध्यक्ष के रूप में एनएचआरसी का एक पदेन सदस्य हूँ, लेकिन हम एनएचआरसी के दैनिक व्यवहार में भाग नहीं लेते हैं. जहां तक बिलकिस बानो मामले का संबंध है, यह एसटी आयोग से संबंधित नहीं है और मेरे लिए टिप्पणी करना सही नहीं होगा.” इसके अलावा, अनुसूचित जाति आयोग के अध्यक्ष विजय सांपला, जो एनएचआरसी के पदेन सदस्य भी हैं, से बात नहीं हो पाई.

2017 से 2022 तक एनएचआरसी की पूर्व सदस्य एडवोकेट ज्योतिका कालरा ने गुजरात सरकार के इस कदम की आलोचना की. उन्होंने कहा, “यह बेहद दुर्भाग्यपूर्ण है कि बिलकिस बानो मामले में 11 दोषियों को रिहा कर दिया गया. यह सिर्फ किसी यौन अपराध का मामला नहीं है बल्कि दंगों के दौरान एक बच्चे के सामूहिक बलात्कार और हत्या का मामला है. पीड़िता अल्पसंख्यक समुदाय से ताल्लुक रखती हैं, इसलिए यह मामला और गंभीर हो जाता है.”

युवाओं में शराब की कम लत के चलते जापान परेशान, अब एक प्रतियोगिता का हो रहा आयोजन, समझें क्या है पूरा मामला

क्या है पूरा मामला

साबरमती एक्सप्रेस के कुछ डिब्बों में फरवरी 2002 को गोधरा के पास आग लगाए जाने से 59 लोगों की मौत हो गई थी. इस घटना के बाद गुजरात में दंगे भड़क उठे थे. दंगाइयों के हमले से बचने के लिए बिलकिस बानो अपनी साढ़े तीन साल की बेटी सालेहा और परिवार के 15 अन्य सदस्यों के साथ अपने घर से भाग गई थीं. इस दौरान बिलकिस बानो पांच महीने की गर्भवती थीं. 20-30 लोगों ने बिलकिस बानो और उनके परिवार पर लाठियों से हमला कर दिया था. बिलकिस बानो और चार महिलाओं के साथ मारपीट कर उनके साथ रेप किया गया. इतना ही नहीं, बिलकिस की बेटी समेत सात लोगों की हत्या कर दी गई थी.



## बिलकिस बानो केस: दोषियों की रिहाई पर सवाल, मानवाधिकार आयोग आज करेगा विचार

<https://www.aajtak.in/india/gujarat/story/human-rights-commission-will-consider-release-of-convicts-of-bilkis-bano-case-ntc-1522684-2022-08-22>

गुजरात के चर्चित बिलकिस बानो केस में उम्रकैद पाए कैदियों की रिहाई के मुद्दे पर अब मानवाधिकार आयोग चर्चा करेगा. दरअसल, गुजरात सरकार ने 11 दोषियों को अपने संविधान प्रदत्त अधिकार के तहत रिहा कर दिया था. इनकी रिहाई पर राष्ट्रव्यापी बहस छिड़ने के बाद राष्ट्रीय मानवाधिकार आयोग आज सोमवार को इस पर विचार करेगा. बताया जा रहा है कि आयोग इस पूरे मामले की समीक्षा के लिए टीम भी बना सकता है. राष्ट्रीय मानवाधिकार आयोग के उच्च पदस्थ सूत्रों के मुताबिक सोमवार को आयोग की दैनिक कार्यसूची में ये मुद्दा शामिल है. इस मामले में आयोग जांच कराने के अलावा राज्य सरकार को निर्देश भी दे सकता है कि पीड़ित को सुप्रीम कोर्ट में पुनर्विचार अपील दाखिल करने के लिए आर्थिक मदद राज्य सरकार मुहैया कराए. आयोग ने 2003 में दिए थे सीबीआई जांच के आदेश

बता दें कि 2002 में गुजरात में हुए साम्प्रदायिक दंगों के दौरान उन्मादी भीड़ ने गर्भवती बिलकिस बानो से रेप किया था. उस दौरान बिलकिस की तीन साल की बच्ची समेत 14 लोगों की हत्या कर दी गई थी. जब कार्रवाई में ढील देखी गई तो जस्टिस जेएस वर्मा की अगुआई में मानवाधिकार आयोग की टीम ने दंगा राहत शिविर का दौरा करते हुए 2003 में इस मामले की नई सिरे से सीबीआई जांच कराने का निर्देश दिया था. कोर्ट ने सुनाई थी उम्रकैद की सजा आयोग में सचिव स्तर के एक अधिकारी ने बताया कि सीबीआई की विशेष अदालत ने जनवरी 2008 में इस मामले के 13 में से 11 आरोपियों को रेप और हत्या का दोषी करार देते हुए उम्रकैद की सजा सुनाई थी. बाद में दोषियों की अपील पर बॉम्बे हाईकोर्ट ने भी मई 2017 में अपना फैसला सुनाते हुए इस सजा को बरकरार रखा था. लेकिन गुजरात सरकार ने सजा की समीक्षा और कैदियों के चाल चलन को देखते हुए सजा कम या माफ करने के अधिकार के तहत इन सभी को गोधरा जेल से रिहा कर दिया था.