

# BILKIS CASE: SC SEEKS REMISSION REPORTS

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The Supreme Court on Friday asked the Gujarat government to place on record the documents concerning the remission granted to 11 convicts sentenced to life imprisonment in the Bilkis Bano gang rape case.

A Bench of Justices Ajay Rastogi and B.V. Nagarathna also issued notice on a petition filed by the Trinamool Congress MP Mahua Moitra, who said the release “completely fails to bolster either social or human justice”.

The court had issued a notice in an earlier petition filed by CPI(M) leader Subhashini Ali, independent journalist and filmmaker Revati Laul and former philosophy professor and activist Roop Rekha Varma against the convicts’ release on August 5. One of the convicts complained that he was not impleaded in the case despite the apex court asking the petitioners to do so in the previous hearing.

“Fourteen persons were killed, a pregnant woman and several other women were raped, a three-year-old child had her head smashed to the ground. The accused were identified... We are asking in these circumstances what is the judicial review of the Court in the context of remission,” senior advocate Kapil Sibal, for the petitioners, had submitted in the apex court in the previous hearing.

The Gujarat government had relied on its policy of 1992 to approve the convicts’ applications for the remission of the sentence and not the current policy of 2014. In May 2022, the apex court had directed the Gujarat government to consider the application of one of the convicts, Radheshyam Bhagwandas Shah @ Lala Vakil, for the premature release in terms of its remission policy of July 9, 1992. The 1992 policy was prevalent on the date of conviction.

The court followed its judgment in the State of Haryana versus Jagdish which held that the policy applicable at the time of conviction must be considered for deciding an application of premature release.

In its May 13 judgment, the court had concluded that Gujarat was the “appropriate government” under Section 432 of the Code of Criminal Procedure to decide the remission of the convicts in the case.

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