

# [***India's Supreme Court orders 11 men convicted of murder and gang rape to return to jail after early release***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6B29-HWF1-JBSS-S3N6-00000-00&context=1516831)

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**Body**

New Delhi (CNN) &#8212; [*India's*](https://www.cnn.com/world/india) top court on Monday reversed a state government's decision to release 11 men convicted of gang-raping a pregnant Muslim woman during Hindu-Muslim riots in 2002, and ordered for them to be sent back to jail.

The men were part of a Hindu mob sentenced to life in prison for the gang rape of Bilkis Bano, who was 21 years old and pregnant at the time. The same mob killed 14 members of her family, including her 3-year-old daughter.

They were released in August 2022 after serving 14 years of their sentence following a decision made by an advisory panel set up by the Gujarat state government, which is led by Prime Minister Narendra Modi's Bharatiya Janata Party (BJP).

But on Monday, India's Supreme Court quashed that decision and ordered the men to report back to prison authorities within two weeks.

The Gujarat government was "lacking in competency" to pass the remission orders as the trial and sentencing happened in Maharashtra state, the court ruled. The court slammed the Gujarat government for abusing its discretionary powers in releasing the 11 convicts without authority.

Bano welcomed the ruling saying she "wept tears relief".

"I have smiled for the first time in over a year and half. I have hugged my children. It feels like a stone the size of a mountain has been lifted from my chest, and I can breathe again," she said in a statement.

When the convicts were released on remission in August 2022, Bano said she felt she had "exhausted her reservoir of courage" but she then found strength in the solidarity that came her way from thousands of people across the country.

"You gave me the will to struggle, to rescue the idea of justice not just for me, but for every woman in India. I thank you," she said.

The move was celebrated by supporters of Bano, who had decried the men's release as an attack not only on Muslims but women's rights in a country where government data shows a woman is raped every 17 minutes.

"Rule of law has been restored by this judgment. Many Congratulations to Bilkis and to all of us who stood by her and fought for her," said Shobha Gupta, Bano's lawyer, on Monday after the ruling.

Aparna Bhat, an advocate for one of the petitioners of the case, also praised the ruling. "We really salute the judges who interpreted the whole provision of the law and for categorically directing that the accused should surrender," Bhat said. "This was an extraordinary case and a phenomenal judgment by the Supreme Court."

The crimes committed against Bano took place in February 2002 when centuries-old divisions [*erupted in Gujarat*](https://www.cnn.com/2023/04/20/asia/india-gujarat-riots-acquittal-murder-inl-hnk/index.html) between the majority Hindus and the minority Muslim community.

It was one of India's worst religious riots, leading to the deaths of more than 1,000 people, most of them Muslims.

An inquiry found Modi - then Gujarat's chief minister - wasn't to blame for the riots.

Bano would later tell the court the men ran toward them with swords, sticks and sickles. According to court documents, one grabbed her young daughter and smashed her on the ground. Three men raped her, while the others attacked her sisters, aunts and their daughters. She fell unconscious and woke hours later, surrounded by bodies.

In 2008, after a high-profile trial, her attackers were sentenced to life in prison for rape and murder. But in August 2022, the state government granted them remission under a provision in India's Code of Criminal Procedure that allows prisoners to be freed once they serve 14 years.

The decision sparked outrage across India, with protests held in support of Bano from Kolkata to Mumbai. Critics claimed the decision to release the men was tainted by ***politics***, misogyny and religious discrimination.

By Manveena Suri, Aishwarya S Iyer and Jessie Yeung, CNN

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