India’s top court overrules early release of 11 in gang rape case

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(FILES) Women shout slogans during a protest against the release of men convicted of gang-raping Bilkis Bano during the 2002 communal riots in Gujarat, in Mumbai on August 23, 2022. - India's top court said on January 8, 2024 that 11 murderers convicted of a gang rape that drew global outrage but who were released early must return to jail. (Photo by INDRANIL MUKHERJEE / AFP)  
  
India’s top court ruled Monday that 11 murderers convicted of a gang rape that drew global outrage but who were released early must return to jail.  
  
  
  
Bilkis Bano and two of her children were the only survivors among a group of Muslims attacked by a Hindu mob in the western state of Gujarat in 2002 during one of post-independence India’s worst religious riots.  
  
Bilkis was pregnant at the time and seven of the 14 people murdered were relatives, including her three-year-old daughter.  
  
The attack took place when Hindu nationalist Narendra Modi, now India’s prime minister, was the premier of Gujarat.  
  
Modi was accused of turning a blind eye to the riots but was cleared of any wrongdoing in 2012, two years before his Bharatiya Janata Party (BJP) won national power.  
  
The 11 convicts were freed in August 2022 following a recommendation by a state government panel, but must now return to jail within two weeks, the Supreme Court in New Delhi ruled.  
  
  
  
“Their plea for protection of their liberty is rejected,” the Supreme Court said.  
  
Allowing them to remain free would “not be in consonance of the rule of law”, it added.  
  
The men were accorded a heroes’ welcome when they were released in 2022 and a viral video showed relatives and supporters welcoming them with sweets and garlands.  
  
The convicts’ release triggered angry reactions across the country, especially since it coincided with India’s Independence Day celebrations, when Modi spoke about women’s safety and security.  
  
Soon afterwards, Bilkis said she was “bereft of words”.  
  
At the time, she said in a statement released by her lawyer that she “trusted the system” and was “learning slowly to live with her trauma”.  
  
  
  
“The release of these convicts has taken from me my peace and shaken my faith in justice,” she said then. “My sorrow and my wavering faith is not for myself alone but for every woman who is struggling for justice in courts.”  
  
The opposition Congress party welcomed Monday’s ruling, saying it exposed the BJP’s “callous disregard for women”.  
  
“It is a slap on the face of those who facilitated the illegal release of these criminals and also those who garlanded the convicts and fed sweets to them,” spokesman Pawan Khera posted on X, previously known as Twitter.  
  
“India will not allow administration of justice to be incumbent on the religion or the caste of the victim or the perpetrator of a crime.”