# Legal Case Summary

Case Title: Bilkis Yakub Rasool vs Union of India & Others

Citation: 2024 INSC 24

Date of Judgment: 8 January 2024

Bench: Justice B.V. Nagarathna

Author of Judgment: Justice B.V. Nagarathna

## Parties Involved

Petitioner: Bilkis Yakub Rasool (victim of the 2002 Gujarat riots)

Respondents: Union of India, State of Gujarat, and Convicts (Respondents No. 3 to 13)

## Background / Facts of the Case

Bilkis Yakub Rasool, a gang-rape survivor of the 2002 Gujarat riots, challenged the premature release of 11 convicts granted remission by the Gujarat Government on 10 August 2022. The crimes included brutal rape and murder of Bilkis' family members during the riots. The case had originally been tried in Mumbai due to concerns of impartiality in Gujarat. Though earlier remission applications were rejected by courts and investigative authorities, a subsequent Supreme Court order directed Gujarat to consider remission as per its 1992 policy. Gujarat sought central approval, and all 11 convicts were released in 2022. Multiple writ petitions, including PILs, were filed challenging this remission.

## Legal Issues Raised

1. Whether Bilkis Bano and others had locus standi to challenge remission under Article 32.

2. Whether the Gujarat Government was the competent authority to grant remission.

3. Whether the remission orders were in line with Section 432 and 435 of CrPC.

4. Whether the procedure followed, including recommendations and consultations, was legally valid.

## Judgment / Decision

The Supreme Court quashed the remission orders dated 10.08.2022 and declared them illegal, arbitrary, and without jurisdiction. The Court held that the Gujarat Government was not the 'appropriate government' under CrPC since the trial was conducted in Maharashtra. It emphasized that consultation with the convicting court and the CBI was essential and found that Gujarat acted in haste and disregarded adverse recommendations. The Court directed the re-incarceration of all 11 convicts.

## Final Order

• Remission orders dated 10 August 2022 quashed.

• Convicts ordered to surrender and return to jail.

• State of Gujarat reprimanded for improper use of remission power.

## Case Timeline

• 2002: Gujarat riots, Bilkis Bano gang-raped

• 2004: Trial transferred to Mumbai

• 2008: Conviction of 11 accused

• 2017: Bombay HC upholds convictions

• 10 August 2022: Gujarat Government grants remission

• 8 January 2024: Supreme Court quashes remission orders

## Relevant Legal Principles & Precedents

• Indian Penal Code – Sections 302, 376(2)(e)(g), 143–149

• CrPC – Sections 432, 433, 435

• Article 32 of the Constitution of India

• State of Haryana vs. Jagdish, Union of India vs. V. Sriharan

## Key Takeaways

- Victims and society have a legitimate stake in challenging remission in heinous crimes.

- Proper jurisdiction and procedure are mandatory for remission.

- State must not bypass legal safeguards or act arbitrarily in remission cases.