

To: The Hon'ble Chief Justice of India

Sub: Appeal to revoke the remission of the 11 convicted in Bilkis Bano case and provide security to her and her family

Dear Sir,

We, the distressed citizens of India from the different districts of Karnataka write to you regarding the remission of sentence and release of 11 convicts who were serving a life sentence for the brutal and barbaric gangrape of 5 month pregnant Bilkis Bano and several other women of her family along with murder of her family members, including her 3-year-old daughter during the anti-Muslim pogrom in Gujarat in 2002.

The visuals of the convicts being garlanded and feted with a hero's welcome was adding insult to injury to Bilkis Bano and all the women in our country.

It is shocking too that despite only one of the convicts applying for remission a blanket remission has been granted to all the 11 convicts despite the law clearly requiring each case of remission to be considered separately.

The appalling rationale for remission, that they were all *sanskari brahmins*, as stated by a sitting MLA of the BJP who was one of the members of the committee set up by the Gujarat government to look into their appeal, was as unconstitutional as it was unconscionable, anti-women and anti-minorities.

It seems obvious that these convicts were being rewarded for committing these heinous crimes of rape and murder of women and men specifically from the Muslim community. Especially given that the community has been relentlessly under attack on some pretext or the other under the present ruling dispensation – be it the lynching of Muslims in the name of the ban on beef, arbitrary incarceration of the youth in the name of love jihad, boycott of Muslim businesses or the exclusion of young Muslim women from education in the name of imposing a dress code that excludes their chosen garb of the Hijab. All of these too are absolutely unconstitutional if not criminal acts of discrimination, intimidation and violence.

Further, the singling out of these criminals for release when the heinous crime that they committed do not even entitle them to be considered for remission exposes the systemic discrimination in treatment of offenders. Witness the thousands of under trial prisoners who are languishing inside jails with no access to even a trial let alone justice only because they are poor and come from Dalit, Adivasi or minority communities.

We are aware that the path to justice for Bilkis Banu like every other woman who speaks out against sexual violence, was not easy. She had to contend with the highly biased Gujarat police that made every step of that way difficult. In fact, in 2003, the Gujarat Police even filed a closure report which she had to subsequently challenge and it was only after several rounds of litigation before the Courts, that the Courts in Mumbai upheld the conviction. Highlighting the unlawful manner in which the Gujarat police have functioned, the Bombay High Court said:

“132. ... (T)his case is different from the other cases of murders and rape basically due to manipulations, suppressions by the investigating team of Limkheda police station and Gujarat Police due to which the investigation was transferred by the Supreme Court to CBI.”

It is also disappointing that the same Supreme Court which had transferred both the investigation to the CBI and the trial from Gujarat to Mumbai taking cognisance these lapses in investigation and in 2019 also awarded Rs 50 lakhs compensation to Bilkis Banu now referred the plea for remission back to the very same State Government under whose watch this crime originally happened and was sought to be hushed up.

All those years that Bilkis Bano was fighting for justice, she and her family despite being the victims were forced to live like fugitives without security, with no settled home, income, or education for their children. And now we hear that after remission the threats on them have only increased as a result of which once again they have had to abandon their homes for fear of reprisal.

They have been condemned to live in permanent fear while the convicts are condoned and set free.

The pattern emerging at every stage of her journey to (in)justice has been that of the complicity and apathy of the State government - from the registering of the complaint to now the remission of the convicts. The remission constitutes nothing but an unprecedented assault on the safety of all Indian women who will now have absolutely no confidence with which they can approach the system for any kind of justice. This in turn will undoubtedly lead to a greater sense of impunity for gender violence in our society.

Our collective outrage is for Bilkis Bano who is as much a daughter of India as the brave Jyothi Singh or Nirbhaya whose brutal gang rape and murder led to widespread changes in the laws on rape and sexual violence. It is on behalf of all those women who, like Bilkis Bano, are struggling for justice from the Courts and the system against insurmountable odds and like her want justice and not revenge so that our daughters can grow up in a safe and just India. It is a message from all sane citizens of this country who want accountability, and not impunity, to fight back against the exponential rise in heinous crimes against women. It is in this context that we place before you our demands that we hope you will consider and restore our collective faith in the judiciary.

OUR DEMANDS:

- **Revoke the remission granted to the 11 convicts in this case, irrespective of the legal technicalities that the decision itself may hide behind. After the Nirbhaya case, the subsequent changes in remission policy since 2014 already recognise that rape and murder are heinous crimes that do not deserve remission. We request you to invoke this change in thinking and revoke the remission given to the convicts**
- **Grant Bilkis Bano and her family all the necessary security to protect them from further threats and harassment, restore to them their right to rebuild their lives, live in peace and find normalcy.**