SC Order on Compensation to Bilkis Bano

Why in news?

The Supreme Court ordered the Gujarat government to pay Rs. 50 lakh compensation to Bilkis Bano, a 2002 communal riots and gang-rape victim.

What is the case about?

- During the 2002 Gujarat riots, a pregnant Bilkis Bano was gang-raped.
- Seven of her family members were killed and her daughter was smashed against a wall by a mob, at Randhikpur village.
- Criminal prosecution resulted in conviction and life sentences to 11 persons, and the sentences were upheld by the Bombay High Court.
- But there had been deliberate inaction on the part of some police officers and autopsies were done carelessly and manipulated.
- In short, this is a concrete instance of state inaction and negligence.
- For the past nearly two decades, Ms. Bano had taken up the matter with the local police, an NGO, the CBI and the courts to get justice for herself.

What is the Supreme Court's order?

- The court said Ms. Bano was a witness of the "devastation" of her own family.
- It thus stressed upon the need to rehabilitate the victim who is living a nomadic hand-to-mouth existence, having lost all.
- The Gujarat government was thus ordered to pay Ms. Bano Rs. 50 lakh as compensation, a government job and housing in the area of her choice.
- The court also ordered the Gujarat government to withdraw the pension benefits of three police officers involved in the case.

Why is it welcome?

- Compensation to victims is a relatively less recognised component of the criminal justice system which focusses mainly on the accused.
- So an order of compensation is a recognition of the state’s obligation to victims of crime, especially horrific acts.
- The court has asked the government to compensate the victim from its own coffers, achieving restitutive justice.

What are the legal mechanisms in this regard?

- The Code of Criminal Procedure was amended in 2008 to insert Section 357A.
- Under this, every State government has to prepare a scheme to set up a fund from which compensation can be paid.
- This applies to victims of crime and their dependants who have suffered loss and injury and who may require rehabilitation.
- The Centre has a similar Central Victim Compensation Fund.
- On Supreme Court directions, the National Legal Services Authority has prepared a compensation scheme for women victims and survivors of sexual assault and other crimes.
- Many States have notified schemes on these lines and there are mechanisms to assess rehabilitation needs and pay compensation.
- But they largely remain on paper.
- There is thus a need to streamline the schemes and ensure that the compensation process is not done in an ad hoc manner.
- More policy thinking is needed to implement them based on sound principles.

Source: The Hindu

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