

## **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**