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A Critical Analysis of Remission laws in India with Special Reference of Bilkis Bano Case

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***Abstract*—The government possesses the authority to suspend or commute sentences as outlined in Section 432 of the Criminal Code. The remission should rely on precise, equitable, and rational information. Sentence remission refers to the complete termination of a sentence, albeit in a condensed form. The provisions for granting remission are outlined in Articles 72 and 161 for the President and the Governor, respectively. Instances of non-compliance with Article 21 may arise when applicants for remission experience delays in submitting their required documentation. Remission is not inherently entitled.**

***Index Terms*- Remission, equitable, and rational information.**

I. INTRODUCTION

The current correctional system has multiple issues that require resolution. The general perception of prisoners in society has traditionally been characterised by a perception of being socially regressive. To achieve this goal, the system endeavours to acknowledge individuals as human beings and grants them certain rights. The Executive achieves this objective through various methods, including the exercise of clemency, which encompasses actions such as granting reprieves, pardons, respites, commutations, or remissions in cases of wrongdoing. Article 72 and Article 161 of the Constitution grant the President and the Governor the power to exercise clemency and other acts of compassion. Prisoners who exhibit good conduct and successfully complete their sentence may be eligible for remission, a significant form of pardon.

The Ministry of Home Affairs recently released guidelines on determining remission eligibility for inmates, coinciding with India's 75th anniversary of independence. The 11 individuals convicted for the rape and murder in the Bilkis Bano case in 2002 were recently released from prison due to the remission programme implemented in Gujarat. This article will examine the concept of remission in the contemporary legal system and the corresponding regulations.

On August 15, 2022, the nation's 75th Independence Day, eleven prisoners were released from the Gujarati prison of Godhra as part of the "Azadi ka Amrit Mahatosav," or 75 years of Independence Day celebrations. Ironically, these rapists were freed mere hours after the Indian Prime Minister talked in his Independence Day speech about women's liberation. On such a significant day, the release of these horrible criminals makes us furious and raises major concerns about morality, the administration of justice, the rule of law, and the alleged dedication to the cause of women's protection and empowerment as well as the blossoming of democracy in India.

This outcome resulted from the freedom granted to them under the remission plan of Gujarat. Following their release from prison, photographs emerged depicting family members caressing their feet while presenting them with confections and bestowing blessings upon them. These individuals perpetrated sexual assault against Bilkis Bano and several other members of her family in the aftermath of the Godhra riots that took place two decades ago. The Bilkis Bano incident was a particularly egregious act that occurred during the 2002 riots in Gujarat. In 2008, a Mumbai court established by the CBI issued sentences to the defendants for their involvement in gang rape and the murder of seven members of Bilkis Bano's family.On May 4, 2017, the Mumbai High Court overturned the acquittals of seven police personnel and physicians for tampering with and deleting important evidence but upheld the life sentences granted to the 11 individuals convicted by the lower court. Even while such misconduct by police officers and medics is far from unusual, there are few instances of public employees incurring equal punishment for shielding hate criminals in cases of wide spread communal violence in India.The rights of Bilkis Bano, a mother, a woman, and a citizen, she alleged, had been "violated most ruthlessly."[1]

According to Indian law, in certain cases, a sentence's length may be decreased without impacting the essence of the sentence itself. Remission is the term for this. There is no right to it. Executive discretion is a requirement. The Supreme Court made note of this in the case of State of Haryana v. Mahender Singh.2 Commutation and suspension are not the same as remission. The President and the Governor,

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[1] 'Understanding the Remission Policy That Led to the Release of Bilkis Bano's Rapists' <https://thewire.in/law/understanding-the-remission-policy-that-led-to-the-release-of-bilkis-banos-rapists> accessed 12 October 2022.

[2] 'State Of Haryana vs Mahender Singh & Ors on 2 November, 2007' <https://indiankanoon.org/doc/790000/> accessed 14 October 2022.

respectively, have the authority to grant remission under the provisions of Articles 72 and 161 of the Indian Constitution.3

The important thing to remember is that this remission only applies to those who have been found guilty, meaning that their guilt has been established and they have already served a portion of their sentence. Consequently, it must be issued with the utmost care. *In Laxman Naskar v. Union of India*[4], the Honorable Supreme Court has established the criteria that must be met in order to consider remission.[5]

Questions have been raised regarding the Bilkis Bano case's release of prisoners on remission, including how these prisoners were released while having been found guilty of horrible crimes and whether state governments really had the authority to pardon or release such prisoners. How much longer will Indian women have to put up with such a blatant denial of their right to exist as equal human beings? Is this the reason we won our independence from our colonisers, on the one hand, while chest-thumping politicians shout slogans like "Beti Bachao" (Save the girl child) and release and honour rapists? "India will be free," said Mahatma Gandhi, "when women feel secure walking in the streets of India at nightfall." Even in broad daylight, is it safe for Indian women to cross the street? Gandhiji's dream of a free India has yet to be realised, raising the question of how long it would take. Any patriotic Indian should ask whether it is necessary for women to live under 'dependence'.

The remission system, as defined by the Prison Act of 1894, refers to a set of guidelines that determine the allocation of marks to incarcerated offenders and the subsequent reduction of their sentence.[6] The definition is stated in the Prison Act of 1894.

Remission refers to the cessation of a sentence at a point lower than its originally intended conclusion. Remission should be distinguished from furlough or parole as it does not interrupt the inmate's experience, but rather entails a reduction in their sentence. This feature sets it apart from both of those alternatives. It reduces the sentence duration while maintaining the essence of the offence, thereby relieving the individual from the obligation to serve the remaining time. This results in the inmate being granted a predetermined release date and, from a legal standpoint, being recognised as an individual who is no longer incarcerated. In the event that any of the conditions are breached, the granted remission will be rescinded, thereby necessitating the offender to serve the remaining duration of the original sentence that was initially imposed.

In the Kehar Singh vs. Union of India[7] case, the courts are prohibited from denying an inmate the opportunity to have their eligibility for sentence reduction assessed. If denied, the prisoner would be compelled to endure lifelong confinement without any chance of escape. This approach contradicts rehabilitation principles and would trap the inmate in an inescapable situation.

The Supreme Court also in the case of State of Haryana vs. Mahender Singh8 state that no criminal has a fundamental right to remission, but the State must take all relevant facts into account while using its administrative power of remission, it was noted. The Court also believed that a right to be taken into consideration for remission ought to be upheld as valid. Considering the constitutional protections for a convict provided by Articles 20 and 21 of the Indian Constitution, this is done.

II. CONSTITUTIONAL PROVISIONS

The Constitution has given both the President and the Governor the authority to pardon people on their own volition.

According to Article 72 of the Constitution, the President is bestowed with the power to exercise clemency by means of commuting, suspending, or granting pardons, reprieves, respites, or remissions of punishment. This regulation is applicable to circumstances pertaining to court-martial sanctions, transgressions against laws associated with the executive jurisdiction of the federal government, and instances concerning penalties.9

According to Article 161, the Governor is vested with the jurisdiction to exercise sentence modifications, including commutation, delay, or change. Additionally, the Governor is authorised to bestow pardons, reprieves, respites, or remissions. Individuals who have been convicted under any statute pertaining to the exercise of state executive authority are deemed qualified to participate in political candidature10. The scope of the President's jurisdiction to issue pardons, as outlined in Article 72, surpasses that of the Governor's authority as specified in Article 161.11

III. STATUTORY REMISSION POWER

The Code of Criminal Procedure (CrPC) allows for the cancellation of all or part of a prison sentence, which is known as remission of prison sentences. 12 As provided under Section 432 of CrPC, a sentence may be suspended or commuted, in whole or in part, and with or without conditions. 13 Section 433 of the Code provides that any sentence may be commuted under by the responsible authority to a shorter one. 14 State governments have access to this authority so they can order the release of prisoners before their sentences are up.

IV. THE LOOPHOLE AND RELEASE OF CONVICTS

[3] 'COI_English.Pdf' <https://legislative.gov.in/sites/default/files/COI_English.pdf> accessed 15 October 2022.

[4] 'Laxman Naskar vs Union Of India & Ors on 15 February, 2000' <https://indiankanoon.org/doc/569426/> accessed 14 October 2022.

[5] ibid.

[6] 'A1894-9.Pdf' <https://legislative.gov.in/sites/default/files/A1894-9.pdf> accessed 15 October 2022.

[7] 7'Kehar Singh and anr. etc vs Union of India And anr on 16 December, 1988' <https://indiankanoon.org/doc/1152284/> accessed 14 October 2022

[8] 'State Of Haryana vs Mahender Singh & Ors on 2 November, 2007' (n 2).

[9] 'COI_English.Pdf' (n 3).

[10] ibid.

[11] ibid.

[12] 'The Code of Criminal Procedure, 1973' 226.

[13] ibid

[14] ibid

Radheshyam Shah cited sections 432 and 433 of the Criminal Procedure Code in his appeal to the Gujarat High Court. The individual requested a reduction or commutation of the duration of their current incarceration, along with a complete remission of their sentence. The sentence of Radheshyam Shah has already been served. The petition filed by the individual was dismissed by the High Court on the basis that the competent authority in the matter was the state of Maharashtra, rather than Gujarat. The basis of this argument was that Gujarat possessed jurisdiction over the case. Furthermore, the court has issued an injunction mandating that the parties comply with the previous ruling. The Supreme Court of India, in the case of Radheshyam Bhagwandas Shah @ Lala Vakil v. State of Gujarat, rendered a judgement in May 2022, wherein it overturned the ruling of the High Court. Mr. Radheshyam Bhagwandas Shah, also known as Lala Vakil initiated legal proceedings by filing a case with the Supreme Court. Lala Vakil, who is also recognised as Radheshyam Bhagwandas Shah, submitted a petition to the Supreme Court for the court's consideration of the case. The Supreme Court has ruled that the Gujarat Government has a legal obligation to consider the appeal for sentence commutation due to the fact that the offending conduct took place within Gujarat's territorial jurisdiction. The Supreme Court has subsequently ruled that the Gujarat Government is obligated to consider the appeal. The conclusion was reached due to the occurrence of the offence within the territorial boundaries of Gujarat. Mr. Radheshyam Bhagwandas Shah, commonly referred to as Lala Vakil, has been exonerated from all accusations pertaining to this matter and has been absolved of any wrongdoing. The court has determined that the scheduled hearing for this matter will occur in May 2022, and shortly thereafter, the decision was publicly announced. The division bench, comprising Justices Ajay Rastogi and Vikram Nath, explained that the prosecution had been relocated to Maharashtra solely for the purpose of transferring the trial, citing exceptional circumstances. The action was undertaken with the sole purpose of transferring the trial to Maharashtra. The objective behind this action was to streamline proceedings during the trial. This decision was reached by the Indian court system. The decision was rendered by the presiding judge or the court. The responsibility for all post-trial proceedings, including pardon petitions, lies with the Gujarat state government. As a consequence of the aforementioned circumstances, the court has issued an order to the government of Gujarat, mandating an enquiry into the feasibility of granting a pardon. As part of its clemency drive, the Gujarat state government has opted to lessen the mandatory life sentences of eleven convicts who were convicted for their involvement in a gang rape and murder case15.

20-year timeline of legal battle

The narrative recounted by Bilkis Bano serves as a poignant reminder of the harrowing incidents that transpired during the Gujarat Riots in 2002. On March 3, 2002, during a period of intense unrest after the Sabarmati Express murders, a 21-year-old woman named Bano.

In March 2002, in Ahmedabad, Bilkis Bano's family was attacked by a vicious mob, which resulted in the deaths of seven family members. Six other members of Bilkis' family were able to escape the gang rape when she was a 19-year-old lady who was five months pregnant at the time.

The legal fight of Bilkis Bano thereby started in 2002, it took a period of whole one year to make the a proper just investigation to begin. Firstly, the police officers in the area consistently declined to file her case, claiming there was insufficient evidence, and threatened to take legal action if she persisted. The National Human Rights Commission (NHRC) was then contacted by Bilkis, who also submitted a Supreme Court petition in December 2003. The Central Bureau of Investigation (CBI) was then directed by the Supreme Court to look into the situation. At last in January 2004, the CBI made all of the suspects included in Bilkis' complaint subject to arrest after compiling all of the available evidence against each of them.

In August 2004, the Supreme Court issued an order for the trial to be transferred from Ahmedabad to Bombay. Upon receiving Bilkis's apprehensions pertaining to the veracity of the evidence and the security of the witnesses, a decision was made to continue with prudence.

In January 2008, the trial court rendered a verdict of conviction for 13 individuals who were charged with the offences of rape against Bilkis, conspiracy to commit murder, and the act of murder itself. Among the convicted, 11 individuals were sentenced to life imprisonment. Consequently, the defendant filed an appeal with the High Court, seeking the reversal of the judgement rendered by the lower court.

In July 2011, the Central Bureau of Investigation (CBI) filed a plea with the Bombay High Court, requesting the imposition of the death penalty for the six accused.

On July 15, 2016, the High Court of Bombay conducted hearings for the appeals of eleven defendants involved in a gang rape case that occurred in 2002. In September 2016, the legal representatives of the condemned individual submitted a plea to the Bombay High Court, seeking permission to conduct a re-examination of many witnesses. In October 2016, a panel of the Bombay High Court determined that Bilkis had the right to file an appeal, since it was likely that her petition had been denied under the provisions of the Code of Criminal Procedure (CrPC). Subsequently, in December 2016, the Bombay High Court withheld its decision on an appeal pertaining to a case instigated by eleven incarcerated individuals.The High Court of India has deferred the appeal filed by the CBI for the imposition of capital punishment for three previous offenders. The court deemed this occurrence to be very unusual. In May 2017, the Bombay High Court upheld the life sentences of all eleven convicts.

[15] *Ibid.*

According to a judgement by India's Supreme Court in 2019, it is mandated that the Gujarat state government pay Bano with a compensation of Rs. 50 lakhs, along with the provision of a government employment and suitable accommodation.16

On May 15, 2022, an individual within the incarcerated population, who had completed a sentence of about 15 years in correctional confinement, submitted a formal request to the Supreme Court seeking an expedited release from custody. Over half of the phrase has already elapsed. On August 15, 2022, the state government of Gujarat sponsored a clemency scheme, resulting in the release of all eleven detainees held at the Godhra sub-jail.

V. RELEASE OF THE BILKIS BANO CONVICTS ON REMISSION

A 2012 Gujarat High Court ruling cited the 1992 policy. The circular, according to the statement, "relates to the early release of the life offenders who on and after December 18, 1978, have served out 14 crystal-clear years imprisonment." Shah (the accused) therefore claimed in his petition to the SC that, as of April 1, 2022, he had served a sentence of more than 15 years and 4 months without remission, making them qualified for remission, particularly on this point.
The rape prisoners are released by relying on both the 1992 remission policy (concerning recommendations published under "Azadi ka Amrit Mahotsav") and Section 432 CrPC (statutory authority of remission).

Raj Kumar, Gujarat's Additional Chief Secretary for Home, said that the Supreme Court has requested that the government take into account the early release of these 11 convicts under the 1992 state's remission policy, which was in force at the time they were found guilty in the case by the trial court.

According to the rules for "Azadi ka Amrit Mahotsav," which is being held on the occasion of the 75th anniversary of India's independence, those who are eligible for remission include women and transgender prisoners who are 50 years of age or older and have served 50% of their total sentences, male prisoners who are 60 years of age or older, prisoners who are physically challenged or disabled and who have served 50% of their total sentences.

The 11 criminals have already served 15 years of their life sentences, therefore taking other things into account, they were remitted.
A committee was even established earlier for the purpose, and it reached a unanimous decision to commute the sentences of all 11 defendants in the case. The state administration received the suggestion for their release.

In India, a life sentence is often imposed after serving at least 14 years in jail. Other considerations for remission may include age, the offender's conduct, and others. The merits of the reimbursement application were examined. The state government is also in charge of it.

VI. CRITICAL ANALYSIS OF REMISSION OF CONVICTS

State Government's power to release convicts:

The notion that the executive arm of a government lacks the authority to overturn a court's decision is a foundational principle in the field of jurisprudence. Nevertheless, it is worth noting that state governments retain the authority to grant pardons to individuals who have been convicted of crimes, as stipulated in Criminal Code Section 43217 . Based on the aforementioned provision, a state government has the discretion to grant early release to an incarcerated individual if deemed appropriate. The only aspect that undergoes alteration when a sentence is commuted pertains to the manner in which it is executed, therefore making the term suitable. To provide clarification, it is important to note that the use of a comma splice in the phrase "remission" does not indicate the reversal of an individual's conviction. Instead, it signifies a modification in the manner in which the sentence's conditions will be implemented. It is important to note, however, that the use of commutation power may potentially face legal challenges in a court of law.

The inclusion of prisons and their administration in the express recognition of these matters as being within the jurisdiction of the state. The Prisons Act of 1894, together with later prison manuals created by several states, laid the groundwork for contemporary correctional institution management and administration. According to the Prisons Act, the authority to enact legislation pertaining to the release of criminals on remission, as a means of prison reform, is exclusively vested in the various states. Nevertheless, the Centre has the ability to provide non-binding recommendations on certain matters. In addition to many aspects, it prompted other nations to assess their own policies and processes in consideration of this handbook. The Model Prison Document was established with the specific objective of fulfilling this aim in the year 2016. Nevertheless, it should be noted that this particular guideline lacks the capacity to serve as admissible legal evidence inside a court of law.

After conducting an analysis of the legislative and judicial advancements related to these four issues, a thorough assessment will be conducted to determine the legitimacy of remission in the current case. 18 and the different state governments' prison manuals set the rules for jail management and administration.

What is an "appropriate government"?

VII. THE ISSUE OF THE CENTRE'S CONCURRENCE

In circumstances where a central authority, such as the Central Bureau of Investigation (CBI) in this instance, is conducting an investigation in compliance with a Central Act, the State

[16] 'Bilkis Bano Rape Case: Why Rape Convicts Were Released?' <https://blog.finology.in/Legal-news/bilkis-bano> accessed 14 October 2022.

[17] 'The Code of Criminal Procedure, 1973' (n 12).
[18] 'A1894-9.Pdf' (n 6).

Government lacks the authority to issue a remission order without first seeking authorisation from the Central Government. The State Government's ability to issue an order of remission is dependent on receiving approval from the Central Government. The reason for this is because Section 435 of the Criminal Procedure Code specifically stipulates that the Government lacks the authority to make a remission order in instances where an investigation is being carried out in compliance with any Central Act by a central agency. The emergence of this circumstance may be attributed to the stipulations delineated in Section 435 of the Criminal Procedure Code, which explicitly restrict the Government from issuing a remission order. The Central Bureau of Investigation (CBI) and other central agencies are vested with the power to examine cases falling within the scope of the executive jurisdiction of the central government, thereby constituting the basis of this approach. Furthermore, there are additional central authorities that are vested with the jurisdiction to carry out enquiries relating to these particular conditions. As a result of the circumstances previously described, the state has the responsibility of covering the costs in accordance with the requirements being examined within this particular context. Given the available evidence and the contextual background, it is necessary to assess the degree of relevance that ought to be accorded to the viewpoint of the present presiding judge in the aforementioned legal matter.

The pertinent governmental body possesses the authority to exercise its discretion in evaluating the perspective of the presiding judge of the court and the accompanying justifications, in accordance with the guidelines stipulated in subsection (2) of Section 432 of the Criminal Procedure Code, for the purpose of rendering a determination regarding the approval or denial of the remission application. The aforementioned action is being undertaken in compliance with the provisions delineated in Section 432 of the Criminal Procedure Code. The aforementioned measure has been implemented in order to guarantee adherence to the regulations stipulated in Section 432 of the Criminal Procedure Code. In the legal matter of Sangeet v. State of Haryana, the court expressed in its verdict that the decision to provide remission should be grounded on extensive information, logical reasoning, and fair treatment of all relevant parties. This concerns the need of reaching a choice with regards to the provision of remission. Moreover, the court rendered a decision emphasising the crucial need for the government to create effective channels of communication with the presiding judge overseeing the case. The government was entrusted with this responsibility due to the decision made by the court. The legislative process, as delineated in Section 432 of the Criminal Process Code, serves as a check against the possible abuse of power by governmental bodies. This clause is authorised under the Criminal Procedure Code. The Constitutional Bench of the Supreme Court, in the matter of Union of India v. V. Sriharan, concluded that the procedural prerequisites outlined in Section 432(2) were deemed essential. The underlying premise of this approach is that including the viewpoint of the presiding judge will augment the government's capacity to provide an educated decision pertaining to the commutation of a sentence. The judgement was made taking into account the government's ability to make a well-informed assessment about the possible reduction of the sentence. The decision to issue this finding was reached by the government's capacity to arrive at a precise judgement about the commuting of the sentence. The judgement delivered by the Constitutional Bench emphasises the importance of following the specified process, as it recognises the government's authority to select the suitable course of action pertaining to the commutation of a sentence. The decision was arrived at by the Constitutional Bench. Consequently, it is crucial to continue with the aforementioned operation. In order for the credibility of the presiding judge's position to be established, it is imperative that it be underpinned by sound logical reasoning. The concept indicated above was established in the case of Laxman Naskar v. Union of India and later reinforced in the case of Ram Chander v. the State of Chattisgarh. Both of these instances were legally resolved under the jurisdiction of India. The courts in India were responsible for making decisions in both of these situations.

In Sangeet v. State of Haryana19, The court emphasised that the decision to grant remission must be based on accurate information, demonstrate sound judgement, and ensure fairness to all parties involved. Additionally, the court expressed the view that it was necessary for the government to establish communication with the presiding judge in the case. The legislative mechanism outlined in Section 432 serves as a means to prevent the potential abuse of authority by the competent government CrPC. 20 In Union of India v. V. Sriharan21, a Constitutional Bench of the Supreme Court even ruled that the process outlined in Section 432(2) was required since the government would be able to make the "correct" judgement on whether or not the sentence should be commuted with the help of the presiding judge's view. But as stated in Laxman Naskar v. Union of India22, and then, Ram Chander v. the State of Chattisgarh23, The presiding judge's opinion must be supported by justification.

In Sriharan, the Court noted that the presiding judge's judgement sheds insight on the type of crime committed, the defendant's past convictions, their background, and other pertinent circumstances.

Significantly, the Supreme Court noted that the government would be capable of reaching the "appropriate" determination regarding the commutation of the sentence by considering the assessment provided by the presiding judge in the case. Therefore, it is not possible to argue that the decision rendered by the presiding judge in the case is merely a significant factor that does not impact the request for remission. If the inclusion of the sitting judge's perspective is considered as an additional consideration for the government in determining the approval of the remission application, it would undermine the intended purpose of the procedural

[19] Sangeet & Anr vs State Of Haryana on 20 November, 2012' <https://indiankanoon.org/doc/174283964/> accessed 16 October 2022.
[20] ibid.
[21] 'Union Of India vs V. Sriharan @ ,Murugan & Ors on 2 December, 2015' (n 21).
[22] 'Laxman Naskar vs Union Of India & Ors on 15 February, 2000' (n 4).
[23] 'Ram Chander vs The State Of Chhattisgarh on 22 April, 2022' <https://indiankanoon.org/doc/145418470/> accessed 15 October 2022.

safeguard specified in section 19 432 (2) of the Criminal Code. In a recent judicial decision, the Supreme Court acknowledged the potential for the procedure outlined in Section 432 (2) to become a mere formality.24
Nothing in the public record of the current case demonstrates that the sitting judge's opinion was sought before granting the convicts remission. According to a source reports the presiding judge had expressed opposition to the case's remission.30

VIII. PAST JUDICIAL PRECEDENTS

In State of Madhya Pradesh v. Ratan Singh25, The Supreme Court had noted that no writ could be issued to force the State Government to release the petitioner because the State had an undeniable discretion to remit or refuse to remit the sentence. The Supreme Court, however, stated in Ram Chander v. the State of Chattisgarh that it had the authority to review a government decision on the acceptance or rejection of a request for remission under Section 432 of the CrPC in order to establish if the decision was arbitrary in nature. The Court has the authority to order the administration to reevaluate its choice."26

The case file does not include any evidence of the prior consultation of the present judge's view before the commuting of sentences for the previously convicted persons. As per a report from a reputable source, the presiding judge conveyed their disagreement with respect to the decision to dismiss the charges against the defendant. The judge voluntarily disclosed this information to the spectators.27

IX. CONCLUSION

Emerging countries have to consider adopting a reformative system that integrates remission as an essential element within its overarching framework. The primary objective of the rules and regulations implemented inside correctional facilities should prioritise the rehabilitation of incarcerated individuals. Additionally, each institution should have a meticulously planned and well implemented framework of rewards and sanctions to encourage positive conduct among criminals. The primary objective of punishment should be to enhance the offender's commitment to moral rectitude and diminish their inclination towards wrongdoing. This is because detention lacks the potential to achieve justice for the offender and often exacerbates their hostility towards society. It is more favourable to subject the perpetrator to an indeterminate period of house confinement.

The decision by the government of Gujarat to grant pardons to the individuals implicated in the Bilkis Bano case elicited widespread shock and reverberations throughout the nation of India. C.K. Raulji, a BJP MLA and a member of the review committee responsible for approving the release of the inmates, expressed that the public outrage has intensified further after the convicts' reception with sweets and garlands. It is uncertain if they were really involved in the criminal activity or not. The individuals in question were members of the Brahmin caste, resulting in their adherence to elevated moral standards. The family gatherings in which they participated were really enjoyable. This response is partially prompted by Prime Minister Modi's discourse on the subject of women's rights, which was presented at India's Independence Day festivities. He emphasised the need of refraining from using words or engaging in acts that diminish the value of women. This is a rebuttal to the assertions he put out.

Nevertheless, it is important to note that the power to seek a remission is not without limitations and should be used in a just and unbiased manner. In the context of modern liberal democracies such as India, the notion of mercy has always had a prominent position within the framework of criminal justice reform and the philosophy of punishment.

[24] Supra 10.
[25] 33‘State Of Madhya Pradesh vs Ram Ratan on 9 May, 1980’ (n 23)
[26] ‘Ram Chander vs The State Of Chhattisgarh on 22 April, 2022’ (n 30).
[27] ibid.

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[10] ibid.

[11] ibid.

[12] ‘The Code of Criminal Procedure, 1973’ 226.

[13] ibid

[14] ibid

[15] Ibid.