

Victimization of Minorities in India: The Case of Bilkis Bano

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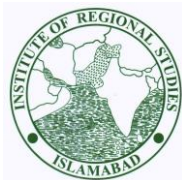
Hundreds of people are protesting across India against the release of eleven prisoners convicted of gang rape and mass murder by the Gujarat government on the 75th Independence Day anniversary of India. On 3 March 2002, Bilkis Bano, one of their victims, was travelling to flee the violence which broke out as a result of the Godhra Station massacre. She was pregnant at the time.

On 27 February 2002, a train carrying back Hindu pilgrims arrived at Godhra station. They had travelled to Ayodhya to build a temple at the ruins of Babri Masjid which was demolished by a Hindu mob in 1992 resulting in inter-communal violence claiming the lives of 2,000 people.¹ The pilgrims were harassing Muslims on the train and chanting slogans of *Jay Shri Ram* and were forcing Muslim passengers to chant the slogan too. As Godhra was a Muslim majority locality, the train was soon surrounded by a Muslim mob and violence broke out. As a result, 57 Hindus—including 25 women and 14 children—were killed.² The incident, which was triggered by the victims themselves, was labelled as pre-planned. The public ceremony for the funeral was telecast live, which triggered Hindu nationalists and as a result wave of violence broke out. In many parts of

the state, mainly in Gulbarg society and Naroda Patiya suburb of Ahmedabad in the state of Gujarat, Muslim localities were burnt down and Muslims were brutally murdered while the government machinery remained idle and no action was taken. Almost 1,000 people, mostly Muslims, were killed. Several Muslim women were sexually assaulted. Bilkis was travelling in a train with her family—including her three-and-a-half years old daughter—when a Hindu mob attacked and killed her daughter by smashing her head. Bilkis and her mother were raped. All the passengers were killed except Bilkis, a man, and a boy. She was spared as she fainted and the attackers took her as dead.

After gaining consciousness, she went to Limkheda police station to file a report. The head constable Somabhai Gori, according to the Indian Central Bureau of Investigation (CBI), tried to alter facts and wrote a distorted report.³ Later, her case was taken up by the National Human Rights Commission (NHRC) and the Supreme Court of India which ordered a federal investigation into the case.⁴ Hence, the case was taken by the CBI. It concluded that the local police and administration deliberately tried to tamper with the evidence as the corpses were found headless.⁵ The dead bodies

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had been severed after the autopsy so that they couldn't be identified.

Bilkis began to receive life threats and the case was moved from Gujarat to Mumbai courts. Charges were filed against 19 men including police officers and a doctor for protecting the accused. 11 men were convicted of rape, murder, and unlawful assembly under the Indian Penal Code and were sentenced to life imprisonment. In 2011, a police officer swore before the court that then the chief minister of Gujarat and now the Prime Minister of India, Narendra Modi, allowed the violence against Muslims to teach them a lesson, yet the courts could not convict him due to lack of evidence.⁶

The remission was given in light of the 1992 remission policy. Although the policy was replaced by the new 2014 remission policy which bars the release of convicts of rape, the Supreme Court of India held that the old policy which was valid at the time of the verdict would be followed which made the remission consistent with legal principles. Hence the convicts were released in the exercise of powers given to the government under the old policy.⁷ Later, the Supreme Court clarified that it hadn't ordered the release of victims, it had ordered the Gujarat government to consider their remission plea. Bilkis was quoted as saying, "When I heard that the convicts who had devastated my family and life had walked free, I was bereft of words. I am still numb. How can justice for any woman end like this? I trusted the highest courts in our land. I trusted the system, and I was learning slowly to live with my trauma. The release of these

convicts has taken from me my peace and shaken my faith in justice." She appealed to the Gujarat government to undo this harm and give her back the right to live without fear and in peace.⁸

The gang rape of Bilkis Bano, according to the Rome Statute, is considered a crime against humanity as it was committed during riots. The statute, which became the foundation of the International Criminal Court (ICC) has prescribed a maximum of 30 years of punishment for this heinous crime, but India is not a party to the statute.⁹ Even though the crime against Bilkis is considered inhuman in all religions and cultures, the Gujarat government has released the convicts.

Bilkis Bano is indeed a victim of the Indian state. Muslims in India have largely been marginalized since the British took over. Some of them migrated to Pakistan after independence but the majority chose to live in India. Soon after the British announced partition, violence broke out in the provinces of Bengal and Punjab. The communities which were living peacefully for a couple of centuries turned against each other and, according to some estimates, almost five million died in these communal riots. India, as per its constitution, emerged as a secular democracy in South Asia with pluralism at its core. It was the only factor which differentiated it from Pakistan whose core ideology was the Two Nations Theory of which both Gandhi and Nehru were critics. However, the secular identity of India was not well accepted by Hindu nationalists, as it soon became clear with the murder of Mahatma Gandhi. He was

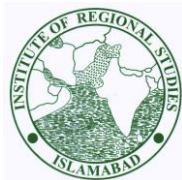
murdered by a Hindu extremist because he was seen as soft toward Indian Muslims.

Since the 1980s, the Hindutva movement gained momentum, further threatening the secular ideology. Subsequently, nationalist parties had to adapt to the changes to stay in power. the pseudo-secular ideology of Congress, which aimed at appeasing minorities, mainly Muslims, was further harmed as Bharatiya Janata Party (BJP), a political wing of the Hindu extremist RSS, gained prominence in national politics of India.

In 2014, the BJP formed a government in the centre and is now the largest political party in India. Since then, India's secularism has seen constant decline and Muslim minorities are living in fear. Incidents like the demolition of mosques, banning of *Azan* (Muslim call to prayers) on loudspeakers, and banning of *hijab* in some states are hurting the sentiments of Indian Muslims. Violence against Muslims is now being used as a political strategy by BJP and it represents the true nature of Indian democracy. India has now moved far from a secular ideology and is now becoming a Hindu state. Muslims are living in fear, and this may further trigger communal violence if BJP keeps supporting anti-Muslim extremists. BJP leaders are constantly hurting the religious sentiments of Muslims through hate speech and controversial remarks. Moreover, the BJP Government currently has no Muslim representation in any of the houses of Parliament. In the 2019 Lok Sabha election, none of the Muslim

candidates of the BJP could win any seat. This shows growing hatred among Muslims for BJP. If the situation remains the same, India might break into pieces. What message is India trying to convey to its minorities? Has India become inhabitable for Muslims? Can Bilkis not get justice just because she is a Muslim? Supreme Court was moved against the Gujarat government decision and it is set to hear the petition in two weeks. All eyes are set on the apex court to see whether it would uphold justice or become a partisan in the crime. Nevertheless, it seems difficult for Muslims to live together with Hindus. The growing intolerance for Muslims among extremist Hindus is terrifying as almost all the objects of Muslim identity are being targeted. What they eat, what they wear, and where they worship are now dependent upon the likes of the Hindu majority. With the rightist government and the extremist Hindus, India might sooner or later become a purely Hindu state intolerant to minorities. If justice is denied to Bilkis Bano, Muslim women might feel unsafe in India and their identity will continuously be in danger. Supreme Court holds a great responsibility now or the violence against Muslim women will be inevitable.

As Ashutosh Varshney, an expert on Indian inter-communal conflict at Brown University wrote, "The longer Hindu nationalists are in power, the greater the change will be to Muslims' status and the harder it will be to reverse such changes."¹⁰ The growing marginalization is damaging the social fabric of India and making the lives of



Muslims difficult. A 2019 survey has shown anti-Muslim bias in Indian Police which makes them hardly intervene in violence against Muslims. The oppressors are enjoying impunity and the courts and government bodies have overturned convictions against them as in the case of Maya Kodnani and Bau Bajrangi. The Citizenship Amendment Act 2019 is another example of the discriminatory policy against Islam as all the people who had migrated to India before 2014 have been given citizenship except Muslims. Curfews and state-imposed violence in the Muslim majority state of Kashmir and the abrogation of the special status of Kashmir also show the discriminatory policies of Modi's government as Aakar Patel, chair of the

board of Amnesty International India, noted, "For three years now, civil society and media in Jammu and Kashmir have been subjected to a vicious crackdown by the Indian government which is determined to stifle dissent." The BJP government must change its attitude toward Muslims and the international community should come forward for the protection of the rights of Muslims. They must hold India accountable for discrimination against its religious minorities. Indians should try to preserve their secular ideology and must raise their voice against the oppression of Muslims. For centuries, Hindus and Muslims have co-existed peacefully, they can surely learn from their past and try to establish harmony.

Notes and References

- ¹ Ramachandra Guha, *India After Gandhi* (London: MacMillan, 2007), 582–598.
- ² Christophe Jaffrelot, "Communal Riots in Gujarat: The State at Risk?" *Heidelberg Papers in South Asian and Comparative Politics*, No. 17, July 2003; ISSN: 1617-5069.
- ³ Geeta Pandey, "Bilkis Bano: The pain of seeing my rapists go free," *BBC News, Delhi*, August 2022, <https://www.bbc.com/news/world-asia-india-62574247>.
- ⁴ Explained Desk, "Explained: Who is Bilkis Bano, who was gangraped during the 2002 Gujarat riots", *The Indian Express*, September 2022, <https://indianexpress.com/article/explained/explained-bilkis-bano-gangraped-2002-gujarat-riots-8093937>.
- ⁵ Explained Desk, "Explained: Who is Bilkis Bano, who was gangraped during the 2002 Gujarat riots", *The Indian Express*, September 2022, <https://indianexpress.com/article/explained/explained-bilkis-bano-gangraped-2002-gujarat-riots-8093937>.
- ⁶ Sanjoy Majumder, "Narendra Modi 'allowed' Gujarat 2002 anti-Muslim riots," *BBC News, Delhi*, April 2011, <https://www.bbc.com/news/world-south-asia-13170914>.
- ⁷ Team Newsable, "Bilkis Bano case: Lawyers explain how 1992 remission policy paved way for early release of 11 convicts", *Asia Net Newsable*, August 2022, <https://newsable.asianetnews.com/india/bilkis-bano-case-lawyers-explain-how-1992-remission-policy-paved-way-for-early-release-of-11-convicts-snt-rgpvql>.
- ⁸ Geeta Pandey, "Bilkis Bano: The pain of seeing my rapists go free," *BBC News, Delhi*, August 2022, <https://www.bbc.com/news/world-asia-india-62574247>.
- ⁹ Indira Jaising, "Bilkis Bano case: Will Supreme Court restore constitutional morality?", *The Indian Express*, August 2022, <https://indianexpress.com/article/opinion/columns/bilkis-bano-case-will-supreme-court-restore-constitutional-morality-8114623>.
- ¹⁰ Lindsay Maizland, "India's Muslims: An Increasingly Marginalized Population," *Council on Foreign Relations*, July 2022, <https://www.cfr.org/backgrounder/india-muslims-marginalized-population-bjp-modi>.