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Strange... Terror convict gets access to justice, what about victims: CJI

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CJI in Delhi Saturday. Wants 2017 as 'year of victims'. PTI

In an apparent reference to the pre-dawn hearing given by the Supreme Court to 1993 Mumbai serial bomb blasts convict Yakub Memon, Chief Justice of India J S Khehar Saturday said that access to justice till the end was possible only in India but rued whether victims of crimes were also being treated fairly by the system.

Speaking at all-India meeting organised by the National Legal Services Authority (NALSA) in New Delhi, the CJI called it “strange” that in India, while many people reached out to those convicted of serious crimes, victims of their crimes are often neglected. “Ours is a strange country. Bigger the criminal, bigger is the outreach,” said the CJI. Calling for 2017 to be “the year for reaching out to victims”, he added, “I haven’t seen ever before that a convict in a terror case, who has failed up to the Supreme Court and also in his review, can get access to justice in the manner that we extend. But I have also wondered over years what about the victims? I have wondered over years what about the families that have lost their breadwinners?”

Convicted as “a driving spirit” for the serial bomb blasts in Mumbai in which 257 people were killed, Memon had failed in his second review petition and in the curative petition, following which his mercy petition was also rejected by the President. But hours before his execution, on July 30, 2015, the Supreme Court had opened its doors at 2.30 am to hear a fresh plea by him to stay his hanging. A three-judge bench led by Justice Dipak Misra had heard Memon’s lawyers and Attorney General for more than an hour before turning down Memon’s plea. He was hanged in Nagpur at 7 am.

As Justice Khehar cited this case on Saturday, Justice Misra was present on the dais as the executive chairman of the NALSA. Noting that it had bothered him over the years if victims were also getting their due from the justice delivery system and not being neglected, the CJI added, “I wish to make an appeal to you today, as patron-in-chief of this organisation (NALSA) and as the CJI that we must reach out to the victims.”

Justice Khekar also referred to acid attacks and rape cases and their victims, and urged judges, judicial officers and also volunteers associated with providing legal services to “have a heart for victims” and make sure they get help in time of distress so that the justice delivery system does not appear to be tilted.

Justice Khehar also regretted that India stood low in the sixth World Justice Project’s Rule of Law Index. “In the 2016 ranking, India was placed at 66th position among 133 countries. I hope we will apply ourselves towards formulating vital guidelines and strategies to lift India in the Rule of Law Index,” urged the CJI.