



Pardoning power of President and Governor

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Why is in news? SC orders release of all life convicts in Rajiv case

President:

Under **Article 72** of the Constitution, the President shall have the power to grant **pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute** the sentence of any person convicted of any offence where the sentence is a sentence of death.

The President **cannot exercise his power of pardon independent of the government**. In several cases, the Supreme Court has ruled that the **President has to act on the advice of the Council of Ministers while deciding mercy pleas**.

Pardon: It removes both the sentence and the conviction and **completely absolves the convict** from all sentences, punishments and disqualifications.

Commutation: It denotes the **substitution of one form of punishment for a lighter form**. For example, a death sentence may be commuted to rigorous imprisonment, which in turn may be commuted to a simple imprisonment.

Remission: It implies **reducing the period of sentence without changing its character**. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year.

Respite: It denotes **awarding a lesser sentence** in place of one originally awarded **due to some special fact**, such as the physical disability of a convict or the pregnancy of a woman offender.

Reprieve: It implies a **stay of the execution of a sentence** (especially that of death) **for a temporary period**. Its purpose is to enable the convict to have time to seek pardon or commutation from the President.

Governor:

Under **Article 161** of constitution the Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence **against any state law** relating to a matter to which the executive power of the State extends.

He is **unable to pardon the death sentence**. **Even if a state law calls for the death penalty**, the President, not the governor, has the authority to grant a pardon. However, the governor has the authority to suspend, remit, or commute a death sentence.

He doesn't have the authority to grant pardon, reprieve, respite, suspension, remission, or commutation of punishment or sentence **imposed by a court-martial (military court)**.