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News: Pardoning powers

- Recently, the US President Joe Biden issued a 'full and unconditional pardon' for his son, Hunter Biden, who faced sentencing for illegally owning a firearm while using drugs and for tax-related offenses.

Pardon Power of the President in India

- **Article 72** of the Indian Constitution gives the President of India the **power to grant pardons, remit or commute sentences, grant respites or remissions of punishment, or reprieve the sentence of any person convicted of an offense** in cases where:
 - The punishment is by a Court Martial.
 - The sentence involves capital punishment (death sentence).
 - The conviction is for offenses under Union laws.

Significance

- This **power ensures that the president can remedy potential judicial errors or exercise clemency in situations requiring humanitarian considerations.**

Limitations

- The President cannot exercise this power independently. Decisions must align with the advice of the Council of Ministers.

This principle was upheld by the Supreme Court (SC) of India in landmark cases such as:

- **Maru Ram vs Union of India, 1980:** The SC held that the power to grant pardons must be exercised fairly, reasonably, and without arbitrariness, ensuring justice and balance.
- **Kehar Singh v. Union of India, 1988:** The SC held that the President's pardoning power is independent of the judiciary, but it can be reviewed to ensure procedural fairness. The review focuses on adherence to constitutional principles and procedural requirements, not the merits of the decision.

Pardoning Powers of Governor

- The Governor of a state exercises pardoning powers under Article 161, though with limitations compared to the President's power.
- The Governor can pardon, reprieve, respite, remit, suspend, or commute the punishment or sentence of anyone convicted of an offence under State law.

- The Governor can suspend, remit, or commute a death sentence, but cannot pardon it.
- The President can grant pardon in cases involving a Court Martial, but Article 161 does not grant this power to the Governor.

Type of power	Definition
Pardon	Removes both the sentence and conviction and every disqualifications arising out of the conviction.
Commutation	Substituting one form of punishment for a lighter one.
Remission	Reducing the period of punishment, with no change in nature.
Respite	Awards a lesser sentence due to special circumstances, like disability or pregnancy
Reprieve	Temporary stay of execution