

## 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).** 

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