



Mercy Petitions Cell for Death Row Convicts

Why in News?

The Maharashtra government created a dedicated cell under the Additional Secretary (Home) to handle [mercy petitions](#) filed by death row convicts. This cell will ensure a prompt execution of the process.

Key Points

- **Supreme Court Order:**
 - In December 2024, [the Supreme Court](#) directed all states to establish dedicated cells for handling mercy petitions of death row convicts.
 - The **court observed that delays in executions had a dehumanizing effect** on individuals awaiting their fate.
- **Formation of Maharashtra's Dedicated Cell:**
 - Following the SC order, the Maharashtra Home Department held a meeting to establish a dedicated cell.
 - The nine-member committee includes senior prison officers, court officials, and other stakeholders.
 - The **committee will convene every three months** to ensure prompt processing of mercy petitions.
- **Objective of the Committee:**
 - Officials stated that **delays in mercy petitions could unfairly benefit convicts and cause undue distress.**
 - The committee **aims to ensure that mercy petitions are addressed at the earliest** and their status is promptly conveyed to the convicts.

Mercy Petition

- **About:**
 - A mercy petition is a **formal request** made by someone who has been sentenced to **death or imprisonment** seeking mercy from the President or the Governor, as the case may be.
 - The idea of Mercy Petition is followed in many countries like the United States of America, the United Kingdom, Canada, and India.
 - Everyone has the basic [right to live](#). It is also mentioned as a [fundamental right](#) mentioned under [Article 21](#) of the **Indian Constitution**.
- **Philosophy behind:** The philosophy behind the pardoning powers in India is rooted in the recognition that no judicial system is infallible and the need for a mechanism to rectify potential judicial errors.
 - **Rectification of Judicial Errors:** This safeguard acts as a **corrective measure** against potential miscarriages of justice.
 - For example, in 2012, 14 judges from the Supreme Court and High Courts, in separate letters to the President of India, highlighted cases from the 1990s where courts had wrongfully awarded capital punishment to 15 individuals, two of whom were subsequently executed.

- **Maintaining Public Trust:** One of the core objectives of the pardoning power is to uphold and maintain the trust of the common man in the criminal justice system.
- **Constitutional Framework:**
 - As per the Constitutional framework in India, a mercy petition to the President is the last constitutional resort a convict can take when he is sentenced by a **court of law**. A convict can present a mercy petition to the President of India under [Article 72](#) of the Constitution of India.
 - Similarly, the power to grant pardon is conferred upon the **Governors of States** under [Article 161](#) of the Constitution of India.
- **Article 72:**
 - 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:
 - In all cases where the punishment or sentence is by a [Court Martial](#)
 - In all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends
 - In all cases where the sentence is a sentence of death.
- **Article 161:**
 - It provides that 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 law relating to a matter to which the executive power of the State extends.
 - The SC in 2021 held that the Governor of a State can pardon prisoners, including death row ones, even before they have served a minimum 14 years of prison sentence.

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