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NEW DIMENSIONS TO MERCY JURISPRUDENCE IN INDIA

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Abstract

One of the argument in the favour of deterrent value of death penalty forwarded is that almost all the death convicts files the petition for mercy under Art 72/161 of the Constitution. While deciding about the constitutional validity of the death penalty, the court has also referred to these provisions as the reflection of the 'procedure established by law'. But it has been observed by the courts that the unusually long time period taken by the executive to decide a mercy petition is also a violation of human rights of the convicts as well as the 'procedure established by law' and thus a good ground for the commutation of such sentence. After holding that the power under Art 72/161 are subject to the judicial review, the courts are flooded with the petitions challenging such power under Art 32 and with every issue raised in such petitions, the mercy jurisprudence in India get new dimensions. Recently, the judgments in the cases of Devinder Pal Singh Bhullar and Shatrughan Chauhan, some untouched facets of these powers are touched upon by the Apex Court. This paper aims at studying the various dimensions that these powers got in the recent years and how the recent judgments filled in the gaps that were there in exercising such powers.

Introduction

Death sentence has been used as an effective weapon of retributive justice for centuries but in India, which is a land of Gautam Buddha and Mahatma Gandhi having rich heritage of culture of compassion for living creatures, it has been a controversial topic. Capital Punishment as a legislative mandate was introduced in India for the first time in the form of sec 302 of IPC. Till 1980, death penalty was used on a regular basis in India but was never an amicably accepted mode of punishment. It was discussed widely in the report of the 35th law commission though its abolition was not suggested through the same. Before the Supreme Court gave the "Rarest of the rare case" doctrine in *Bachan Singh vs State of Punjab*[1], the Supreme Court had revisited the constitutional validity of it number of times. In Bachan Singh's case the court elaborated on the constitutionality of death sentence referring Art 19 and 21 and upheld its validity further

[1] 1980 CrLJ 636(SC)

providing guidelines in the case of *Machhi Singh vs State of Punjab*[2]. In all the matters related to the constitutional validity of the death sentence, the court has referred to the Art 72 and 161 as a reflection of procedure established by law thus making the sentence valid and also a mode to check the erroneous convictions. But it has been evident that the time usually taken by the President in disposing off the mercy petitions is unusually long and as stated by the Law Commission[3], "Commutation of death sentence as a consequence of violation of their [convicts] fundamental rights begs the question whether the existing power of mercy is an adequate safeguard against erroneous convictions".The Constitutional regulation of death penalty in the form of power of the President to grant pardon has also been discussed and debated number of times in the courts of law and in cases like *Madhu Mehta vs Union of India*[4], *Daya Singh vs Union of India*[5] and *Shivaji Babar vs State of Maharashtra*[6], the Supreme Court prohibited the executive authorities from executing the death row prisoners. The latest judicial trends as seen with regard to the mercy jurisprudence in India[7] seems leading towards a de facto moratorium on the death penalty in India. The present study is meant to explore the various facets of the mercy jurisprudence in India and how the Apex court is giving new dimensions to this constitutional safeguard.

The Constitutional and legal aspect of death penalty

The first legislative code which contained death sentence in India was Indian Penal Code prescribing it under sec 121, 132,194,305,396, 307, 376(A,E)[8] and the most controversial sec 302. Sec 302 IPC provides punishment of death or life imprisonment for the offence of murder but does not elaborate any further on what are the circumstances under which death sentence could be imposed and what are the circumstances under which the lesser sentence of imprisonment for life should be imposed.

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[2] 1983 CrLJ 1457 (SC)
[3] Consultation paper on Capital Punishment released by Law Commission of India on May 2014
[4] 1989 SCC(Cri) 705
[5] (1991)3 SCC 61
[6](1991)4 SCC 375
[7] See Mahendra Nath Das vs Union of India (2013) 6 SCC 253, Shatrughan Chauhan vs Union of India (2014) 3 SCC 1, V Sriharan vs Union of India (2014) 4 SCC 242, Navneet Kaur vs State (NCT of Delhi) decided on March 31,2014 available on www.indiankanoon.org
[8] After Criminal Law Amendment Act 2013

The procedure for sentencing is further provided for in Code of Criminal Procedure. Before the amendment of 1955, owing to sec 367(5) of the Code, death sentence for the offence of murder was the rule and if the court imposed the lesser punishment, it was required to give the reasons for the same. This provision was deleted in 1955 and after the amendment of 1973 owing to the sec 354(3) of the code, the discretion of the judge to impose death sentence has been narrowed and the courts are required to provide special reasons for imposing a sentence of death.

These amended sections of CrPC were relied upon when the constitutional validity of sec 302 IPC was challenged in *Jagmohan Singh vs State of Uttar Pradesh*[9]. It was argued in this case that right to live is the basic requirement to enjoy all the rights as envisaged in Art 19 of the Constitution and thus could not be denied by a law unless it is followed by reasonable procedure and in public interest. The five member bench held that the judge makes the choice between capital sentence and the imprisonment for life by weighing all mitigating and the aggravating factors following a procedure established by law vide the code of Criminal Procedure and thus being constitutionally valid and not violative of Art 14, 19 and 21.

The issue of the constitutionality of the death penalty was again raised in the case of *Rajendra Prasad vs State of Uttar Pradesh*[10]. It was held that ordinarily appropriate punishment for the murder should be life term and where "special reasons" exists, death penalty should be imposed. "Special reasons" must relate to the criminal and not to the crime. The majority of judge in this case ruled that if the court finds that the accused is guilty of murder, it should call the state through the prosecutor to know whether the extreme penalty is called for and after getting the positive assertion call for the necessary arguments and evidences for seeking extreme penalty of law. Those reasons and evidence would comprise especial reasons as put forward by the state, on which basis the court would decide whether to award death penalty or not.

Due to the difference of views in the Jagmohan's and Rajendra Prasad's case, the question of reasonableness of the death penalty was again raised in *Bachan Singh vs State of Punjab*[11] and the court opined by majority that the provision of death penalty, as an alternative punishment

[9] AIR 1973 SC 947
[10] AIR 1979 SC 916
[11] AIR 1980 SC 898

under sec 302 is not violative of Art 21 of the Constitution if awarded in "Rarest of the rare cases".

Further in *Machhi Singh vs State of Punjab*[12], it was emphasized that the death penalty need not be inflicted except in the "gravest of cases of extreme culpability" and that "life imprisonment is the rule and death sentence is an exception".

Till date, the provision of awarding death penalty under IPC has been discussed and debated from varied aspects such as application of the doctrine of "Rarest of the rare case", constitutional validity of the mode of execution, effect of delay in execution and commutation of death penalty into life imprisonment.

The Mercy Jurisprudence in India

The jurisprudence of awarding deterrent and retributive punishment and that of mercy runs simultaneously in the Penal Law of India. The IPC itself provides the power to the state or central government to commute without the consent of the offender, death sentence for any other punishment provided in the IPC.[13]The similar power of commutation is also contained in CrPC[14] which is the exclusive domain of the executive. These pre-independence provisions were retained in the statute books after the independence also. Also, keeping in view the old adage that man should be merciful to all living creatures, the framers of the Constitution enacted Articles 72 and 161 under which the President or the Governor, as the case may be, can grant pardons, reprieves, respites or remission of punishment or suspend, remit or commute the sentence of any person convicted of any offence.

Power to grant pardon by the President

The power of the president to grant pardon reprieve etc. is given in Art 72 of the Constitution. The power to grant pardon is an act of grace and cannot be demanded as a matter of right. A pardon completely absolves the offender from all sentences and punishments and disqualifications and places him in the same position as if he had never committed the offence.[15]

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[12] AIR 1983 SC 947
[13] Sec 54 IPC
[14] Sec 433 CrPC
[15] J.N.Pandey: The Constitutional Law of India, Pg. 441

In *Kehar Singh vs Union of India*[16], speaking about the importance of Art 72 and Art 161, the Supreme Court said that life and personal liberty of the members is the most important attribute of any civilized society and its deprivation by the State therefore, is a serious issue. This will demand the provision of recourse to the judicial organ about its protection but keeping in mind the possibility of 'fallibility of human judgment' even in 'the most trained mind', it would be appropriate that in such type of matters, the protection should be extended by entrusting power further to some high authority to scrutinize the validity of the threatened denial of life or the threatened or continued denial of personal liberty.

In *Epuran Sudhakar vs Government of Andhra Pradesh*[17], the Apex Court further discussed the genesis of mercy jurisprudence and said that the philosophy underlying the pardon power is that, "Every civilized country recognizes, and has therefore provided for the pardoning power to be exercised as an act of grace and humanity in proper cases. Without such power of clemency to be exercised by some department or functionary of a government, a country would be most imperfect and deficient in its political morality and in that attribute to deity whose judgments are always pampered with mercy".

The pardoning power can be exercised at any time after the commission of an offence, either before legal proceedings are taken or during their pendency or either before or after the conviction.[18]In *K.M.Nanavati vs State of Bombay*[19], the Court held that pardoning power can be exercised before, during or after trial.

Pardon and reprieves can be granted only in the following cases-

1. Offences against the Union Laws
2. In all cases where the punishment or sentence is by a Court Martial and
3. In all cases of sentence of death

This power of the president however, has not been free from the controversy. A number of questions such as whether this power of the President is subject to judicial review, whether it is subject to any norms, whether the decision of the President be questioned under Art 32 of the

[16] AIR 1989SC 653
[17] (2006) 8 SCC 161
[18] V.N.Shukla: Constitution of India, Pg. 385
[19] AIR 1961 SC 112

Constitution, whether the mercy petition to be disposed of within a certain time frameand the effect of delay in deciding the matter on the sentence specially when it is the death sentence, have been cropped up from time to time. The Supreme Court has also clarified these points of concern a number of times.

Recently, on January 21, 2014, the Supreme Court in *Shatrughan Chauhan vs Union of India*[20] again reconsidered all the above questions and gave some new dimensions to the power to grant pardon and execution of this power. The judgment was followed by other cases such as *V.Sriharan vs Union of India*[21] and *Navneet Kaur vs State (NCT of Delhi)*[22] which energized the debate on this power as well as on the death penalty. The power to grant pardon is now being exhaustively discussed further in this paper in the light of the recent attitude towards it.

New dimensions to Art 72 after Shatrughan Chauhan vs Union of India[23]

Challenging power to pardon under Art 32-

Art 32 has been termed as the 'heart and soul' of the Constitution by Dr. Ambedkar, the principal architect of the Indian Constitution. Art 32 is itself a fundamental right and guarantees the right to move the Supreme Court by "appropriate proceedings" for the enforcement of the fundamental rights conferred by Part III of the Constitution. After the relaxation in the traditional rule of 'Locus Standi', the court now permits the Public Interest Litigations at the instance of 'Public Spirited Citizens' for the enforcement of constitutional and other legal rights of any person. In this way a very wide power has been conferred on the Supreme Court for due and proper administration of justice and this power was first called upon in the case of *Harbans Singh vs State of UP*[24] in which commutation of death sentence to the life imprisonment was sought vide Art 32 of the Constitution. The court in this case expanding the horizons of Art 32 observed that the power of commutation is vested in Art 72 but if the President fails to exercise his power, the court can interfere to do justice in a particular case. Commuting the death sentence of the accused to life imprisonment on the basis that one of the co-accused's sentence was commuted by the court, the court has also paved the way for challenging the decision of the

[20] (2014) 3 SCC 1
[21] (2014) 4 SCC 242
[22] Decided on March 31, 2014 available on www.indiankanoon.org
[23] (2014) 3 SCC1
[24] AIR 1982 SC 849

President under Art 72 vide Art 32. Thereafter, the order of commutation of death sentence was given in cases like*T.V.Vatheeswaran vs State of Tamil Nadu*[25], *Sher Singh and Orsvs State of Punjab*[26] and *Triveniben vs State of Gujarat*[27]entertaining the petitions under Art 32. But the Supreme Court in A.R.Antulay vs Union of India[28] hold that any writ petition under Art 32 of the Constitution challenging the validity of the order or judgment passed by the Supreme Court as nullity or otherwise incorrect cannot be entertained. Supporting the view in A.R.Antulay, the Court in Shaukat Hussain Guru vs State (NCT) Delhi[29] hold that such relief cannot be granted as not being permissible in exercise of the powers under Art 32. But recently in Shatrughan Chauhan and Anr vs Union of India[30], the court relying on the judgment in R.D.Shetty vs International Airport Authority[31] where it was held that no matter, whether the violation of fundamental right arise out of an executive action/inaction or the action of the legislature, Art 32 can be utilized to enforced the fundamental rights in either event, hold that stand of the petitioner to invoke Art 32 is maintainable because firstly, because petitioners are not challenging the final verdict of the court where death sentence was imposed but the delayed execution of the same was challenged and secondly, as the power vested in Art 72/161 is an executive one, its violating the fundamental rights of the petitioners can be looked into by the court under Art 32. This contention was supported in the cases like *V.Sriharan vs Union of India*[32]and *Navneet Kaur vs State (NCT of Delhi)*[33]. After these judgments, the procedure of disposing of the mercy petitions by the President of India are being challenged through the writ petitions.

Judicial Review of the power under Art 72/161

The power under Art 72/161 is per se above judicial review but the Supreme Court has been of the consistent view that the manner of exercise of power should be subject to the judicial review.

[25] (1983) 2 SCC 68
[26] (1983) 2 SCC 344
[27] (1988) 4 SCC 574
[28] (1988) 2 SCC 602
[29] AIR 2008 SC 2419
[30] (2014) 3 SCC 1
[31] (1979) 3 SCC 489
[32] (2014) 4 SCC 242

[33] Decided on March 31, 2014 available on www.indiankanoon.org

In *Kehar Singh vs Union of India*[34], the court said, "it appears to us clear that the question as to the area of the President's power under Art 72 falls squarely within the judicial domain and can be examined by the court by way of judicial review". Supporting the view in the present case, the court invalidates the remission of sentenceby the governor of UP in *Swaran Singh vs State of UP*[35] and held- "if such power was exercised arbitrarily, mala fide or in absolute disregard of the finer canons of the constitutionalism, the byproduct order cannot get the approval of law and in such cases, the judicial hand must be stretched to it."

Later in *Epuru Sudhakar vs Govt of AP*[36] followed by *Narayan Dutt vs State of Punjab*[37], the Apex court chalked out certain grounds on which the power under Art 72/161 can be subject to the judicial review. The grounds given were-

1. If the Governor had been found to have exercised the power himself without being advised by the government;
2. If the governor transgressed his jurisdiction in exercising the said power;
3. If the governor has passed the order without applying his mind;
4. The order of the Governor was malafide; or
5. The order of the Governor was passed on some extraneous considerations.

The scope of the judicial review of the power was not widened by the recent judgment of *Shatrughan Chauhan vs Union of India*[38] and the court held – "The manner of exercise of the power under the said articles is primarily a matter of discretion and ordinarily the courts would not interfere with the decision on merits. However, the court retains the limited power of judicial review to ensure that the Constitutional authorities consider all the relevant materials before arriving at a conclusion."

[34] (1989) 1 SCC 204
[35] (1998) 4 SCC 75
[36] (2006) 8 SCC 161
[37] (2011) 4 SCC 353
[38] (2014) 3 SCC 1

Time frame to decide a mercy petition and the effect of delay

The new dimensions were given to the mercy jurisprudence when in *Vatheeswaran vs State of Tamil Nadu*[39] it was observed that the death sentence to be valid must be in accordance with just fair and reasonable procedure not only in terms of its pronouncement but also in its execution. The court thus held that the delay of two years in the execution of the death sentence makes it unreasonable; no matter the accused himself may be responsible for the delay. The view was modified in *Sher Singh vs State of Punjab*[40] and *Munawar Harun vs State of Maharashtra*[41] and stated that delay for which the accused himself is responsible, is not good enough for the commutation of the death sentence and the two years delay rule cannot be made applicable in all the circumstances. The judgment in *Triveniben vs State of Gujarat*[42] further clarified the effect of delay in execution of the death sentence. The court said that after the final verdict is pronounced, the time spent on petitions for review and the repeated mercy petitions at the instance of the convicted person himself shall not be considered but the delay in disposal of the mercy petitions or delay occurring at the instance of the executives is a good ground for the commutation of the sentence.

Recently, the issue was being raised in *Shatrughan Chauhan vs Union of India*[43] in the form of questions of law i.e. (i) Whether the delay in execution itself is a ground for commutation of sentence and (ii) whether two years delay in execution will automatically entitle the condemned prisoner for commutation of sentence? Answering the questions, the court opined that-

"….. Art 21 of the constitution does not end with the pronouncement of sentence but extends to the stage of execution of that sentence……..delay caused by circumstances beyond the prisoner's control mandates commutation of death sentence."

Answering the second question, the court in the present case referred Sher Sing's case where it was said that "a self- imposed rule should be followed by the executive authorities rigorously that every such petition shall be disposed of within a period of three months from

[39] AIR 1983 SC 361(2)
[40] AIR 1983 SC 465
[41] Referred from M.P.Jain: Indian Constitutional Law, pg. 1217
[42] AIR 1989 SC 1335
[43] (2014) 3 SCC 1

the date on which it is received" but did not set any time frame by itself for the disposal of the mercy petition. The court referred the rules laid down by the Ministry of Home Affairs regarding the disposal of the mercy petition related to the commutation of the death sentenceand laid stress on the words "at once" as used in these rules concluding that if the delay is unexplained, it should be a ground of commutation even if it is not so long. Consequently, the court in this particular case commutes the sentence of one of the petitioner in whose case the delay is for only one year but was due to procedural lapses.

The court thus once again established the constitutional mandate of preservation of life and liberty and following the procedure established by law in all the executive actions.

Pardon in IPC and non-IPC cases

The death penalty in India is not provided only under sec 302 IPC but available under other legislations such as Commission of Sati (Prevention) Act 1987[44], NDPS Act 1989[45], TADA 1987[46] and POTA 2002[47].The recent judgments in *Devender Pal Singh Bhullar vs State (NCT) of Delhi*[48] and *Shatrughan Chauhan vs Union of India*[49] ignited the debate on the issue of exercise of the power of pardon in the cases where the death penalty has been given under TADA and other anti- terrorism legislations. The question was first raised in the case of Devender Singh Bhullar where the petitioner approached the Apex Court for the commutation of death sentence due to inordinate delay in the disposal of the mercy petition by the president. The issue to be decided by the court here was whether the parameters laid down by the Constitution Bench in Triveniben's case for judging the issue of delay in the disposal of a petition filed under Article 72 or 161 of the Constitution can be applied to the cases in which an accused has been found guilty of committing offences under TADA and other similar statutes?The Court observed that-

"the rule enunciated in Sher Singh's case, Triveniben's case and some other judgments that long delay may be one of the grounds for commutation of the sentence of death into life

[44] Part II, Sec 4(1)
[45] Sec 31A
[46] Sec 2(i)
[47] Sec 2(a)
[48] (2013) 6 SCC 195
[49] (2014) 3 SCC 1

imprisonment cannot be invoked in cases where a person is convicted for offence under TADA or similar statutes. Such cases stand on an altogether different plane and cannot be compared with murders committed due to personal animosity or over property and personal disputes".

The court though uphold the view that the delay in disposing of the mercy plea by the president and the delay in the execution of the sentence is a fit circumstance to vacate the sentence of death but keeping in mind the nature of the crime, the concerns for the challenges that the terrorism presents before the law and the society and its long and short term impact, the court decline to commute the sentence in the present case.

But in the later case[50] before the Court, it was argued that as death penalty is provided in the rarest of the rare cases, it is implied that all the cases which comes to the president under Art 72 are the most heinous and barbaric and rarest of its kind and therefore further classification of cases for granting pardon is unjustified. Holding the view in the Bhullar's case, *per incuriam*, the court recently held that-

"…..*There is no good reason to disqualify all TADA cases as a class from relief on account of delay in execution of death sentence. Each case requires consideration on its own facts*."

Further the court said-

"……*unexplained delay is one of the grounds for commutation of sentence of death into life imprisonment and the said supervening circumstances are applicable to all type of cases including the offences under TADA. The only aspect the courts have to satisfy is that the delay must be unreasonable and unexplained or inordinate at the hands of the executive*."

The court giving relief under Art 72 to one of the petitioner who was charged and sentenced under TADA, upheld the Human Rights of all the accused irrespective of the Act and provisions under which they are sentenced.

[50] Shatrughan Chauhan vs Union of India, (2014) 3 SCC 1

Guidelines for the executive to exercise the power under Art 72

The Government of India in fact has not formulated any uniform standard or guidelines by which the exercise of the power under Art 72 is intended to be, or was in fact guided. The demand to formulate such guidelines in the form of definition of the scope of the power under Art 72 was first made before the Apex Court in *Kuljit Singh vs Lt Governor of Delhi*[51]. The court rejected togive any guidelines but ruled that the power is subject to the judicial review.

In Kehar Singh vs Union of India[52], though the court examined in detail the scope of the President's pardoning power under Art 72 but felt no need to spell out specific guidelines for the exercise of such power. The reason given by the court was that the power under Art 72 is of the "widest amplitude" and can contemplate the myriad kinds and categories of cases with facts and situations varying from case to case.

But when the Constitution Bench of the Apex Court sat to hear the matter of *Shatrughan Chauhan vs Union of India*[53], where one of the petitioners, People's Union for Democratic Rights pleaded for guidelines, the Court showed its intention to frame the guidelines for safeguarding the interest of the death row convicts. The following guidelines were framed for the effective governing of the procedure of filing mercy petitions and for the cause of the death convicts-

1. The prison manuals of the states providing necessary rules governing the confinement of death convicts should not run counter to the ruling in the Sunil Batra case in which solitary confinement was held unconstitutional.
2. Superintendents of jails are directed to intimate the rejection of mercy petitions to the nearest legal aid Centre apart from intimating the convicts.
3. As and when any such petition is received or communicated by the State Government after the rejection by the Governor, all the necessary materials should be called at once fixing a time limit for the authorities for forwarding the same to the Ministry of Home

[51] AIR 1982 SC 774
[52] AIR 1989 SC 653
[53] (2014) 3 SCC 1

Affairs. The Ministry of Home Affairs should further send the recommendation to the President within a reasonable and rational time.

4. Rejection of the mercy petition by the governor or the President as the case may be should be communicated to the convict and his family in writing or through some other mode of communication available.
5. Death convicts are entitled as a right to receive a copy of the rejection of the mercy petition by the President and the Governor.
6. Minimum period of 14 days should be stipulated between the receipt of communication of the rejection of the mercy petition and the scheduled date of execution.
7. There should be regular mental health evaluation of all death row convicts and appropriate medical care should be given to those in need.
8. After the mercy petition is rejected and the execution warrant is issued, the prison superintendent should satisfy himself on the basis of medical reports by Government doctors and psychiatrists that the prisoner is in a fit physical and mental condition to be executed.
9. It is necessary that copies of relevant documents should be furnished to the prisoner within a week by the prison authorities to assist in making mercy petition and petitioning the courts.
10. It is necessary for the prison authorities to facilitate and allow a final meeting between the prisoner and his family and friends prior to his execution.
11. Compulsory post mortem to be conducted on death convicts after the execution.

Concluding the Observations

Again and again it has been established by the court that exercising of power under Art 72/161 by the President or the Governor is a constitutional obligation and not a mere prerogative and thus this power cannot be exercised on the basis of discretion or whims or fancies of the executive. Though the Apex Court has upheld the constitutional validity of the death sentence but gave the full weightage to the constitutional provisions for the de facto protection of the convicts. By the judicial intervention in the exercise of power under Art 72 and 161 they proved that retribution has no constitutional value in India which is the largest democracy in the world.

Over the time, Art 72/161 and its judicial review has become a tool for upholding the human rights of the death convicts. It is also suspected that the judiciary is moving somewhat towards the de facto abolition of death penalty when recently it took a lenient view towards the commutation of the death sentence of the accused of terrorist activities in India.

The guidelines for the exercise of power under Art 72/161 displays a humanistic approach of the Apex Court towards such convicts. It has been consistent view of the Court that delay in disposing of a mercy petition is a fit case for the commutation of the sentence and thus recently in the guidelines given by the court, it has been mentioned again that all the necessary documents related to the case must be moved as early as possible in case of pending mercy petitions. The guidelines said that decision on the petitions must be taken in the reasonable and rational time, but no time period is being mentioned thus keeping it open to be decided subjectively paving way for the more challenging the decisions on the mercy petitions before the court of law.

Overall, judiciary has played its role in evolving the mercy jurisprudence as a standard of decency thus putting the nation at the forefront of the global arena.

References

1. V.N.Shukla, Constitution of India, 11th ed. 2011
2. M.P.Jain, Indian Constitutional Law, 6th ed. 2012
3. Recent Judgments, Universal Law Publishing Co., 7th ed. 2014
4. J.N.Pandey, The Constitutional Law of India, 47th ed. 2010
5. P.K.Das, Supreme Court on Rarest of Rare Case, Universal Law Publishing Co., 2014 ed.
6. www.timesofindia.indiatimes.com/india/Has-mercy-power-been-used-rationally/articleshow/18109.cms
7. www.indiankanoon.org