

# A CASE TO DISPOSE OF MERCY PETITIONS SWIFTLY

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Balwant Singh Rajoana.

Balwant Singh Rajoana, former Punjab Chief Minister Beant Singh's assassin, was sentenced to death in 2007 by a special CBI court. His mercy petition was filed by the Shiromani Gurdwara Prabhandhak Committee in 2014. In 2019, the [Ministry of Home Affairs sent a letter to the Punjab government to commute Rajoana's death sentence](#). It said it had taken an "in principle" decision to commute the death sentence as a "humanitarian gesture" ahead of the 550th birth anniversary celebrations of Guru Nanak Dev. But its decision could not be implemented because the Cabinet did not send the file to the President. Rajoana has been incarcerated for over 25 years. The [Supreme Court pulled up the government](#) for its laxity and fixed the next hearing for sometime in January 2021.

The delay in carrying out the death penalty is one of the reasons to review India's position on capital punishment. The debate on the [efficacy of the death penalty in reducing crime](#) has been going on for several decades. A few years ago, the issue of abolishing capital punishment was raised in the Rajya Sabha but was rejected by a voice vote. The then Minister of State for Home Affairs, Kiren Rijju, stated that the government was not contemplating abolition of the death penalty. Through its report in 2015, the Law Commission of India proposed abolishing the death penalty and sought the comments of States and Union Territories on the subject. Despite reminders, just 14 States responded by 2018. Of these, 12 States rejected the proposal, while Karnataka and Tripura concurred.

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India figures among the 56 nations in the world that have retained the death penalty, while 142 have abolished it either by practice or by law. In 2019, the [Sri Lankan government put an end to its four-decades-long moratorium](#) on capital punishment when then President Maithripala Sirisena ordered the execution of four drug offenders. He claimed that the move would end the addiction problem in the country. According to Amnesty International, thousands of Chinese are executed in that country every year, though such executions are classified as secret information. In 2018, Iran executed 253 convicts and Saudi Arabia executed 149. However, the total number of executions across the world came down in 2018 to 690 from 993 in 2017.

While the debate on abolition of the death penalty goes on, the [delay in the execution of death row convicts](#) coupled with long years of solitary confinement leads to immense psychological trauma for them. The prolonged detention of death row convicts in prison is not just inhuman but also against the canons of justice. It is a small wonder that the courts tend to take a lenient view and reduce the sentence when such cases of prolonged years of detention come before them.

In India, 102 convicts were awarded the death sentence in 2019, raising the total number of death row prisoners to 378. Death row convicts have suffered imprisonment up to 25 years.

It goes to the credit of former President Pranab Mukherjee that during his term, he disposed of 34 mercy petitions that had been pending for years. While 30 were rejected, four were given reprieves. While the fact that he rejected 30 mercy petitions can be debated, what is important here is that he dealt with the petitions swiftly. A time frame needs to be fixed for the President to dispose of mercy petitions.

The lack of accountability of various officials in the government and the courts have adversely affected our criminal justice system. Delays in investigations, court hearings and administrative steps to be taken after the final verdict need to be inquired into, and responsibility fixed.

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