

PRESIDENT COMMUTES 20 DEATH SENTENCES IN NINE YEARS

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The President commuted death sentences to life imprisonment in at least 20 cases over the past nine years, based on the recommendations received from the Ministry of Home Affairs (MHA).

These commutations were based on the President's exercise of powers under Article 72 of the Constitution after the convicts filed mercy petitions.

Separately, last week the MHA took a decision to commute the death sentence of Balwant Singh Rajoana, convicted over the assassination of then Punjab chief minister Beant Singh, as a "humanitarian gesture" ahead of the 550th birth anniversary celebrations of Sikh founder Guru Nanak. It also decided to release eight other prisoners convicted for life for their involvement in Sikh militancy as a 'token of goodwill'.

Beant Singh and at least 16 others were killed in an explosion outside the Civil Secretariat in Chandigarh in 1995. Rajoana was sentenced to death in 2007 by a special court and he refused to file a mercy petition.

The Shiromani Gurudwara Prabandhak Committee (SGPC), the apex body of the Sikhs, filed a petition on his behalf in 2014.

BJP ally and NDA member, the Shiromani Akali Dal (SAD), had been pressing the Centre to commute Rajoana's death sentence.

"Rajoana never engaged a lawyer when the case was being heard in the court," said Manjinder Singh Sirsa, an SAD leader who had recently met Home Minister Amit Shah regarding Rajoana's case — the only Sikh prisoner on death row in a militancy related case. "To highlight the atrocities against the Sikhs, he refused legal assistance. After he was sentenced to death, the SGPC decided to file a mercy petition on his behalf," added the SAD leader.

One-off gesture

The ministry's decision to release the eight Sikh prisoners convicted under the repealed Terrorist and Disruptive Activities (Prevention) Act (TADA) is seen as a one-off gesture as it is not in consonance with the guidelines regarding the 2018 "Cabinet decision to grant special remission to prisoners on the occasion of 150th Birth Anniversary of Mahatma Gandhi."

As per the guidelines: "special remission will not be given to prisoners who have been convicted for an offence for which the sentence is sentence of death or where death sentence has been commuted to life imprisonment; cases of convicts involved in serious and heinous crimes like dowry death, rape, human trafficking and convicted under POTA, UAPA, TADA, FICN, POCSO Act, money laundering, FEMA, NDPS, Prevention of Corruption Act, etc."

A senior government official, speaking on condition of anonymity, said, "This was in response to the long pending demands on release of Sikh prisoners raised by various sections of the Sikh community."

Under the special remission, 2,035 prisoners were released in three phases — October 2, 2018,

April 6 and October 2 this year. In the third phase, 611 prisoners were released, the ministry said.

Former President Pranab Mukherjee had commuted the death sentence in at least four cases and rejected mercy petitions in 14 cases including that of the 26/11 Mumbai attacks convict Ajmal Kasab and the 1993 Mumbai blasts convict Yakub Memon. President Ram Nath Kovind has rejected one mercy petition in his current tenure. The Central Information Commission (CIC) in a 2018 order had said that “grant of remission is an exercise of a statutory power under CrPC.”

The CIC’s order said: “It acknowledges the power of the Executive to grant remission to convicted persons after due consideration by the appropriate Government.”

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