

# **HARI CHAND ARORA**

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## **Punjab & Haryana High Court**

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**Dated: 1.11.2019**

To

Hon'ble Governor, Punjab,

Punjab Raj Bhawan,

Chandigarh.

**Subject:- Request for compliance with judgment of Hon'ble Supreme Court of India, before granting pardon to any life convict.**

### **BY PERSONAL DELIVERY THROUGH SPECIAL MESSENGER**

Sir,

I have reasons to believe that the State of Punjab has recommended the grant of pardon in about one dozen cases of life convicts, facing imprisonment for the crime of murder, on the occasion of 550<sup>th</sup> birth anniversary of Siri Guru Nanak Dev ji.

In this regard, I may bring to your kind notice a judgment of the Hon'ble Supreme Court of India in the case titled "Epuru Sudhakar and another Vs. Government of A.P. and others", reported as 2006 (4) RCR (Criminal) 616. A perusal of the aforesaid judgment shows that in Para No. 61, the Hon'ble Supreme Court has categorically issued the following directions to the Hon'ble Governors/President of India in this regard:-

"61. .... Therefore, the power of executive clemency is not only for the benefit of the convict, but while exercising such a power the President or the Governor, as the case may be, has to keep in mind the effect of his decision on the family of the victims, the society as a whole and the precedent it sets for the future."

I am enclosing herewith a copy of the aforesaid judgment of Hon'ble Supreme Court of India for your kind perusal. I hope and trust that your honour will be considerate enough to keep in mind the impact of the decision of pardon on the family of the victim, and the society as a whole, as envisaged in the aforesaid directions issued by the Hon'ble Supreme Court of India. The

judgment by necessary implication means that victim's family must be heard on proposed pardon, and society should also be permitted to give its views on such proposed pardon. Thus, pardon to murder-convict must not be granted secretly behind the back of the victim's family, or society, in a hush hush manner. It has to be considered in a transparent manner. The proposal must thus, be uploaded on website of the State Government, to invite suggestions from public. The effect of grant of pardon as a precedent for future is also required to be examined. Whether grant of pardon to Police officials, convicted for murder through a false encounter would encourage and embolden the Police officials to take law into their hands, and commit murders by showing false encounters ? is one pertinent question to be answered by the Government while recommending pardon. It may also kindly be noticed that so far, in preceding few years, the present Punjab Government has been pardoning only the Police officials, and the unhealthy trend is continuing even as on today.

Meanwhile, please acknowledge receipt.

Yours sincerely,

(H.C. ARORA)  
ADVOCATE

Enclosure:- As above