

**Government of Punjab
Department of Jails
(Home-7 Branch)**

SPEEKING ORDER

Whereas Sh. Hari Chand Arora had moved a representation dated 25-6-2019 wherein he had made a demand for framing policy for awarding reasonable amount of compensation to dependent family members of victims of murder, in case of release of life convicts under " Policy of Pre-mature release of life convicts" or under "Pardon" granted by Hon'ble Governor/President and for payment of Rs. One Crore as compensation to parents of slain Harjit Singh, whose murderers (all police officials) have been granted pardon by Hon'ble Governor of Punjab.

2. Whereas the aforesaid representation could not be decided within a reasonable time and in the meantime the petitioner filed CWP (PIL) No. 212 of 2019 in the Hon'ble Punjab and Haryana High Court. Which was disposed of on 31-10-2019 and the relevant part of the order is reproduced as under:-

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The prayer seems to be worthy of acceptance.

Consequently, this petition is disposed of with the direction that the representation (P.I) moved by the petitioner shall be decided by the competent Authority at the earliest. Petitioner is also permitted to supply additional documents in support of earlier representation (P.I)."

3. Whereas the representation of the petitioner along with document attached therein has been examined and after due examination it transpires that U/S 357 of the Code of Criminal Procedure, 1974 Court may order the payment to any person of compensation for any loss or injury caused by the offence. Similarly Section 357-A of the Code of Criminal Procedure provides for Victim compensation scheme and under sub section-1 of this section there is provision that every State Government in co-ordination with the Central Government shall prepare a scheme for providing funds for the purpose of compensation to the victim or his dependents who have suffered loss or injury as a result of the crime and who, require rehabilitation and whenever recommendation is made by the Court for compensation, the District Legal Service Authority or the State Legal Service Authority shall decide the quantum of compensation to be awarded U/S 357(1).

4. Whereas with respect to the powers of a Hon'ble Governor of a State Under Article 161, the Constitution of India prescribes 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. However, as far as question of awarding compensation to the victims of murder Under Article 161 is concerned, it is submitted that there is no provision in Article 161 of the Constitution of India for awarding compensation while granting Premature Release or Pardon to the convicts. The powers Under Article 161 of the Constitution of India are unfettered and absolute powers and are not subject to any limitation. Similarly there is no provision of awarding any compensation while exercising powers of remission u/s 432 of CrPC by the State Government.

5. Whereas the prisons are often described as correctional homes and the purpose of these correctional homes has always been to reform the convicts and sincere efforts are made to reform the convicts so that they may become good citizens after their release and keeping in view the good conduct of the convicts and the convicts are granted pre mature release as per premature release policy. The crime, Jail conduct, conduct during parole/furlough, Panchayatnama/reports of concerned District Authorities are examined thoroughly while recommending premature release of life convicts.

6. Whereas the question of Pardon is concerned, besides the aforementioned facts, mitigating factors and special circumstances and other material facts are placed before the Hon'ble Governor while submitting the cases of Pardon Under Article 161 of the Constitution of India.

7. Whereas U/S 357-A of the CrPC, the State Government has already formulated a Policy Punjab Victim Compensation Scheme dated 30-11-2017 for the victims and their dependent (S) who have suffered any loss or injury and require rehabilitation. Since the premature release are considered after a span of at least 10 years actual imprisonment and in some cases the premature release cases are considered even after 20 years of imprisonment and the purpose of the compensation scheme is to provide the immediate relief to the victim family, therefore, under the circumstances there is no justification for framing a new compensation policy.

8. Whereas the convicts namely Ravinder Kumar Singh, Brij Lal Verma, Onkar Singh and Harinder Singh had been granted pardon by the Hon'ble Governor of Punjab on 11-06-2019 while exercising his powers

Under Article 161 of the Constitution of India and material facts were submitted to the Hon'ble Governor of Punjab considering the Pardon cases of the aforesaid convicts. Moreover the powers Under Article 161 are unfettered powers and are not subject to any limitations. Keeping in view the aforesaid circumstances and facts there is no merit in the representation of the petitioner and his representation dated 25-06-2019 is rejected and filed.

Dated, Chandigarh
20-04 - 2020

R.Venkat Ratnam, I.A.S
Principal Secretary to Govt. of Punjab
Department of Jails.

No. 5/132/19-5H7(2H7)/746

Dated, Chandigarh, the 21.04.2020

A copy each is forwarded to: -

- 1) The Registrar, Punjab and Haryana High Court, Chandigarh.
- 2) The Advocate General, Punjab, Chandigarh.
- 3) The Additional Director General of Police (Prisons), Punjab, Chandigarh.
- 4) Sh. Hari Chand Arora, Advocate, House No. 2299, Sector-44C, Chandigarh with reference his application dated 25-6-2019.

Sunita Kumari
Under Secretary Jails
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