

Section of BNSS

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No. H-2001/69/2025-HD-HD
GOVERNMENT OF MANIPUR
SECRETARIAT: HOME DEPARTMENT

NOTIFICATION No. 17

Imphal, the 10th March, 2025

Subject: Guidelines for Processing Mercy Petitions in Death Penalty Cases Under Section 472 of the BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS), 2023 – regarding.

Whereas, the Government of Manipur recognizes the importance of ensuring fairness, transparency, and justice in the processing of mercy petitions for individuals sentenced to death, and in accordance with Section 472 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023;

2. Whereas, it is necessary to establish a clear framework for the filing, processing, and review of mercy petitions within the jurisdiction of the State of Manipur, in keeping with constitutional provisions and the principles of justice;

3. Now, therefore, the Government of Manipur hereby issues the following guidelines for processing mercy petitions in death penalty cases under Section 472 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023:

A. Objective

The purpose of this Government Notification is to establish a uniform procedure for the filing, processing, and review of mercy petitions in death penalty cases, ensuring transparency, accountability, and adherence to constitutional principles.

B. Scope

This order shall apply to all cases within the jurisdiction of Manipur where a convict has been sentenced to death and wishes to file a mercy petition to the Governor of Manipur or the President of India, as applicable.

C. Filing of Mercy Petitions

- **Eligibility:** Mercy petitions may be filed by convicts who have been sentenced to death and have exhausted all other legal avenues, including appeals and reviews.
- **Grounds for Filing:** A mercy petition may be filed on grounds such as innocence, mental health, age, health conditions, humanitarian considerations, miscarriage of justice, and rehabilitation efforts.
- **Submission:** The mercy petition shall be submitted to either the Governor of Manipur or the President of India, depending on the case's jurisdiction.

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D. Procedure for Processing Mercy Petitions

4.1 Receipt and Acknowledgment: Upon receipt of a mercy petition, the concerned prison authorities or legal representatives must acknowledge the receipt of the petition and record the petition for processing.

4.2 Verification and Review: The relevant authorities shall ensure that the petition is reviewed for completeness, authenticity, and the inclusion of all necessary documents. This includes medical reports, legal arguments, and any new evidence if applicable.

4.3 Forwarding to the Governor: After initial review, the petition shall be forwarded to the Governor of Manipur for consideration. The Governor shall decide whether to grant clemency or forward the petition to the President of India.

4.4 Presidential Review: If the Governor forwards the petition, it shall be reviewed by the Ministry of Home Affairs before being submitted to the President for the final decision.

E. Stay of Execution

- Upon the filing of a mercy petition, the death sentence shall be stayed pending a decision on the petition. Execution shall not take place until a final decision is rendered by the President.

F. Role of the Jailor and Prison Authorities

- The Jailor and prison authorities must ensure that all relevant details of the convict's conduct, rehabilitation, and health status are included in the report accompanying the mercy petition.
- The Jailor is responsible for ensuring that all documents and reports related to the mercy petition are forwarded to the appropriate authorities in a timely manner.

G. Role of the Governor

- The Governor of Manipur shall review the mercy petition and can either grant clemency or reject the petition. If the Governor deems it necessary, the petition may be forwarded to the President for final decision.

H. Role of the President

- The President of India, in accordance with Article 72 of the Constitution, shall make the final decision on the mercy petition. The President's decision is final and binding.

I. Confidentiality: All mercy petitions and related documentation shall be handled with the utmost confidentiality. Information related to the petition shall only be shared with authorized personnel, and all records shall be maintained securely.

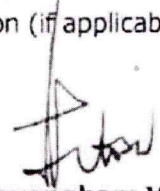


J. Monitoring and Accountability

- The Home Department shall periodically monitor the process to ensure compliance with these guidelines.
- Any undue delay in processing or failure to follow these guidelines shall be reported to the Home Department for necessary action.

K. Annexures:

- Annexure I: Format for Filing a Mercy Petition
- Annexure II: Guidelines for Verification of Mercy Petition
- Annexure III: Format for Jailor's Report
- Annexure IV: Format for Governor's Review Report
- Annexure V: Format for Presidential Review
- Annexure VI: Confidentiality and Security Protocols
- Annexure VII: Monitoring and Accountability Framework
- Annexure VIII: Template for Public Communication (if applicable)


(Dr. Mayengbam Veto Singh)

Joint Secretary (Home), Government of Manipur.

Copy to:-

1. Secretary to Governor, Manipur.
2. Staff Officer to Chief Secretary, Manipur.
3. Commissioner (Home), Government of Manipur.
4. Director General of Police, Manipur.
5. Director General of Police (Prisons), Manipur.
6. Commissioner (Law), Government of Manipur.
7. All District Magistrates/ADMs, Manipur.
8. All Superintendents of Police, Manipur.
9. Registrar General, High Court of Manipur, Imphal.
10. Director, Printing and Stationer, Manipur for publication in the Extra-Ordinary Gazette, Manipur.
11. Notice Board.
12. Guard file.

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Annexure I: Format for Filing a Mercy Petition

Section	Details
Convict's Personal Information	- Name of the Convict: - Age: - Gender: - Address: - Conviction Date: - Case No: - Sentence: Death Penalty
Grounds for Mercy	(Tick the applicable grounds and provide detailed justification for each) - Innocence - Mental Health - Age - Health Conditions - Humanitarian Considerations - Miscarriage of Justice - Rehabilitation Efforts
Supporting Documents	(Check all documents that are being attached) - Medical Report - Legal Arguments - Rehabilitation Record - Statements - Any New Evidence
Signature	Signature of Convict or Legal Representative: _____ Date: _____

Annexure II: Guidelines for Verification of Mercy Petition

Step	Verification Guidelines
1. Authentication of Petition	Verify that the petition is signed by the convict or legal representative. Ensure all information is complete and accurate.
2. Medical Report Review	Ensure that medical or psychological reports (if included) are signed by qualified professionals and are up-to-date.
3. Review of Legal Documents	Confirm that all relevant legal documents such as appeals, reviews, and case outcomes are included.
4. New Evidence Review	If new evidence is presented, ensure its authenticity and relevance. Verify with appropriate authorities if necessary.

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Step	Verification Guidelines
5. Completeness	Ensure all necessary documents are included and properly organized as per the petition checklist.

Annexure III: Format for Jailor's Report

Section	Details
Convict's Information	- Name of the Convict: - Age: - Conviction Date: - Sentence: Death Penalty
Convict's Conduct	- Description of Convict's behaviour while in prison (include any instances of good behaviour, violations, or discipline issues):
Health and Mental Condition	- Physical Health Status: - Mental Health Status: - Any medical conditions that may affect the convict's fitness for execution:
Rehabilitation Efforts	- Participation in prison rehabilitation programs (if applicable): - Reports from counsellors or rehabilitation staff:
Jailor's Recommendation	- Based on the convict's conduct and rehabilitation efforts, I [Jailor's Name] recommend: [Clemency/No Clemency]
Signature of Jailor	Signature: _____ Date: _____

Annexure IV: Format for Governor's Review Report

Section	Details
Convict's Information	- Name of the Convict: - Age: - Conviction Date: - Case No: - Sentence: Death Penalty
Review of Grounds for Mercy	- Grounds for Mercy Presented: (Innocence, Mental Health, etc.) - Detailed Review of Grounds: [Provide detailed evaluation]

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Section	Details
Consultations	- Consultation with Legal Experts: [Yes/No] - Consultation with Medical Experts: [Yes/No] - Other Consultations: [List relevant consultations]
Governor's Decision	- Decision: [Clemency/No Clemency] - If forwarded to the President, state reason: [Provide reasons for forwarding]
Governor's Signature	Signature: _____ Date: _____

Annexure V: Format for Presidential Review

Section	Details
Convict's Information	- Name of the Convict: - Age: - Conviction Date: - Case No: - Sentence: Death Penalty
Governor's Recommendation	- Decision by Governor: [Grant Clemency/Forward to President] - Grounds for Mercy (as forwarded by Governor): [Summarize]
Review of Legal Considerations	- Relevant Legal Precedents: [List applicable case law and statutes] - Constitutional Provisions: [Outline]
Review of New Evidence	- New Evidence Presented: [If applicable, summarize new evidence and its relevance]
Ministry's Recommendation	- Recommendation to the President: [Grant Clemency/No Clemency]
Signature of Ministry Official	Signature: _____ Date: _____

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Annexure VI: Confidentiality and Security Protocols

Section	Details
Access Control	- List of authorized personnel who can access mercy petition records. - Procedures for verifying access.
Document Storage	- All petition-related documents should be stored securely: - Physical: Locked filing cabinets. - Digital: Encrypted database with restricted access.
Confidentiality Agreement	- All personnel involved must sign a confidentiality agreement. - Consequences for breach of confidentiality.
Document Handling Procedures	- Ensure that all documents are handled securely and only shared with authorized individuals.

Annexure VII: Monitoring and Accountability Framework

Section	Details
Monitoring Process	- The Home Department will conduct periodic reviews of the mercy petition process every [insert frequency]. - Any irregularities or delays will be flagged.
Reporting Delays	- Any delays in processing should be reported to the Home Department within [insert number] days of occurrence.
Corrective Action	- Action to be taken in case of non-compliance with guidelines: [Describe action steps, such as warnings, disciplinary action, etc.]

Annexure VIII: Template for Public Communication (if applicable)

Section	Details
Public Communication Template	- Subject: Status of Mercy Petition for [Convict's Name] - Body: [Brief description of the petition's status, while maintaining confidentiality]
Authorized Person	- Communication authorized by: [Name, Title]
Date of Issue	- Date: [Insert Date]