

**Bill No. III of 2016**

THE CONSTITUTION (AMENDMENT) BILL, 2016

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BILL

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title,  
and com-  
mencement.

5 (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 72 of the Constitution, in clause (1), the following provisos shall be inserted, namely:—

Amendment  
of article 72.

“Provided that the President shall exercise the powers granted under this article within a period of six months after the petition to grant pardons etc. is presented to him:

10 Provided further that in the case of non-exercise of powers by the President within the period of six months, the judgment of the court in respect of the petitioner shall be enforced immediately.”

#### STATEMENT OF OBJECTS AND REASONS

India is one of the largest democracies in the world. It achieved freedom in 1947 from the British rule after a prolonged struggle and sacrifice of sons of the soil. Constitution of India was drafted keeping in view the welfare of the citizens. Though the utmost care was taken while drafting the Constitution, over the years there have been occasions when need arose for amending the Constitution to keep pace with the changing scenario in the country.

One such case is the powers conferred upon the President under article 72 of the Constitution which empowers the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. Though, the President has been bestowed with absolute powers in this regard, no time limit has been fixed for the President within which such power has to be exercised. As a result, the mercy petitions made before the President keep piling for long period without any decision. As a fall out of this, the convicts are to be kept guarded in jails and heavy expenditure is incurred upon them which is tax payers money and a drain on national exchequer. In the present situation, attempts are being made both externally and internally to hurt the harmony and vibrancy of our civil society and we are continuously facing probable terrorist attack. It is high time to curb anti-national activities and for that, if death penalty is awarded to a person by any court after considering the circumstances which led them to reach such a decision based upon the gravity of the crime and such person files mercy petition before the President of India, the President should take decision on such mercy petition within six months in order to send a strong signal among antinationals.

Hence this Bill.

MANSUKH L. MANDAVIYA

*ANNEXURE*

EXTRACT FROM THE CONSTITUTION OF INDIA

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**72. (1)** The President 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—

Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases.

(a) in all cases where the punishment or sentence is by a Court Martial;

(b) in all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

(c) in all cases where the sentence is a sentence of death.

(2) \* \* \* \* \*  
(3) \* \* \* \* \*

RAJYA SABHA

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*(Shri Mansukh L. Mandaviya, M.P.)*