

No.36/76/2025-1JJ(II)
Government of Haryana
Jails Department

Dated Chandigarh, the 30th September, 2025

From

Additional Chief Secretary to Government, Haryana,
Jails Department

To

1. All the Administrative Secretaries in State of Haryana.
2. Secretary to Governor, Haryana.
3. All the Head of Department in State of Haryana.
4. All the Divisional Commissioner in State of Haryana.
5. All the Deputy Commissioner in State of Haryana.
6. All the District Magistrate in State of Haryana.
7. Director General of Prisons, Haryana.
8. All the Superintendent of Jails in State of Haryana.

Subject:- Guidelines for processing Mercy Petitions in Death Penalty Cases (as per Section 472, Bharatiya Nagarik Suraksha Sanhita, 2023)- regarding.

Government of Haryana 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 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 Haryana, keeping in view the constitutional provisions and the principles of Justice;

3. Whereas, in compliance of the Hon'ble Supreme Court order dated 09.12.2024 passed in case Criminal Appeal No(s). 2831 & 2832 of 2023, 'State of Maharashtra & Ors. Vs. Pardeep Yaswant Kodade & Anr.', the State Government vide Order Endst. No. 43/02/2025-1JJ(II) dated 03.03.2025, has already constituted a DEDICATED CELL to ensure prompt and expeditious processing of the mercy petitions of convicts convicted to death sentence, comprising the following: -

- | | | |
|------|---|------------------|
| i. | Special/Joint Secretary to Govt. Haryana
Jails Department | Chairman |
| ii. | A nominee of Ld. L.R. | Member |
| iii. | Chief Probation Officer
Office of the Director General of Prisons, Haryana | Member Secretary |
| iv. | Superintendent in the Jail/Home Department | Member |

The committee should work as per these guidelines.

4. Therefore, the Government of Haryana 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 Haryana where a convict has been sentenced to death and wishes to file a mercy petition to the Governor of Haryana or the President of India, as applicable.

C. Filing of Mercy Petitions

- **Eligibility:** Mercy petitions may be filed by convicts or their legal heir or any relatives, 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 Good conduct or behaviour with inmates or Jail authorities, mental health, age, health conditions, humanitarian considerations, miscarriage of justice, and rehabilitation efforts within a period of thirty days from the date on which the Superintendent of Jail:-
 - informs him/her about the dismissal of the appeal, review or special leave to appeal by the Supreme Court; or
 - informs him/her about the date of confirmation of the sentence of death by the High Court and the time allowed to file an appeal or special leave in the Supreme Court has expired.
- **Submission:** The mercy petition shall be submitted to either the Governor of Haryana or the President of India, depending on the case's jurisdiction.

D. Procedure for Processing Mercy Petitions

4.1 Receipt and Acknowledgment: Upon receipt of a mercy petition, the concerned prison authorities 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 a report of Superintendent Jail regarding good conduct/behaviour of prisoner, medical reports, legal arguments, and any new evidence if applicable. The Dedicated Cell shall take necessary steps to ensure prompt and expeditious processing of the mercy petitions of convicts convicted to death sentence.

4.3 Forwarding to the Governor: After initial review, the petition shall be forwarded to the Governor of Haryana for consideration. The Governor shall decide whether to grant clemency or forward the petition to the President of India within time as prescribed in section 472 of BNSS.

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 within time as prescribed in section 472 of BNSS.

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 Superintendent Jail and Prison Authorities

- The Superintendent Jail 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 Superintendent Jail is responsible for ensuring that all documents and reports related to the mercy petition are forwarded to the appropriate authorities in within prescribed time.

G. Role of the Governor

- The Governor of Haryana, in accordance with Article 161 of the Constitution of India, 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 in within prescribed time.

H. Role of the President

- The President of India, in accordance with Article 72 of the Constitution of India, 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.

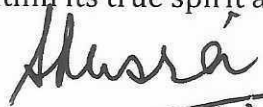
J. Monitoring and Accountability:

- The Jail/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 Jail/Home Department for necessary action.

K. Annexure:

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

5. These guidelines shall be strictly complied within its true spirit and words.


Dr. Sumita Misra, IAS, 20/9/25
Additional Chief Secretary to Government, Haryana,
Jails Department

A copy is above is forwarded to Chief Secretary to Government, Haryana in the office of DA/CS, for information, please.

Faiyaz Chaudhary

Superintendent, Jails & Judicial-II,
for Additional Chief Secretary to Government, Haryana,
Jails Department.

To

Chief Secretary to Government, Haryana,
in office of DA/CS,
Haryana Civil Secretariat, Chandigarh.

U. No. 36/76/2025-1JJ(II)

Dated Chandigarh, the 30th September, 2025

Endst. No.36/76/2025-1JJ-(II)

Dated, Chandigarh the 30th September, 2025

A copy is forwarded to the following for information and necessary action:-

1. Registrar General, Punjab and Haryana High Court, Chandigarh.
2. Deputy Secretary, Home IT Cell with request of publishing on website of NCL Dashboard and Home Department.

Faiyaz Chaudhary

Superintendent, Jail & Judicial-II,
for Additional Chief Secretary to Government, Haryana,
Jails Department.

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

Annexure III: Format for Superintendent Jail Report

Section	Details
Convict's Information	-Name of the Convict: -Age: -Conviction Date: -Sentence: Death Penalty
Convict's Conduct	- Description of Convict's behavior while in

	prison (include any instances of good behavior, 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 counselors or rehabilitation staff:
Superintendent Jail Recommendation	-Based on the convict's conduct and rehabilitation efforts, I [Name of Superintendent Jail] recommend: [Clemency/No Clemency]
Signature of Superintendent Jail	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]
Consultations	-Consultation with Legal Experts: [Yes/No] -Consultation with Medical Experts: [Yes/No] -Other Consolation: [List relevant consultations]
Governor's Decision	-Decision: [Clemency/No Clemency] -If forwarded to the President, state reasons: [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:_____

Annexure VI: Confidentiality and Security Protocols

Section	Details
Access Control	-List of authorized personnel who can access mercy petition records. -Procedure 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.
Documents 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 actions. Etc.]

Annexure VIII: Template for Public Communication (If applicable)

Section	Details
Public Communication Template	-Subject: Status of Mercy Petition for [Convicts 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]