

Q1 Do you think that the Supreme Court needs to lay down norms for release of convicts on remission? Comment.

Ans Again, Judiciary has to come to review the powers of executive & define the boundaries & outlays of power & exceptions given to executive (President & Governors, & Councils).

What's the Case IN NEWS?

→ Recently, Government of Gujarat released the 11 convicts by remitting their sentence.

→ Bilkis-Bano Case

In 2002, Gujarat riots & these persons murdered ~~7~~ persons & raped a lady also.

→ Some public activists challenged this Remittance in SC also.

→ After that case go for CBI also.

→ What's the legal ground for ^{this} Remittance

→ Under CrPc 432, State Court has the power to remit sentences

Exception: Convicts in serious matters should be at least imprisoned for 14 years

→ Governor & President under Article 161 & 72 have power to suspend or remit the sentence passed by the Court.

What's the Past Judgements on Remission?

→ In Laxman Naskar vs Union of India,

(2000)

SC laid down five grounds on which remission is considered?

socio-economic conditions for mildly of convict

5 grounds laid down by Hon'ble SC

whether offence is individual act of crime that doesn't affect the society

whether convict left the potentiality to commit crime

whether crime being repeated in the future

whether any purpose served in the keeping the convict in prison

But in Bilka's Baro Case :-

Humanity Reasons

Rape is serious offence & affects society as a whole

Legal Reasons

Cases referred to CBI needs state govt to consult with central govt before remitting. But in two, no consultancy took place

COVERING THESE ASPECTS

So, Judiciary has to laid down the stringent norms for select of convicts because only remittance is in the domain of executive.