

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2964

ANSWERED ON:11.12.2012

CAPITAL PUNISHMENT

Nirupam Shri Sanjay Brijkishorilal ;Thamaraiselvan Shri R.

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government has taken a final decision to carry out the execution of convicts awarded capital punishment by the Supreme Court;

(b) if so, the details thereof;

(c) whether the Jammu and Kashmir Liberation Front had reportedly warned the Government against the execution/capital punishment of the culprit of Parliament attack; and

(d) if so, the details thereof and the reaction of the Government thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) & (b): 'Prison' and its related matter is a State Subject under the 7th Schedule to the Constitution of India. Execution of capital punishment is being carried out by the concerned State Governments/UTs in accordance with their jail manual/rules etc.. Ministry of Home Affairs is concerned only with the mercy petitions submitted under Article 72 of the Constitution by the prisoner on death row or other on his behalf. This Ministry examines the mercy petition and submit to the President of India for a decision with due recommendation of Union Home Minister. This is a Constitutional scheme. The power under Article 72 of the Constitution does not contain any limitation as to the time, in which the power conferred might be exercised.

(c) & (d): The mercy petition of the death convict in the Parliament Attack case is pending under Article 72 of the Constitution and legal as well constitutional process is not disturbed by any types of threat or warning etc. of any groups/party.