



Case Details of File Number: 684/4/5/2014

Diary Number	21988
Name of the Complainant	SUHAS CHAKMA, DIRECTOR
Address	ASIAN CENTRE FOR HUMAN RIGHTS, C-3/441-C, (2ND FLOOR), JANAKPURI, WEST DELHI , DELHI
Name of the Victim	KRISHNA MOCHI,NANHE LAL MOCHI,BIRKUER PASWAN,DHARM
Address	BHAGALPUR CENTRAL JAIL, BHAGALPUR , BIHAR
Place of Incident	BHAGALPUR CENTRAL JAIL BHAGALPUR , BIHAR
Date of Incident	Not Mentioned
Direction issued by the Commission	<p>These proceedings were initiated pursuant to a complaint dated 6.2.2014 from Shri Suhas Chakma, Director, Asian Centre for Human Rights about the failure of prison authorities to process the mercy petitions filed by the four death row convicts, Krishna Mochi, Nanhe Lal Mochi, Bir Kuer Paswan and Dharmendra Singh @ Dhuru Singh who are currently lodged in District Jail, Bhagalpur. According to the complainant the Prison authorities claimed that they had forwarded the mercy petitions to the President of India on 03.03.2003 but the list of "mercy petition cases since 1981" received by the President of India as provided by the Ministry of Home Affairs did not show the names of Krishna Mochi and others, which clearly indicates that their petitions had been lost. Complainant drew the attention of the Commission to the landmark judgment of the Hon'ble Supreme Court of India in the case of Shtrughan Chauhan and another Vs. Union of India and Ors. [(Writ Petition No. 55/2015) (2014) 2 SCC (Cri) 1], whereby the death sentences were commuted to life imprisonment on the ground of delay in deciding the mercy petitions by the President of India. The delay in those cases was of periods ranging from 5 to 12 years. The complainant, therefore, requested intervention of the Commission to get the death sentences of the four convicts commuted to life imprisonment in the light of the Supreme Court judgment. The Commission examined the judgments of Hon'ble Supreme Court in the cases of Satrughan Chauhan & anr Vs. Union of India & ors. [(Writ Petition No. 55/2015) (2014) 2 SCC (Cri.) 1] and Ajay Kumar Pal Vs. Union of India 2015 2 SCC (Cri) 2 whereby the death sentences were commuted to life imprisonment on the ground of undue delay in deciding the mercy petitions by the President of India. The Commission vide its order dated 22.08.2016 took the view that on the basis of the above two judgments, the four death row convicts who had submitted their mercy petitions more than 12 years ago have a strong case to get their death sentences commuted to life imprisonment. Accordingly, the Commission recommended to the Government of India to expedite and decide the mercy petitions in the light of the above two judgments of the Supreme Court. The Commission has now been informed by the Ministry of Home affairs, Government of India that President of India has in exercise of powers under Article 72 of the Constitution of India commuted the death sentence of the aforesaid condemned prisoners to life imprisonment on 1.1.2017, with a condition that the prisoners shall remain in prison for the whole of remainder of their natural life and there shall be no further remission of the term of their imprisonment for life by any authority. It has also been informed that the decision of the President has been conveyed to the Government of Bihar. In view of the fact that the mercy petitions have been disposed off by the President of India as indicated above, the Commission does not find it necessary to keep the matter on board any longer. Same is accordingly closed.</p>
Action Taken	Concluded and No Further Action Required (Dated 3/20/2017)
Status on 4/19/2018	The Case is Closed.

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Note: For further details kindly contact **National Human Rights Commission, Manav Adhikar Bhawan Block-C, GPO Complex, INA, New Delhi - 110023**

For Complaints : Tel.No. 24651330, 24663333. Fax No. 24651332 E-Mail: cr[dot]nhrc[at]nic[dot]in

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