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GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF HOME
ARUNACHAL PRADESH CIVIL SECRETARIAT
ITANAGAR

NOTIFICATION

The 5th September, 2025

No. HOME-12026/2/2025/516.—Subject : Guidelines for Processing Mercy Petitions in Death Penalty Cases Under Section 472 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (Act No. 46 of 2023), – regarding.

- WHEREAS**, the Government of Arunachal Pradesh 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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (Act No. 46 of 2023);
- 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 Arunachal Pradesh, in keeping with constitutional provisions and the principles of justice;
- NOW, THEREFORE**, the Government of Arunachal Pradesh hereby issues the following guidelines for processing mercy petitions in death sentence cases under Section 472 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (Act No. 46 of 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 Arunachal Pradesh where a convict has been sentenced to death and wishes to file a mercy petition to the Governor of Arunachal Pradesh under Article 161 or the President of India under Article 72 of the Constitution of India, as applicable.

C. Filing of Mercy Petitions

- Eligibility** : Mercy petitions may be filed by convicts who have been sentenced to death or through his legal heir or any other relative and have exhausted all other legal avenues, including appeals and reviews within a period of Thirty (30) days from the date on which the Superintendent of the Jail,-
 - Informs him about the dismissal of appeal, review of special leave to appeal by the Supreme Court; or
 - Informs 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.
- Grounds for Filing** : A mercy petition may be filed on grounds such as innocence, mental health, age, health conditions, humanitarian considerations, miscarriage of justice and rehabilitation efforts.
- Submission**: The mercy petition shall be submitted initially to either the Governor of Arunachal Pradesh and on its rejection or the disposal by the Governor, the petition shall be made to or the President of India within a period of Sixty (60) days from the date of rejection of disposal of such petition, depending on the case's jurisdiction.

D. Procedure for Processing Mercy Petitions

- Receipt and Acknowledgment**: Upon receipt of a mercy petition, the concerned prison authorities or legal representatives must acknowledge the receipt of the petition and record the petition for processing.
- 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 medical reports, legal arguments and any evidence if applicable.
- Forwarding to the Governor**: After initial review, the petition shall be forwarded to the Governor of Arunachal Pradesh for consideration. The Governor shall decide whether to grant clemency or forward the petition to the President of India.

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.

E. Stay of Execution

Upon the filing of a mercy petition, the death sentences 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 Jailor and Prison Authorities

- (i) The Jailor 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.
- (ii) The Jailor is responsible for ensuring that all documents and reports related to the mercy petition are forwarded to the appropriate authorities in a timely manner.

G. Role of the Governor

The Governor of Arunachal Pradesh 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.

H. Role of the President

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

- (i) The Home Department shall periodically monitor the process to ensure compliance with these guidelines.
- (ii) Any undue delay in processing or failure to follow these guidelines shall be reported to the Home Department for necessary action.

K. Annexures:

- 1. Annexure I: Format for Filing a Mercy Petition.
- 2. Annexure II: Guidelines for Verification of Mercy Petition.
- 3. Annexure III: Format for Jailor's Report
- 4. Annexure IV: Format for Governor's Review Report
- 5. Annexure V: Format for Presidential Review
- 6. Annexure VI: Confidentiality and Security Protocols
- 7. Annexure VII: Monitoring and Accountability Framework
- 8. Annexure VIII: Template for Public Communication (if applicable)

This notification shall come into force with immediate effect.

Principal Secretary (Home),
Government of Arunachal Pradesh,
Itanagar.

Annexure-I : Format for Filing a Mercy Petition

Section	Details
Convict's Personal Information	<ul style="list-style-type: none">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) <ul style="list-style-type: none">InnocenceMental HealthAgeHealth ConditionsHumanitarian ConsiderationsMiscarriage of JusticeRehabilitation Efforts
Supporting Documents	(Check all documents that are attached) <ul style="list-style-type: none">Medical ReportLegal ArgumentsRehabilitation RecordStatementsAny 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 the 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 professional and are upto-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 Jailor's Report

Section	Details
Convict's Information	<ul style="list-style-type: none">Name of the Convict:Age:Conviction Date:Sentence : Death Penalty
Convict's Conduct	<ul style="list-style-type: none">Description of Convict's behavior while in prison (include any instances of good behavior, violations, or discipline issues):
Health and Mental Condition	<ul style="list-style-type: none">Physical Health Status:Mental Health Status:Any medical conditions that may affect the convict's fitness for execution:
Rehabilitation Efforts	<ul style="list-style-type: none">Participation in prison rehabilitation programs (if applicabl):Reports from counselors or rehabilitation staff:
Jailor's Recommendation	<ul style="list-style-type: none">Based on the convict's conduct and rehabilitation reefforts, I (Jailor's Name) recommend: (Clemency/ No Clemency)
Signature of Jailor	Signature: _____ Date: _____

Annexure IV: Format for Governor’s Review Report

Section	Details
Convict’s Information	<ul style="list-style-type: none">• Name of the Convict:• Age:• Conviction Date:• Case No:• Sentence: Death Penalty
Review of Grounds for Mercy	<ul style="list-style-type: none">• Grounds for Mercy Presented: (Innocence, Mental Health, etc.)• Detailed Review of Grounds: (Provide detailed evaluation)
Consultations	<ul style="list-style-type: none">• Consultation with Legal Experts: (Yes/No)• Consultation with Medical Experts: (Yes/No)• Other Consultations: (List relevant consultations)
Governor’s Decision	<ul style="list-style-type: none">• Decision: (Clemency/No Clemency)• If forwarded to the President, state reason: (Provide reasons for forwarding)
Governor’s Signature	Signature : _____ Date: _____

Annexure V: Format for Presidential Review

Section	Details
Convict’s Information	<ul style="list-style-type: none">• Name of the Convict:• Age:• Conviction Date:• Case No:• Sentence: Death Penalty
Governor’s Recommendation	<ul style="list-style-type: none">• Decision by Governor : (Grant Clemency/Forward to President)• Grounds for Mercy (as forwarded by Governor): (Summarize)
Review of Legal Considerations	<ul style="list-style-type: none">• Relevant Legal Proceedings : (List applicable, summarize new evidence and its relevance)
Ministry’s Recommendation	<ul style="list-style-type: none">• Recommendation to the President : (Grant Clemency/ No Clemency)
Signature of Ministry Official	Signature: _____ Date: _____

Annexure VI: Confidentiality and Security Protocols

Section	Details
Access Control	<ul style="list-style-type: none">• List of authorized personnel who can access mercy petition records.• Procedures for verifying access.
Document Storage	<ul style="list-style-type: none">• All petition-related documents should be stored securely:• Physical : Locked filing cabinets• Digital: Encrypted database with restricted access.
Confidentiality Agreement	<ul style="list-style-type: none">• All personnel involved must sign a confidentiality agreement.• Consequences for breach of confidentiality.
Document Handling Procedures	<ul style="list-style-type: none">• Ensure that all documents are handled securely and only shared with authorized individuals.

Annexure VII: Monitoring and Accountability Framework

Section	Details
Monitoring Process	<ul style="list-style-type: none">The Home Department will conduct periodic reviews of the mercy petition process every (insert frequency)Any irregularities or delays will be flagged.
Reporting Delays	<ul style="list-style-type: none">Any delays in processing should be reported to the Home Department within (insert number) days of occurrence.
Corrective Action	<ul style="list-style-type: none">Action to be taken in case of non-compliance with guidelines: (Describe action steps, such as warnings, disciplinary action, etc.)

Annexure VIII: Template for Public Communication (if applicable)

Section	Details
Public Communication Template	<ul style="list-style-type: none">Subject : Status of Mercy Petition for (Convict's Name)Body: (Brief description of the petition's status, while maintaining confidentiality)
Authorized Person	<ul style="list-style-type: none">Communication authorized by: (Name, Title)
Date of Issue	<ul style="list-style-type: none">Date: (Insert Date)