

UPSC Preparation

Pardoning Power of the Governor of the State - Article 161

Article 161 mentions the Pardoning Power of the Governor. When a convict has committed an offence against state law, the concerned punishment can be granted the pardon, reprieve, respite and remission by the Governor of the state.

Governor's Pardoning Power

Similar to the [Pardoning Power of the President](#), the pardoning power of the Governor grants the following:

1. Pardon
2. Respite
3. Remission
4. Reprieve
5. Commute

These pardoning powers of the Governor form part of his judicial powers.

How a Governor uses his Pardoning Power?

The details of the pardoning power of the governor are mentioned in the table below:

Pardoning Powers of the Governor	
Pardon	<p>When the Governor pardons, both the sentence and the conviction of the convict completely absolve the sentences, punishments and disqualifications</p> <p>Note:</p> <ul style="list-style-type: none">• He can pardon prisoners, including death row ones.• He cannot pardon the punishment by court-martial

	<p>The sovereign power of a Governor to pardon a prisoner under Article 161 is actually exercised by the State government and not the Governor on his own.</p>
Respite	<p>When the Governor uses his pardoning power of 'Respite', he chooses to award a lesser sentence in place of one originally awarded to the convict. For example, due to some special fact, such as the physical disability of a convict or the pregnancy of a woman offender, the President can use this power.</p>
Reprieve	<p>When the Governor chooses the pardoning power of 'Reprieve'; he stays the execution of a sentence (especially that of death) for a temporary period. By doing this, he enables the convict to have time to seek pardon or commutation from him</p>
Remit	<p>When the President chooses the pardoning power of Remit, he acts to reduce the period of the sentence, but the character of the sentence remains the same. For example, a sentence of rigorous imprisonment for two years may be remitted to rigorous imprisonment for one year but the imprisonment remains rigorous</p>
Commute	<p>The governor can commute the punishment or sentence of any person convicted of any offence against state law, or he can commute a death sentence</p>

Difference between Pardoning Powers of Governor and the President

Pardoning Power of the President	Pardoning Power of the Governor
He can pardon a sentence of the convict given by the court-martial or the military court	The governor does not have the power to pardon the sentence inflicted by the court-martial on the convict.
The President can also pardon the death sentence through commutation or in its entirety.	However, the Governor can also pardon the death sentence, even before a prisoner has served a minimum of 14 years of a prison sentence. This power overrides a provision in the Code of Criminal Procedure — Section 433A (a prisoner's sentence can be remitted only after 14 years of jail). Additionally, he can suspend, remit or commute the death sentence by using the pardoning powers.
His pardoning powers are granted for the cases where the convict has committed an offence against a Union law	His pardoning powers are granted for the cases where the convict has committed an offence against a state law