



Constitutional Bench Update

Pyare Lal vs. State of Haryana

Remission Policies by State 



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Bench:

**Justices Indira Banerjee,
Hemant Gupta, Surya Kant, MM
Sundresh, Sudhanshu Dhulia**

**Case Admitted on:
July 4, 2017**

**Last Date of Hearing:
September 13, 2022**

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Background:

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4th July, 2017: Supreme Court rejected the bail plea of Mr. Pyare Lal, a 75-year old individual serving a life sentence for murder. Subsequently, he filed a second bail application.

15th August 15, 2019: Haryana State government issued a policy notification through the Governor, under Article 161 of Constitution, granting remission to specific categories of prisoners. These included male convicts who were over 75 years of age and had served two-thirds of their total sentence. So, while Pyare Lal's bail application was pending before the Court, he was released under the Haryana government's remission policy.

8th May, 2020: Supreme Court heard Mr. Lal's bail application. On being informed about his release under State's 2019 remission policy, the Bench issued notice to the State Government. Supreme Court questioned whether a policy could be framed under Article 161 contrary to Section 433A of the Code of Criminal Procedure, 1973 (CrPC).

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Mr. Pyare Lal argued that a 5-Judge Bench of the Supreme Court in *Maru Ram v. Union of India* (MANU/SC/0159/1980) had ruled that Section 433A of the CrPC could not interfere with an exercise of the Governor's power under Article 161 or restrict an exercise of sovereign power.

17th July, 2020: A 3-Judge Bench referred the bail plea and the question related to validity of Haryana's remission policy to 5-Judge Constitution Bench.

13th September, 2022: The Constitution bench has issued notice to all State and Union Territories.

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Issues under Consideration:

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- Can a State Government frame a remission policy for convicts under Article 161 of the Constitution that does not require approval from the Governor?
- Can a person's criminal punishment be remitted if they are convicted of an offence for which a death sentence is a possible punishment?

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