## PARDONING POWER AND JUDICIAL REVIEW-A COMPARATIVE STUDY

[WITH SPECIAL REFRENCE TO THE CONSTITUTION OF INDIA]

# THESIS SUBMITTED TO THE ASSAM ROYAL GLOBAL UNIVERSITY FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

IN

**LAW** 



 $\mathbf{BY}$ 

SANDEEP MISHRA
DEPARTMENT OF LAW
ROYAL SCOOL OF LAW & ADMINISTRATION
REGISTRATION NO.: 1170720

**DECLARATION** 

I hereby declare that the content embodied in this Ph.D. Thesis entitled,

"PARDONING POWER AND JUDICIAL REVIEW: A COMPARATIVE STUDY

[WITH SPECIAL REFRENCE TO THE CONSTITUTION OF INDIA]" is the

result of research work carried out by me at the Department of Law, Royal School of

Law & Administration, The Assam Royal Global University, Guwahati, Assam, India,

under the supervision of Prof. (Dr.) Hiren Ch. Nath, the Head of Department of Law.

In keeping with the general practice of reporting research observations, due

acknowledgements have been made wherever the work described is based on the

findings of other researchers.

Further, I declare that this thesis as a whole or any part thereof has not been

submitted to any University (or Institution) for the award of any Degree/ Diploma

Certificate.

Signature:

Place: GUWAHATI

Date: 28-02-24

SANDEEP MISHRA

ROLL NO.: 187123001

**REGISTRATION NO.: 1170720** 

#### CERTIFICATE FROM THE SUPERVISORS

This is to certify that the work presented in the thesis entitled, "PARDONING POWER AND JUDICIAL REVIEW - A COMPARATIVE STUDY [WITH SPECIAL REFRENCE TO THE CONSTITUTION OF INDIA]" by Mr. Sandeep Mishra, submitted to the Assam Royal Global University for the award of the degree of Doctor of Philosophy in Law is a record of the results obtained from the research work carried under our supervision.

This thesis conforms to the template and stipulated guidelines of the Assam Royal Global University, including the standard related to plagiarism, and has a similarity index of 10%, excluding the bibliography.

#### **GUIDE/SUPERVISOR**

Prof. (Dr.) Hiren Ch. Nath Professor & Head of Department Royal School of Law & Administration The Assam Royal Global University Guwahati, Assam

#### Co-GUIDE/Co-SUPERVISOR

Prof. (Dr.) Nalini Kanta Dutta M.Sc., LL.M., Ph.D. (Agri. & Law) Professor, Department of Law Mahapurush Srimanta Shankardeva University, Nagaon Assam

#### **ACKNOWLEDGMENT**

I, the undersigned, take this opportunity to express my gratitude and thankfulness to **Dr. Hiren Ch. Nath**, the Head of Department and Professor of the Royal School of Law & Administration, under the Assam Royal Global University, Guwahati, Assam for his valuable supervision and vital guidance in the making and preparation of this Synopsis. I express my deep sense of gratitude and indebtedness to him for his scholarly guidance and supervision at every stage of my work. His endeavor for perfection, foresight and innovation helped me in completing this Synopsis in stipulated time. I also express my gratitude to **Dr. Nalini Kanta Dutta**, Professor of Mahapurush Srimanta Shankardeva University, Nagaon, Assam for his valuable support as Co-Guide given to me throughout this happy journey.

I would also like to extend my gratitude and thankfulness to our respected Vice-Chancellor, **Dr. S. P. Singh** of the Assam Royal Global University, Guwahati, Assam for his unstinted support and suggestion and giving me a platform to carry on my research on the above topic as a requirement for the partial fulfilment for the Ph.D. Degree.

I would also like to offer my special thankfulness and gratitude to other Ph.D. coscholars who in one way or the other have offered their valuable support and academic nourishment in the completion of my Thesis.

I am solely responsible for any shortcoming in this work which may be obvious due to the limitations in undertaking such type of work.

\*\*\*\*

#### Annexure-I

### Fw: [Ouriginal] 10% similarity - centrallibrary@rgu.ac

RGU Central Library <centrallibrary@rgu.ac> Wed 19-07-2023 09:35 AM

To:

Hiren Ch. Nath <hcnath@rgu.ac>

#### Thank You

#### **CENTRAL LIBRARY**

The Assam Royal Global University

(erstwhile Royal Group of Institutions)
Betkuchi, NH 37, Guwahati 781035, Assam

Website: www.rgu.ac

From: noreply@urkund.com <noreply@urkund.com>

Sent: 18 July 2023 05:22 PM

To: RGU Central Library <centrallibrary@rgu.ac>

Subject: [Ouriginal] 10% similarity - centrallibrary@rgu.ac

Document sent by: centrallibrary@rgu.ac Document received: 7/18/2023 1:51:00 PM

Report generated 7/18/2023 1:52:28 PM by Ouriginal's system for automatic control.

Student message:

Document: Plagiarism test1.docx[D172199546]

About 10% of this document consists of text similar to text found in 11 sources. The largest marking is 417 words long and is 97% similar to its primary source.

PLEASE NOTE that the above figures do not automatically mean that there is plagiarism in the document. There may be good reasons as to why parts of a text also appear in other sources. For a reasonable suspicion of academic dishonesty to present itself, the analysis, possibly found sources and the original document need to be examined closely.

Click here to open the analysis:

https://secure.urkund.com/view/164556357-674572-728426

Click here to download the document:

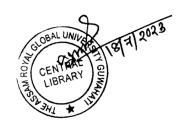
https://secure.ouriginal.com/archive/download/172199546-888983-769011

Thank You

**CENTRAL LIBRARY** 

The Assam Royal Global University (erstwhile Royal Group of Institutions) Betkuchi, NH 37, Guwahati 781035, Assam

Website: www.rgu.ac



# **Abbreviations**

AD - Anno Domini

AIR - All India Reporter

BC - Before Christ

BCE - Before the common (or current) era

Cal. - Calcutta

CE - Common (or current) era

Cr.LJ - Criminal Law Journal

Cr.P.C - Criminal Procedure Court

DLR - Dhaka Law Reports

DLR - Delhi Law Reports

E.R. - English Reports

H.C. Jour - House of Commons Journal

H.L. Jour - House of Lords Journal

K. B. - King's Bench

Mad. - Madras

NY - New York

PC - Privy Council

Punj. - Punjab

Q. B. - Queen's Bench

SC - Supreme Court

SCC - Supreme Court Cases

UK - United Kingdom

USA - United States of America

US - United States
U.P. - Uttar Pradesh

WASH - Washington

W.P. - Writ Petition

\$ - Dollar