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Q86

Consider the following statements with regard to pardoning power of the President of India : I. The exercise of this power by the President can be subjected to limited judicial review. II. The President can exercise this power without the advice of the Central Government. Which of the statements given above is/are correct? (a) I only (b) II only (c) Both I and II (d) Neither I nor II
Official key: A.

UPSC Civil Services Prelims 2025 · General Studies · 2 marks · Polity and Governance

Indian Constitution, polity, rights, governance - Prelims GS Paper I.

Explanation**(a) Official key**

I only. The President's pardon can be under limited judicial review. He does not act without the aid and advice of the Council of Ministers.

(b)

II only. II is false.

(c)

Both. II fails.

(d)

Neither. I holds.

Summary

- **Official Set A key is (a) I only. Maru Ram / Kehar Singh line:** pardon is open to limited judicial review (I). **Article 74:** the President acts on Cabinet advice, including mercy petitions (II fails). I only.

Related possible facts

These can be asked in a future Prelims paper.

Article 72

President's pardon, reprieve, respite, remission, commutation for Union offences and death sentences.

Maru Ram (1980)

Pardon on the aid and advice of the Council of Ministers. Why II is a textbook false.

Kehar Singh (1989) / Epuru Sudhakar (2006)

Limited judicial review - mala fide, irrelevant grounds, not a merits appeal.

Article 161

Governor's parallel power for State offences.

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