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# PAROLE IN INDIA: A COMPREHENSIVE ANALYSIS OF CONCEPT, LEGAL FRAMEWORK, AND PRACTICAL IMPLICATIONS

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## I. Executive Summary

Parole, a cornerstone of modern correctional philosophy, represents a conditional release granted to prisoners who have served a portion of their sentence. Rooted in humanitarian and rehabilitative ideals, its primary aim is to facilitate the social reintegration of convicts and enable them to maintain vital family and community ties. While not a right but a privilege, parole serves as an incentive for good behavior within the prison system and contributes to managing prison overcrowding. In India, the concept of parole is distinct from English and American legal systems, largely governed by administrative instructions and state-specific rules under the Prisons Act of 1894 and the Prisoner Act of 1900, rather than a central statutory framework. This report provides a comprehensive examination of parole in India, delving into its fundamental concept, legal nature, theoretical underpinnings, various types, the authorities involved in its granting and supervision, and the critical challenges that impede its effective and equitable implementation. Through an analysis of key legal provisions, illustrative case laws, and real-world examples, this document aims to provide a nuanced understanding of the complexities inherent in India's parole system and to highlight areas ripe for reform and enhancement.

## II. Introduction to Parole: Concept and Nature

### A. Defining Parole

The term 'Parole' finds its etymological roots in the French phrase “je donne ma parole,” signifying 'I give my word' or 'word of honour'.<sup>1</sup> This origin underscores the foundational element of trust and the solemn promise of good conduct inherent in the concept. In contemporary Indian legal parlance, parole is understood as a conditional release of a prisoner who has already served a segment of their adjudicated sentence. This release is typically

granted under the oversight of a parole officer or relevant authorities.<sup>1</sup> It is a temporary measure, extended due to specific contingencies, and mandates the convict's return to prison to complete the unserved portion of their sentence once the parole period concludes.<sup>5</sup> Fundamentally, parole is an integral component of the correctional process, designed to foster the social rehabilitation of incarcerated individuals.<sup>1</sup>

## B. Core Characteristics

Parole is characterized by several key attributes that define its operational scope and legal implications:

- **Conditional Release:** A fundamental aspect of parole is its conditional nature. The release is contingent upon the parolee's strict adherence to a predetermined set of rules and their promise of maintaining good behavior within the community.<sup>2</sup> Any transgression of these stipulated conditions can result in the immediate recall of the individual to prison.<sup>9</sup>
- **Temporary Suspension of Sentence:** The grant of parole involves a temporary suspension of the sentence during the period of release.<sup>11</sup> Critically, the time spent by the prisoner outside jail on parole does not count towards the total sentence served.<sup>2</sup> This characteristic distinctly differentiates parole from furlough, where the sentence continues to run even during temporary release.<sup>11</sup>
- **Humanitarian and Rehabilitative Aim:** Parole is widely regarded as one of the most humane elements within the prison system. It offers a crucial "second chance" for convicts to re-establish their lives on a positive trajectory, reintegrate into societal norms, and sustain essential family connections.<sup>1</sup> The mechanism is designed to bridge the often-significant chasm between the structured environment of prison life and the complexities of the outside world.<sup>5</sup>

## C. Parole as a Privilege, Not a Right

A crucial legal distinction in India is that parole is considered a "gracious act" and a "privilege," rather than an inherent or fundamental right of a prisoner.<sup>2</sup> This discretionary nature means that authorities possess considerable latitude in deciding whether to grant it.<sup>1</sup> Consequently, parole may be denied even when a seemingly sufficient case is presented, particularly if the competent

authority determines that the release would be detrimental to the interests of society or the administration of justice.<sup>2</sup>

#### D. Objectives of Parole

The objectives underpinning the parole system are multifaceted, aiming to achieve both individual and societal benefits:

- **Rehabilitation and Social Reintegration:** A primary goal is to facilitate the convict's transformation into a productive citizen, assisting them in returning to the mainstream of life after incarceration.<sup>1</sup>
- **Maintaining Family and Social Ties:** Parole enables prisoners to preserve continuity with their family life, fulfill familial and social obligations, and mitigate the detrimental psychological and social effects of prolonged imprisonment.<sup>1</sup>
- **Incentive for Good Behavior:** The prospect of parole acts as a powerful incentive for inmates to demonstrate good conduct within prison, encouraging them to reform their behavior and foster self-confidence.<sup>1</sup>
- **Reducing Jail Overcrowding:** By providing a mechanism for temporary release, parole can also contribute to alleviating the persistent problem of overcrowding in correctional facilities.<sup>1</sup>

While the stated objectives and nature of parole emphasize humanitarianism, rehabilitation, and its status as a privilege granted for good conduct, the practical application often presents a stark contrast. Multiple observations highlight that parole is sometimes utilized by the "rich and influential" to circumvent their prison sentences.<sup>1</sup> This directly challenges the principle that parole is a privilege, not a right <sup>2</sup>, and undermines its rehabilitative goals. Conversely, numerous other prisoners, particularly those lacking financial or social leverage, find their genuine pleas for parole disregarded or unjustifiably rejected on "flimsy grounds".<sup>1</sup> This creates a significant disparity in the application of parole, suggesting a systemic issue where socio-economic influence may override the stated legal principles and humanitarian objectives. Such an uneven application can lead to public distrust in the justice system, as it appears to favor the privileged, potentially fueling social unrest and a perception of "justice for some." Moreover,

if the benefits of parole are not equitably distributed, it fundamentally challenges the efficacy of parole as a truly reformatory tool.

### **III. Theoretical Foundations: Parole and Punishment**

#### **A. The Reformatory Theory of Punishment**

The concept of parole is deeply intertwined with the reformatory theory of punishment, a philosophy that advocates for the transformation of offenders rather than solely focusing on punitive measures. This theory, famously encapsulated by Mahatma Gandhi's dictum, "Condemn the Sin, not the Sinner," posits that the primary objective of a state's penal system should be to reform and re-educate the criminal, thereby enabling their reintegration as a law-abiding citizen.<sup>20</sup> This perspective views criminal behavior as often stemming from prevailing physical or emotional conditions, societal treatment, or environmental and circumstantial factors, rather than an inherent evil within the individual.<sup>20</sup>

Parole aligns explicitly with the reformatory theory.<sup>1</sup> It offers a "second chance" for prisoners to undergo rehabilitation, acquire new skills, and ultimately lead a normal life upon release from incarceration.<sup>1</sup> It is considered one of the most effective reformatory procedures, as it provides a structured transition back into society. Indian criminal jurisprudence largely embraces this reformatory approach, with its principles reflected in various laws, including the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), and the Juvenile Justice (Care and Protection of Children) Act, 2015.<sup>21</sup> Furthermore, provisions such as Section 4 of the Probation of Offenders Act, 1958, and the constitutional powers of pardon and remission granted to the President

(Article 72) and Governors (Article 161) also embody these reformatory goals.<sup>22</sup>

#### **B. Connection to Restorative Justice**

Beyond the reformatory theory, parole also resonates with the principles of restorative justice. This approach is victim-centered, prioritizing the repair of harm, healing, and reconciliation among all parties affected by a crime.<sup>23</sup> Restorative justice seeks to provide offenders with an opportunity to acknowledge the harm they have caused, make amends, and subsequently reintegrate into society. Parole, alongside plea bargaining and probation, serves as a practical application of restorative justice principles within the criminal justice system.<sup>23</sup>

### C. Distinguishing from Other Theories

To fully appreciate parole's philosophical stance, it is essential to differentiate it from other prominent theories of punishment:

- **Deterrent Theory:** This theory aims to prevent future criminal acts by instilling fear of punishment, emphasizing severity, certainty, and celerity in its application.<sup>20</sup> While punishment inherently possesses a deterrent aspect, parole's focus is on individual change and reintegration, moving beyond mere fear-based prevention.<sup>22</sup>
- **Retributive Theory:** Often associated with the principle of "an eye for an eye," retributive justice focuses on proportional suffering for the wrong committed, emphasizing punishment for past actions.<sup>20</sup> Parole, by offering early release and opportunities for rehabilitation, signifies a departure from a purely retributive approach.
- **Preventive Theory:** This theory seeks to incapacitate criminals, either temporarily or permanently, to prevent them from committing anticipated crimes, often through isolation via incarceration.<sup>20</sup> While imprisonment serves a preventive function, parole's ultimate goal is to reintegrate individuals into society, rather than maintaining perpetual isolation.

Despite parole being firmly rooted in the reformatory theory, which is a stated goal of the Indian criminal justice system<sup>1</sup>, the documented instances of parole misuse and subsequent recidivism raise serious questions about the actual effectiveness of this approach in practice. Observations indicate that parole is sometimes misused<sup>1</sup> and that new crimes are committed by individuals released on parole.<sup>24</sup> This suggests that the reformatory intent, while noble, is not consistently translated into successful outcomes. The gap between the theoretical ideal and practical reality implies that while the underlying philosophy is humane and sound, the implementation of parole, particularly concerning the thoroughness of assessment, effectiveness of supervision, and adequacy of post-release support, may be insufficient.<sup>24</sup> Such deficiencies directly impact the system's ability to achieve its stated reformatory goals and can undermine public confidence in the very concept of rehabilitation. If parole frequently fails to reform and, in some cases, appears to facilitate further criminal activity, it risks eroding public support for a reformatory justice system, potentially leading to calls for more punitive or deterrent measures. This highlights the critical need for a comprehensive review of the mechanisms of reform, rather than solely focusing on the underlying philosophy.

## IV. Types of Parole in India

In India, parole is broadly categorized into two main types, each serving distinct purposes and operating under specific conditions: Custody Parole and Regular Parole.

### A. Custody Parole (Emergency Parole)

Custody parole is a temporary release granted exclusively for specific, urgent emergency circumstances.<sup>1</sup>

- **Grounds:** The common grounds for granting custody parole include:
  - Death of a close family member (parents, spouse, son, daughter, brother, or sister).<sup>1</sup>
  - Marriage of a family member.<sup>1</sup>
  - Serious illness of a family member.<sup>1</sup>
  - A convict's own marriage or to appear for examinations.<sup>2</sup>
  - Post-death rituals (excluding annual shraddh), for up to 15 days, granted by the Inspector General (Prisons).<sup>9</sup>
- **Duration and Conditions:** Custody parole is typically of a very limited duration, often as short as six hours<sup>1</sup> or up to 24 hours.<sup>9</sup> In some emergent cases, it can extend up to 7 days, granted by the Superintendent of Jail, or up to 15 days by the Inspector General of Prisons.<sup>28</sup> During this period, prisoners are generally escorted by police constables to ensure public safety and their timely return to prison.<sup>5</sup> The grant of custody parole is subject to verification of the stated circumstances by the concerned police station.<sup>1</sup> It is important to note that under-trial prisoners are eligible for emergency parole only through an order from the concerned trial court.<sup>9</sup>

### B. Regular Parole

Regular parole is designed to enable prisoners to manage familial and social obligations of a routine nature, maintain contact with the outside world, and address their psychological well-being.<sup>3</sup>

- **Typical Duration and Frequency:** Regular parole is typically granted for a maximum period of one month.<sup>1</sup> It can be granted not more than two times within a calendar year.<sup>9</sup> In exceptional circumstances, this period can be extended up to a maximum of 45 days with the approval of the Inspector General of Prisons, but such an extended release can be availed only once in a block of three years.<sup>9</sup>
- **Detailed Eligibility Criteria:** Eligibility for regular parole is determined based on the prisoner's sentence length and their conduct.
  - **General Requirements:** A convict must have served at least one year in jail, excluding any time spent in remission.<sup>1</sup> Their behavior within the prison must have been consistently good.<sup>3</sup> Additionally, a minimum period of six months must have elapsed since the termination of any previous parole.<sup>3</sup> The Jail Superintendent is responsible for carefully examining each case, considering the convict's conduct, work, attitude towards family and community, and how any previous parole was utilized.<sup>9</sup>
  - **Specifics based on Sentence Length** <sup>9</sup>:

Sentence Length	When Due for First Release on Parole	When Due for Second Release	When Due for Subsequent Releases	Duration of Leave per Year
Not exceeding 5 years	On completion of 1 year of actual imprisonment (from date of admission as convict)	After completion of 6 months of actual imprisonment (from date of last return from leave)	After completion of 6 months of actual imprisonment (from date of last return from leave)	21 days
Exceeding 5 years but not more than 14 years	On completion of 2 years of actual imprisonment (from date of admission as convict)	After completion of 1 year of actual imprisonment (from date of last return from leave)	After completion of 6 months of actual imprisonment (from date of last return from leave)	21 days during the first 5 years of confinement and 28 days for the rest of term.

Life or exceeding 14	On completion of 3 years of	After completion of 1 year of	After completion of 6 months of	21 days during the first 5 years
years	actual imprisonment (from date of admission as convict)	actual imprisonment (from date of last return from leave)	actual imprisonment (from date of last return from leave)	of confinement and 28 days for the rest of term.

- **Categories of Prisoners Generally Ineligible for Parole:** Certain categories of prisoners are typically not eligible for parole or furlough, reflecting a balance between humanitarian considerations and public safety concerns.<sup>9</sup> These include:
  - Those involved in criminal activities against the state or deemed threats to national security.<sup>1</sup>
  - Non-citizens of India.<sup>1</sup>
  - Individuals convicted of multiple murders, murder and rape of a child/children, or heinous offenses such as dacoity, terrorist crimes, kidnapping for ransom, or smuggling of narcotics.<sup>1</sup>
  - Prisoners identified by the District Magistrate and Superintendent of Police as dangerous or prejudicial to public peace.<sup>9</sup>
  - Those involved in serious prison violence (e.g., assault, riot, mutiny, escape) or instigating serious violations of prison discipline, as indicated by their annual good conduct report.<sup>9</sup>
  - Escaped prisoners.<sup>6</sup>
  - Prisoners committed for failure to give security for maintaining peace or good behavior.<sup>9</sup>
  - Prisoners suffering from mental illness, unless certified as recovered by a Medical Officer.<sup>9</sup>



- Those whose work and conduct have not been good during the preceding 12 months.<sup>9</sup>
- Convicts whose appeals are pending before higher courts and for which bail has not been granted (applicable in some states like Gujarat).<sup>11</sup>
- Individuals who, in the opinion of police/prison authorities, are likely to jump furlough or whose immediate presence in society may be dangerous and disturb public peace.<sup>30</sup>
- Those involved in sexual offenses against minors and human trafficking.<sup>30</sup>

The extensive list of ineligible categories and the detailed eligibility criteria demonstrate a clear intent to balance humanitarian considerations with public safety and the prevention of recidivism. However, when contrasted with observations regarding the misuse of parole by the "rich and influential" <sup>1</sup>, a critical observation emerges. This suggests that these stringent rules, while well-intentioned, might be selectively applied or even circumvented in practice. This points to an enforcement challenge rather than a deficiency in the rules themselves. The implication is a disconnect between the *written rules* and their *practical implementation*, potentially due to external pressures such as political influence, corruption, or inadequate vetting processes. Such selective application undermines the credibility of the parole system and its ability to function as a fair and equitable correctional tool. It suggests that while the *framework* exists to balance rehabilitation and public safety, the *human element* in decision-making or the *integrity of the process* is a critical vulnerability that needs to be addressed for the system to operate as intended.

### C. Comparative Analysis of Parole, Furlough, Remission, and Pardon

To provide a comprehensive understanding of parole within the broader landscape of correctional measures in India, it is imperative to distinguish it from other closely related concepts such as furlough, remission, and pardon. While all these mechanisms involve some form of temporary or permanent release from incarceration, their legal nature, purpose, and implications for the sentence differ significantly.

Feature	Parole	Furlough	Remission	Pardon
<b>Concept/Definition</b>	Conditional temporary release from prison after serving part of sentence, under supervision, for specific contingencies. <sup>1</sup>	Periodic temporary release from prison for long-term inmates, without specific reason, to maintain family ties and break monotony. <sup>2</sup>	Reduction of the amount of a sentence without changing its character. <sup>12</sup>	An act of grace that exempts an individual from punishment, potentially blotting out guilt. <sup>31</sup>
<b>Nature of Release</b>	Suspension of physical confinement during release period; sentence does not run. <sup>4</sup>	Sentence continues to run during release period; counts as time served. <sup>11</sup>	Reduces the total period of imprisonment. <sup>31</sup>	Complete extinguishment of punishment and often the guilt. <sup>31</sup>
<b>Legal Status</b>	Privilege, not a right; purely	Generally considered a	Not an absolute right, but state	Act of grace; not a right. <sup>31</sup>

	discretionary. <sup>2</sup>	matter of right for eligible prisoners, though subject to conditions. <sup>3</sup>	must assess each case. <sup>32</sup>	
<b>Purpose</b>	Rehabilitation, social reintegration, maintaining family ties, specific exigencies (emergencies). <sup>1</sup>	Maintaining family/social ties, breaking prison monotony. <sup>9</sup>	Correctional incentive, good conduct reward. <sup>32</sup>	Mercy, correction of judicial error, humanitarian grounds. <sup>31</sup>

<b>Reason Requirement</b>	Requires explicit, specific reasons. <sup>2</sup>	Does not require any specific reason; granted periodically. <sup>11</sup>	Based on factors like good behavior in prison, severity of crime, likelihood of re-offending. <sup>32</sup>	No specific legal requirement, but usually based on humanitarian or exceptional grounds. <sup>31</sup>
<b>Period Counting</b>	Period does NOT count towards sentence completion. <sup>2</sup>	Period DOES count as time served in prison. <sup>11</sup>	Reduces the total sentence to be served. <sup>31</sup>	Sentence is completely nullified. <sup>31</sup>
<b>Duration/Frequency</b>	Max 1 month at a time, not more than 2 times/year (can extend to 45 days once in 3 years). <sup>3</sup>	Limited to 14 days with restrictions on frequency. <sup>3</sup>	Varies; can be partial or whole sentence. <sup>32</sup>	Full release.
<b>Granting Authority</b>	Divisional Commissioner, State Government, IG Prisons, Jail Superintendent	Deputy Inspector General of Prisons (except Delhi where courts handle	Appropriate Government (Central or State) under CrPC. President (Art. 72) or	President (Art. 72) or Governor (Art. 161). <sup>31</sup>
	(for custody parole). Courts in specific cases. <sup>1</sup>	pending appeals). <sup>3</sup>	Governor (Art. 161) under Constitution. <sup>12</sup>	
<b>Effect on Conviction</b>	Conviction remains intact; temporary release from physical custody. <sup>12</sup>	Conviction remains intact; temporary release from physical custody. <sup>12</sup>	Conviction remains unaffected; only punishment is reduced. <sup>31</sup>	Can blot out the guilt itself; does not amount to acquittal unless directed. <sup>31</sup>

Legal Provisions	Rules under Prisons Act, 1894 & Prisoner Act, 1900. State-specific rules (e.g., Rajasthan Prisoners Release on Parole Rules, 1958). <sup>1</sup>	Rules under Prisons Act, 1894. BNSS, 2023 (Section 473). <sup>11</sup>	Articles 72 & 161 of Constitution. CrPC Sections 432, 433, 434, 435. Prisons Act, 1894. <sup>12</sup>	Articles 72 & 161 of Constitution. 31
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## V. Legal Framework and Granting Authority

### A. Governing Laws

A critical aspect of parole in India is the absence of a specific, unified central statutory provision governing its grant. Unlike many other jurisdictions, the Code of Criminal Procedure, 1973 (CrPC), does not contain explicit sections dealing with parole.<sup>1</sup> This means that parole is not a statutory right enshrined in central criminal law.

Instead, parole in India is primarily governed by administrative instructions and rules formulated under the Prisons Act, 1894, and the Prisoner Act, 1900.<sup>1</sup> This administrative nature leads to significant state-specific variations. Each state in India has its own distinct parole rules, which may exhibit minor differences in their provisions and procedures.<sup>1</sup> Examples include the Rajasthan Prisoners Release on Parole Rules, 1958<sup>28</sup>, and the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2018.<sup>18</sup>

### B. Authorities for Granting Parole

The authority for granting parole primarily rests with executive bodies, though judicial intervention occurs in specific circumstances.

- **Executive Powers:** Parole is fundamentally an executive function.<sup>1</sup>
  - **Jail Superintendent:** This official holds the authority to grant custody parole for limited durations (e.g., 6 hours, 24 hours, or up to 7 days in urgent cases) after verifying the circumstances with the concerned police station.<sup>1</sup> The Superintendent

also initiates the regular parole application process by collecting essential reports, including the convict's case history, behavior in prison, and medical reports if applicable.<sup>3</sup>

- **District Magistrate (DM):** The District Magistrate plays a pivotal role in the regular parole application process. They are frequently consulted by the State Government and receive reports from both the Jail Superintendent and the police, contributing to the final decision.<sup>1</sup>
- **Inspector General of Prisons (IG Prisons):** The IG Prisons is responsible for making decisions on parole/furlough applications, typically within 15 days of receiving recommendations from the District Magistrate.<sup>9</sup> This authority can also extend regular parole in exceptional circumstances, up to a maximum of 45 days.<sup>9</sup>
- **State Government (Deputy Secretary, Home (General)):** The ultimate decision-making authority for regular parole applications lies with the State Government, often through its Deputy Secretary, Home (General), who makes the final determination in consultation with the District Magistrate.<sup>1</sup>
- **Judicial Powers:** While parole is predominantly an executive function, courts have increasingly intervened to ensure fairness and uphold constitutional rights.
  - **High Courts/Supreme Court:** In recent years, these higher courts have issued orders for release on parole, particularly on humanitarian grounds.<sup>2</sup> They have also recognized prisoners' procreative and marital rights as fundamental rights under Article 21 of the Constitution, thereby establishing a basis for granting temporary parole to exercise these rights.<sup>37</sup> Furthermore, the Supreme Court has expanded this jurisprudence to include the broader right to choose a partner, cohabit, and enjoy physical intimacy under Article 21, suggesting that parole could be granted on this wider ground to ensure equality for all prisoners, irrespective of sexual orientation.<sup>37</sup>
  - **Trial Courts:** Under-trial prisoners, who are yet to be convicted, are eligible for emergency parole only through a specific order from the concerned trial court.<sup>9</sup>

### C. Application Procedure

The process for obtaining parole in India generally follows a structured administrative procedure:

- **Initiation:** A convict seeking parole initiates the process by filing a formal petition with the appropriate jail authorities.<sup>1</sup>
- **Jail Authority Report:** Upon receiving the petition, the Jail Superintendent compiles a comprehensive report. This report includes the convict's case history, their behavior and conduct within the prison, and any relevant medical reports, especially if illness is cited as a reason for parole.<sup>1</sup>
- **Police Verification:** Jail officials are mandated to request a report from the police station that made the original arrest or the police station in the area where the parolee intends to reside.<sup>1</sup> This police report is crucial for verifying the stated circumstances for parole and assessing any potential law and order issues that might arise from the prisoner's temporary release.<sup>38</sup>
- **Forwarding and Decision:** The compiled report, along with the Jail Superintendent's recommendation, is then forwarded to the Deputy Secretary, Home (General), of the State Government, or in some states, to the Inspector General of Prison. The Inspector General may then forward it to the District

Magistrate. The final decision on the parole application is made by the State Government, often in consultation with the District Magistrate.<sup>1</sup>

- **Communication of Decision:** The prisoner must be formally informed of the decision regarding their parole application. If the request for release is rejected, the prisoner must also be provided with the specific grounds for such rejection.<sup>9</sup>

The reliance on state-specific administrative rules and the absence of a central statutory framework for parole <sup>1</sup> creates a significant lack of uniformity across India. While this decentralized approach might be intended to allow for regional adaptation and flexibility, it inherently leads to inconsistencies in the application of parole principles. This variability can result in unequal treatment of prisoners across different states, making the system less

transparent and potentially more susceptible to arbitrary decisions or political interference.<sup>16</sup> The case of the Gujarat RTI application, which exposed how influential individuals could allegedly bypass stringent procedures and transparency in the parole process<sup>38</sup>, exemplifies how the administrative nature of parole can lead to opaque processes and justified public concern. This structural weakness hinders the development of a coherent national correctional policy and can perpetuate the perception of an unfair system, particularly when contrasted with the uniform statutory frameworks observed in other countries.<sup>16</sup> The implication is a clear need for legislative reform to standardize core parole principles while allowing for state-specific procedural nuances, thereby enhancing fairness and public trust.

## VI. Supervision and Conditions of Release

The grant of parole is invariably accompanied by a set of conditions and a framework for supervision, designed to ensure public safety and facilitate the parolee's successful reintegration into society.

### A. Mechanisms of Supervision

Supervision of parolees typically involves a multi-agency approach:

- **Parole Officers:** Parole is generally granted under the supervision of a designated parole officer.<sup>1</sup> These officers are intended to play a crucial role in monitoring the parolee's adherence to conditions and providing guidance and assistance for their successful re-entry.<sup>1</sup>
- **District Administration/Police:** During the parole period, the released prisoner remains under the "cautious vigilance of the district administration".<sup>9</sup> The police play a significant role both in verifying circumstances for parole grants<sup>5</sup> and are expected to maintain close surveillance over parolees to prevent re-offending.<sup>17</sup> In cases of overstay or unauthorized absence, the Superintendent of Jail informs the District Magistrate and Inspector General of Prisons, requesting the immediate arrest of the prisoner.<sup>9</sup>
- **Jail Authorities:** Prison authorities are responsible for maintaining accurate records of parole releases and ensuring that prisoners are regularly informed of their eligibility for parole.<sup>9</sup> They also consider the prisoner's behavior while in custody as a factor in granting parole.<sup>6</sup>

## B. Common Conditions of Parole

A person granted parole is still considered a prisoner, albeit one enjoying a degree of liberty subject to various conditions.<sup>5</sup> The parole board has discretion to impose conditions, provided they are not illegal or immoral.<sup>5</sup> Common conditions include:

- **Reporting:** Regular in-person reporting to a parole officer <sup>5</sup> or to the nearest police station in the area of stay.<sup>9</sup>
- **Residence and Movement:** The parolee must reside at a designated place and not venture beyond specified geographical limits.<sup>5</sup> Permission must be obtained before changing employment or residence.<sup>5</sup>
- **Behavioral Expectations:** Maintaining good behavior and refraining from committing any offense during the release period are paramount.<sup>5</sup> Specific prohibitions include abstaining from alcohol and drugs <sup>5</sup>, abiding by all state and local laws <sup>5</sup>, and not associating with "bad characters, ruffians and anti-social elements".<sup>9</sup>
- **Employment:** Maintaining steady employment is often a condition.<sup>5</sup>
- **Reporting Arrests:** Any instance of arrest must be reported within 24 hours.<sup>5</sup>
- **Searches:** Parolees may be required to submit to searches of their residence, vehicle, or person at any given time by parole officers.<sup>5</sup>
- **Sex Offenders:** Specific conditions apply to sex offenders, including registration under a police registry and restrictions on living with persons under 18 years of age.<sup>5</sup>
- **Financial Security:** The prisoner may be required to furnish cash security or execute a personal recognizance bond, or a bond with one or more sureties, as directed by the competent authority.<sup>9</sup>

## C. Role of Probation Officers

While the term "parole officer" is frequently used in definitions of parole <sup>2</sup>, the detailed duties and functions provided in official guidelines, such as the Handbook for Prison Probation Officers<sup>40</sup>, primarily delineate the responsibilities of *probation officers* in supervising



*probationers*.<sup>40</sup> The Handbook explicitly states that it does not specifically mention the duties of officers supervising parolees.<sup>40</sup>

Probation officers generally play a vital role in the broader correctional system by supervising, assisting, and supporting offenders (including juveniles) in their journey back to normal societal life.<sup>40</sup> Their duties encompass investigating circumstances, monitoring compliance, providing counseling and advice, assisting with compensation, and preparing pre-sentence reports for courts.<sup>40</sup> They serve as a crucial link between courts, offenders, and society, with a core focus on rehabilitation and minimizing recidivism.<sup>41</sup>

A significant observation emerges regarding the supervision of parolees. While parole is defined as conditional release "under supervision of a parole officer" <sup>5</sup> and is fundamentally aimed at rehabilitation <sup>1</sup>, the detailed official guidelines <sup>40</sup> predominantly outline the duties of *probation officers* for *probationers*. The active surveillance and monitoring of parolees appear to fall more heavily on the police and district administration <sup>5</sup>, whose primary mandate is law enforcement and maintaining public order rather than social work or direct rehabilitative support. This suggests a potential systemic gap where the rehabilitative aspect of parole might be underserved. If supervision is primarily driven by law enforcement, it may emphasize compliance and control over the crucial elements of counseling, guidance, and reintegration assistance, which are vital for successful rehabilitation.<sup>1</sup> This operational reality could contribute to the challenges faced by parolees in reintegrating into society and potentially lead to higher recidivism rates.<sup>24</sup> For parole to truly achieve its reformatory objectives, there is a clear implication for the need for a stronger, dedicated professional cadre, akin to probation officers, with a clear mandate and sufficient resources for the social work and rehabilitative support specifically required for parolees, rather than relying solely on police for monitoring.

## **VII. Revocation of Parole and Consequences of Violation**

The conditional nature of parole implies that any breach of its terms can lead to its revocation, resulting in the prisoner's immediate return to custody and other punitive measures.

### **A. Grounds for Revocation**

Parole can be revoked on several grounds, primarily centered around the parolee's conduct and adherence to the stipulated conditions:

- **Violation of Conditions:** If any of the specific conditions imposed at the time of parole grant are violated, the Inspector General of Prisons holds the authority to order the immediate recall of the prisoner to prison.<sup>9</sup>
- **Commission of New Offenses:** The most severe ground for revocation is the commission of any fresh criminal offense during the parole period.<sup>9</sup>
- **Overstay/Unauthorized Absence:** Failing to surrender back to prison upon the expiry of the parole period, or any unauthorized absence from the designated place of stay, constitutes a violation.<sup>9</sup>
- **Public Safety Concerns:** A serious apprehension, based on available material, that the parolee might breach law and order or commit another offense if allowed to remain at large.<sup>25</sup>
- **Past Conduct:** A history of jumping bail or parole granted previously can also be a factor in revocation or denial of future parole.<sup>25</sup>
- **Intimidation/Harm:** If there is a reasonable possibility that the parolee might attempt to intimidate or harm witnesses or their relatives.<sup>24</sup>

#### B. Penalties for Violation

The consequences for violating parole conditions are stringent and aim to deter misuse and ensure accountability:

- **Immediate Recall/Arrest:** In cases of overstay or unauthorized absence, the Superintendent of Jail is mandated to inform the District Magistrate and the Inspector General of Prisons, requesting the immediate arrest of the prisoner.<sup>9</sup>
- **Forfeiture of Remissions:** A prisoner who overstays their parole period may forfeit any remissions of sentence they had previously earned.<sup>1</sup>
- **Impact on Future Parole Eligibility:**

If a prisoner surrenders to jail after a delay of up to 3 days, their indispensability is recorded in

the prison register.<sup>9</sup>

- However, if a prisoner delays again within 3 days (after a previous delay), parole/furlough will not be accepted for the next two years.<sup>9</sup>
- If a prisoner surrenders after a delay exceeding 3 days or is arrested for overstaying, parole/furlough will not be accepted for the subsequent two years.<sup>9</sup>
- If a fresh offense is committed during parole, the prisoner is required to undergo the unexpired portion of their original sentence in addition to any new sentence imposed for the fresh offense.<sup>28</sup>
- **Prosecution:** Overstaying parole can also lead to criminal prosecution under Section 224 of the Indian Penal Code, 1860, which deals with resistance or obstruction by a person to his lawful apprehension, subject to government sanction.<sup>1</sup>

While clear grounds for revocation and penalties exist <sup>9</sup>, the documented instances of parole misuse and re-offending <sup>16</sup> suggest significant enforcement gaps. The difficulty in tracking parole jumpers and the observed "poor track record in catching parole violators" <sup>16</sup>, coupled with a "lack of communication between police authorities of different jurisdictions" <sup>24</sup>, indicate that the punitive measures are not always effectively applied. This operational deficiency increases public safety risks and undermines the public's trust in the parole system.<sup>24</sup> The administrative burden of tracking and the challenges of inter-state coordination are practical barriers to effective enforcement. The implication is that merely having rules is insufficient; their rigorous and coordinated enforcement is paramount for the parole system to function as intended and maintain public safety. This points to a critical need for technological upgrades, improved inter-agency coordination, and increased resources dedicated to the monitoring and apprehension of parole violators.

## VIII. Illustrative Case Laws and Real-World Examples in India

The theoretical framework and legal provisions governing parole in India are best understood through the lens of landmark judicial pronouncements and significant real-world instances of its application and, at times, misuse.

## A. Landmark Supreme Court and High Court Judgments

Several key judgments have shaped the interpretation and application of parole in India:

- ***K.M. Nanavati v. State of Maharashtra, 1961***<sup>11</sup>:

**Facts:** In this high-profile case, Governor Vijayalakshmi Pandit suspended Nanavati's sentence before his appeal could be heard by the Supreme Court.

- **Legal Issue:** The central question was the extent of the Governor's power to suspend a sentence when the matter was still pending before the Supreme Court.

- **Court Reasoning:** The Supreme Court, in its 1960 ruling, established a crucial precedent: governors cannot suspend sentences when matters are pending before the Supreme Court. This was deemed an encroachment upon or "derogation of" the appellate powers of the apex court.

- **Implications for Parole:** This judgment set a critical boundary for executive clemency powers, particularly when judicial appeals are active, to uphold the supremacy of the higher courts' appellate jurisdiction.<sup>11</sup> This precedent continues to influence state prison rules, such as those in Delhi, which explicitly vest the power to grant temporary release during pending appeals with the courts rather than the executive.<sup>11</sup>

- ***Sunil Fulchand Shah v. Union of India, 2000***<sup>4</sup>:

- **Facts:** The case involved a challenge to the method of computing detention periods under the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA Act), specifically whether periods spent on parole should be included in the total detention period.

- **Legal Issue:** The core legal question was whether the period of parole should be counted within the maximum prescribed period of preventive detention.

- **Court Reasoning:** The Supreme Court clarified that detention periods under COFEPOSA are computed from the date of actual detention, and crucially, any

periods spent on parole *must* be counted within the maximum detention period.<sup>15</sup> The Court reasoned that parole represents a temporary shift in custody, not an interruption of the sentence or detention.<sup>15</sup> It emphasized that preventive detention serves a preventive, not punitive, function, thus necessitating strict adherence to the prescribed timelines without extensions through administrative maneuvers like parole.<sup>15</sup>

○ **Implications for Parole:** This judgment reinforces the principle that parole does not alter the fundamental status of the prisoner as being in custody, even during temporary release.<sup>4</sup> It also limits the potential for indefinite detention through administrative extensions, thereby ensuring a balance between state security interests and individual liberties.<sup>15</sup>

● ***State of Haryana v. Mohinder Singh, 2000*** <sup>1</sup>:

○ **Facts:** This case addressed questions of sentence remission for convicts, particularly those on bail or convicted of specific offenses like rape, and sought to clarify the distinction between parole and furlough.

**Legal Issue:** The primary legal issue was to definitively distinguish between parole and furlough and to determine eligibility for sentence remission under various circumstances.

○ **Court Reasoning:** The Supreme Court provided a clear and authoritative distinction between parole and furlough. It held that the period spent on parole *does not count* towards the total sentence completion <sup>2</sup>, whereas the period of furlough *does count* as time served.<sup>11</sup> The Court further clarified that parole is discretionary and granted for specific reasons, while furlough is often considered a matter of right for long-term prisoners to alleviate the monotony of imprisonment.<sup>3</sup>

○ **Implications for Parole:** This case is foundational for understanding the precise legal nature and practical application of parole versus furlough in India, emphasizing that parole is a temporary suspension of physical confinement, not a reduction of the overall sentence.

- ***Asfaq (S) v. State of Rajasthan, 2017***<sup>12</sup>:

- **Facts:** The appellant, convicted under the Terrorist and Disruptive Activities (Prevention) Act (TADA) for orchestrating serial bomb blasts, had been denied parole multiple times.
- **Legal Issue:** The case examined the appropriate grounds for granting parole to individuals serving life sentences for heinous crimes, seeking to balance penal reform with public safety.
- **Court Reasoning:** The Supreme Court upheld the denial of parole, articulating that while the nature of the offense is undoubtedly a significant factor, it should not be the *sole* determinant in parole decisions.<sup>27</sup> The Court emphasized the necessity of balancing rehabilitative efforts with the imperative to protect society and to assess the risk of recidivism.<sup>27</sup> It critiqued the High Court's sole reliance on the severity of the offense, advocating for a more multifaceted consideration.
- **Implications for Parole:** This judgment underscores the need for comprehensive and updated parole guidelines that consider a broader range of factors beyond just the nature of the crime.<sup>27</sup> It also highlights the crucial role of judicial oversight in ensuring that parole decisions are made judiciously and with a balanced perspective.

- ***Dadu @ Tulsidas v. State of Maharashtra, 2000***<sup>44</sup>:

- **Facts:** Petitioners challenged the constitutional validity of Section 32-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act), which seemingly debarred courts from suspending sentences and was perceived to bar the executive from granting parole.
- **Legal Issue:** The central legal issue was whether Section 32-A of the NDPS Act prohibited the grant of parole to convicts under the Act.
- **Court Reasoning:** The Supreme Court clarified that parole is distinct from suspension, remission, or commutation of sentence. It is a temporary release that does not interrupt the sentence. Therefore, the Court concluded that Section 32-A *does not bar* the grant of parole.<sup>49</sup> However, it struck down the portion of Section 32-A that

completely debarred appellate courts from suspending sentences as unconstitutional, while upholding the restriction on executive's power to suspend, remit, and commute sentences.

○ **Implications for Parole:** This case affirmed that convicts under stringent laws like the NDPS Act are still eligible to apply for and be considered for parole, subject to existing statutory provisions, jail manuals, or government instructions, without Section 32-A acting as a hindrance.<sup>49</sup> It reinforces parole's character as an executive function, separate from judicial sentence suspension.

## B. Notable Examples of Parole Application and Misuse

Real-world instances often reveal the practical challenges and criticisms associated with the parole system in India:

- **Manu Sharma Case:** Convicted in the infamous Jessica Lal murder case, Manu Sharma was granted parole multiple times, citing reasons such as attending his grandmother's last rites, his mother's illness, and managing family business interests.<sup>1</sup> However, reports emerged of him being seen clubbing in a Delhi pub, and it was later revealed that his grandmother had passed away significantly earlier than cited in his parole application.<sup>16</sup> This case became a prominent illustration of alleged misuse of parole by influential individuals, raising public outcry and questions about fairness.<sup>1</sup>
- **Bibi Jagir Kaur Case:** This case is also cited as an instance where influential individuals allegedly utilized parole to evade serving their full prison sentences.<sup>1</sup>
- **Biti Mohanty Case:** The son of a Director General of Police (DGP) in Orissa, Biti Mohanty was sentenced to seven years of rigorous imprisonment for the rape of a German national. He was granted a 15-day parole to visit his ailing mother but subsequently escaped. It took seven years for the police to apprehend him in Kerala, where he had assumed a new identity.<sup>1</sup> This serves as a stark example of parole jumping and the challenges in tracking and re-apprehending violators.
- **Saibanna v. State of Karnataka:** In this case, a convict serving a life sentence was granted parole for one month. During this period, he tragically murdered his second wife and child.<sup>16</sup>

- **Krishan v. State of Haryana:** Another instance where an accused committed a second murder while on parole for his initial conviction.<sup>16</sup> These cases underscore the severe public safety risks associated with parole misuse and inadequate supervision.
- **Gujarat RTI Case (2006):** This case involved five convicts from a 2002 Gujarat riot case who were frequently observed roaming their village while repeatedly out on parole, causing significant fear and tension among the witnesses who had testified against them.<sup>38</sup> Despite repeated protests from witnesses and their families, the police reportedly did not object to these frequent releases. An application filed under the Right to Information (RTI) Act revealed a lack of transparency and unlawful demands by jail authorities during the information-seeking process, highlighting how influence can potentially bypass stringent procedures and transparency in the parole system.<sup>38</sup>

The landmark case laws (Nanavati, Sunil Fulchand Shah, Mohinder Singh, Asfaq, Dadu) establish clear legal principles and boundaries for parole, defining its nature, purpose, and limitations. However, the real-world examples of misuse (Manu Sharma, Bibi Mohanty) and procedural opaqueness (Gujarat RTI case) reveal a significant discrepancy between the judiciary's articulation of these legal principles and the executive's practical implementation of parole. This indicates that the legal principles laid down by the judiciary are not always effectively or equitably applied by the executive authorities responsible for granting and monitoring parole. This disconnect suggests that factors such as socio-economic influence, political pressure, or systemic loopholes in administrative processes (e.g., lack of transparency, inadequate verification, poor inter-agency coordination) can undermine the judicial intent. This leads to a perception of a two-tiered justice system, where access to and benefits from parole might be disproportionately available to the privileged, thereby eroding public confidence in the fairness and integrity of the parole mechanism. The analysis of these illustrations and case laws serves not just to inform but to highlight the inherent tension between the legal ideal of parole and its operational reality, pointing towards the critical need for strengthening governance, oversight, and accountability within the executive branches responsible for its administration.

## IX. Challenges and Criticisms of the Parole System in India

Despite its laudable objectives as a rehabilitative and humanitarian tool, the parole system in India faces several significant challenges and has drawn considerable criticism, impacting its



effectiveness and public perception.

### A. Disparities and Inequities

- **Influence of Socio-economic Status:** A major criticism is the perceived inequity in the application of parole. The system is often criticized for being utilized by the "rich and influential class to escape the prison sentence," while "lakhs of other prisoners, whose pleas of parole fall in deaf ears," are denied this benefit simply because they are "poor and uninfluential".<sup>1</sup> This creates a profound perception of injustice and a two-tiered system of correctional justice.
- **Political Meddling:** Concerns have also been raised regarding potential political interference in the parole decision-making process, which can compromise the impartiality and integrity of the system.<sup>16</sup>

### B. Lack of Uniformity

- **State-Specific Rules:** The absence of a unified, codified central legislation for parole is a significant structural weakness. This means that each state in India operates under its own specific parole rules, leading to considerable variations and ambiguity across jurisdictions.<sup>1</sup>
- **Inconsistent Application:** This lack of uniformity can result in inconsistent application of parole principles and criteria from one state to another, leading to unequal treatment of prisoners and making the overall system less predictable and transparent.

### C. Effectiveness of Supervision and Assessment

- **Inadequate Monitoring Capacity:** There are documented "problems with monitoring capacity" and concerns about "inadequate supervision" of parolees once they are released.<sup>26</sup>
- **Recidivism Risk:** The inadequacy of assessment and supervision mechanisms can lead to "fresh crimes being committed" by individuals on parole, which severely erodes public confidence in the system.<sup>16</sup> Cases like *Saibanna v. State of Karnataka* and *Krishan v. State of Haryana* tragically underscore this risk.<sup>16</sup>

- **Poor Police Track Record:** The police have been noted to have a "poor track record in catching parole violators".<sup>16</sup> This challenge is further compounded by a lack of effective inter-state communication, which allows parolees to evade re-apprehension by crossing jurisdictional boundaries.<sup>24</sup>
- **Subjectivity in Selection:** The current parole selection process can be subjective, highlighting a need for more objective criteria and potentially a restructuring of parole boards to reduce arbitrariness. Informing prisoners about the factors considered in parole selection could also enhance transparency.<sup>50</sup>

#### D. Reintegration Hurdles for Parolees

The challenges faced by parolees extend far beyond the administrative process of release, deeply impacting their ability to successfully reintegrate into society:

- **Societal Stigma:** Ex-convicts encounter pervasive societal bias, stigmatization, and discrimination, which significantly hinder their acceptance as productive members of the community.<sup>51</sup> Society often views them with suspicion, perceiving them as "perpetual threats".<sup>54</sup> This deep-seated stigma is a major barrier to true rehabilitation.
- **Employment and Housing Difficulties:** Released prisoners face immense difficulties in securing employment and finding suitable housing due to their criminal records and often a lack of relevant skills or education.<sup>51</sup> This contributes to alarmingly high unemployment rates among formerly incarcerated individuals.<sup>53</sup>
- **Lack of Aftercare and Support Systems:** A "wide gap exists between the aftercare and rehabilitation provided to prisoners and what reality requires".<sup>53</sup> There is a notable "dearth of academic and scholarly works" on social integration, and a lack of proper coordination between existing aftercare services and the actual needs of released prisoners.<sup>52</sup>
- **Vicious Cycle of Recidivism:** These post-release difficulties, particularly the struggle to find employment and overcome societal stigma, unfortunately contribute to increased rates of recidivism.<sup>52</sup>

The challenges of societal stigma, lack of employment and housing opportunities, and inadequate aftercare<sup>51</sup> highlight that the parole system's rehabilitative goals are severely

hampered by *external societal and systemic barriers* that exist beyond the prison walls. While parole aims for rehabilitation and reintegration <sup>1</sup>, a significant body of evidence points to widespread societal stigma, discrimination, and immense difficulties for ex-convicts in finding employment and housing.<sup>51</sup> These external factors directly impede successful reintegration. The lack of robust aftercare programs and societal acceptance creates a "vicious cycle" <sup>53</sup> where, even if a prisoner is released on parole, the necessary conditions for them to become a "useful citizen" <sup>5</sup> are often absent. This significantly increases the risk of recidivism <sup>52</sup>, thereby undermining the core purpose of parole. The implication is that the success of parole is not solely dependent on the prisoner's conduct or administrative decisions within the prison system, but critically relies on broader societal support and governmental programs for post-release reintegration. This suggests that reforms must extend beyond merely amending prison rules to include public education, comprehensive vocational training, and robust social welfare support to truly break the cycle of crime and achieve genuine rehabilitation.

## **X. Recommendations for Reform and Enhancement**

To address the multifaceted challenges and criticisms plaguing the parole system in India, a comprehensive approach involving legislative, administrative, and societal reforms is imperative.

### **A. Legislative Reforms and Standardization**

- **Enact Central Legislation:** It is crucial to enact a comprehensive, unified central legislation for parole. This would ensure consistency and reduce ambiguity across all states, moving beyond the current reliance on disparate administrative rules.<sup>16</sup>
- **Standardize Rules:** Standardize core parole rules and guidelines nationwide, while allowing for minor procedural variations to accommodate regional specificities.<sup>26</sup> This would promote equitable application of parole across the country.

### **B. Strengthening Supervision and Assessment**

- **Improve Monitoring Capacity:** Enhance the capacity and mechanisms for monitoring parolees, potentially through increased financial and human resources, and the integration of modern technology for tracking and reporting.<sup>26</sup>

- **Develop Robust Assessment Tools:** Implement more robust and objective assessment tools for evaluating recidivism risk. These tools should consider a comprehensive range of factors beyond just the nature of the offense, including behavioral patterns in prison, participation in reformatory programs, and psychological assessments.<sup>27</sup>
- **Dedicated Parole Officers:** Clarify and strengthen the role of dedicated "parole officers" whose primary focus is rehabilitation and social work, distinct from the law enforcement mandate of the police.<sup>6</sup> This would ensure that parolees receive the necessary counseling, support, and guidance for reintegration.
- **Enhance Inter-Agency Coordination:** Improve communication and coordination mechanisms among various agencies, particularly between police authorities in different jurisdictions, to effectively track parolees who may move across state lines.<sup>24</sup>

### C. Improving Transparency and Accountability

- **Transparent Decision-Making:** Implement transparent and unbiased decision-making processes for parole grants. This includes clearly defined criteria, documented reasons for approval or rejection, and minimizing the scope for undue influence or political interference.<sup>16</sup>
- **Grievance Redressal:** Establish clear and accessible grievance redressal mechanisms for prisoners whose parole applications are rejected, ensuring they understand the grounds for denial and have avenues for appeal.<sup>9</sup>

### D. Fostering Societal Acceptance and Reintegration

- **Comprehensive Aftercare Programs:** Develop and implement comprehensive aftercare programs that provide sustained support, guidance, counseling, and protection to released prisoners, addressing their mental, social, and economic difficulties.<sup>52</sup>
- **Employability Enhancement:** Focus on improving the employability of inmates through relevant vocational training, behavioral training, and the development of soft skills during their incarceration. This should include practical skills like personal finance management and technology literacy.<sup>20</sup>

- **Public Awareness Campaigns:** Initiate widespread public awareness campaigns and educational programs to dispel misconceptions and reduce the pervasive societal stigma against ex-convicts. This would involve educating employers and the general public about the importance of rehabilitation and the potential for positive change.<sup>51</sup>
- **Employment and Housing Opportunities:** Encourage government programs and incentivize private sector initiatives to provide stable employment and housing opportunities for ex-convicts, recognizing these as critical factors for successful reintegration and reduced recidivism.<sup>51</sup>
- **Collaborative Efforts:** Promote stronger collaboration between criminal justice agencies, non-governmental organizations (NGOs), and local governments to create a supportive ecosystem for reintegration efforts.<sup>40</sup>

## E. Judicial Oversight

- **Maintain Judicial Scrutiny:** Continue and strengthen judicial oversight to ensure that parole decisions are fair, reasonable, and strictly adhere to constitutional principles and established legal precedents. This acts as a vital check against arbitrary executive action.<sup>2</sup>

## XI. Conclusion

Parole in India, while conceptually aligned with progressive correctional philosophies centered on rehabilitation and humanitarianism, faces significant challenges in its practical implementation. As a discretionary privilege rather than a statutory right, its application is often marred by inconsistencies stemming from state-specific administrative rules, leading to perceived inequities and vulnerabilities to influence. The inherent tension between the reformatory ideal and the operational reality is evident in instances of misuse, inadequate supervision, and the substantial societal barriers that impede genuine reintegration for ex-convicts.

To truly fulfill its objectives of social rehabilitation, maintaining family ties, and incentivizing good conduct, the Indian parole system requires concerted reform. This necessitates the establishment of a unified legal framework, strengthening of supervision mechanisms with dedicated rehabilitative support, enhanced transparency and accountability in decision-making, and, crucially, a societal shift towards greater acceptance and provision of opportunities for

released prisoners. By addressing these systemic and societal impediments, India can move towards a more just and effective parole system that genuinely balances individual liberty with paramount public safety, fostering a correctional approach that transforms lives and strengthens communities.

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