All about Parole System

Why in news?

A convict in rape and murder cases, Dera Sacha Sauda chief Gurmeet Ram Rahim was released on parole by the Haryana government.

What is parole?

- The word parole is derived from the French phrase "*je donne ma parole*", which means "I give my word".
- In ***Mohinder Singh*** case, parole has been defined as a conditional release of a prisoner, generally under supervision of a parole officer, who has served part of the term for which he was sentenced to prison.

Types of parole

- **Custody Parole**- It is granted in emergency circumstances like, death in a family, the marriage of a family member, serious illness etc.
- Custody parole is of a limited time span of 6 hours**.**
- **Regular Parole**- It is allotted on certain grounds like
    - Marriage, accident, death or illness in a family
    - Delivery of child by the wife of the convict
    - Severe damage to life or property of the family of convict due to natural calamities
    - Filing of a special leave petition by the convict or his family
- It is granted for a maximum period of 1 month.

What about the parole laws in India?

- The grant of Parole in India is administered by the rules made under **the Prison Act, 1894** and **Prisoner Act, 1900**.
- Each state in India has its own parole rules.
- **Objectives of Parole Laws in India-** The main objective as per Rule 1(A) and 19 of Prisons (Furlough and Parole) Rules,1959 are
    - For the prisoner to maintain continuity together with his family, friends, and community
    - For saving the prisoner from the harmful effects of continuous prison life
    - For the prisoner to develop a feeling of self-confidence that there is a life beyond prison
    - For helping the prisoner to develop a sense of hope and active interest in his life
    - For the rehabilitation of the prisoner

What is the procedure of obtaining Parole?

- A convict seeks parole and files a petition.
- Jail authority (Superintendent) collects the report including the case history, behaviour in the prison, medical report, etc.
- The report is sent to the Deputy Secretary, Home (General), State Government who decides on the application either accepting or rejecting it.
- In some states, it is sent to the Inspector General of the Prison, which is further forwarded to the District Magistrate.
- The District Magistrate along with the consultation of the State Government decides on either accepting or rejecting the application.

What is the eligibility for the grant of parole?

- **Eligibility**- According to the 2010 Parole/Furlough Guidelines,
  - A convict must have served at least 1 year in jail, excluding any time spent in remission.
  - The prisoner's behaviour had to be uniformly good.
  - The criminal should not have committed any crimes/ broken any of the terms and restrictions during the period of parole if it was granted previously.
  - A minimum of 6 months should have passed since the previous parole was terminated.
- **Convicts not eligible for Parole-** Prisoners who
  - Have been or are involved in criminal activities against the state
  - Are threats to national security
  - Are not citizens of India
  - Are convicted of multiple murders or for murder & rape of a child or children

What is the difference between parole and furlough?

- The Supreme Court has clarified the difference between parole and furlough in a number of decisions.

Parole	**Furlough**
Awarded for short-term detention	Allowed in long-term detention
Lasts for 1 month	Lasts for a maximum of 14 days
Divisional Commissioner grants parole	Deputy Inspector General Prison grants furlough
A specific justification for parole is necessary	Furlough is intended to break the monotony of imprisonment
Parole can be given multiple times	Furlough has a limit
Parole is not a matter of right and may be denied to a prisoner even when he makes out a sufficient case	Furlough is a matter of right to be granted periodically irrespective of any reason

What are the pros and cons of the parole system?

Advantages of Parole System

- Reduces overcrowding of jail population
- Reduces taxpayer expenses
- Rewards people willing to work for parole

Disadvantages of Parole System

- Allows criminal to start committing crimes again- In *Saibanna v State of Karnataka,* the appellant who was arrested for killing his first wife killed his second wife and child during the parole period.
- Difficulty in supervision
- Difficult to find work during parole
- Executive arbitrariness in granting parole
- Misuse of parole

> *The call for freedom and liberty is the highest call of conscience. The concept of parole is in line with the call of human mind to free from the shackles of confinement and establish oneself in the warmth of societal acceptance.*

References

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