

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES
[ISSN 2581-5369]

Volume 9 | Issue 4

2026

© 2026 International Journal of Law Management & Humanities

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This article is brought to you for free and open access by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of any suggestions or complaints, kindly contact support@vidhiaagaz.com.

To submit your Manuscript for Publication in the International Journal of Law Management & Humanities, kindly email your Manuscript to submission@ijlmh.com.

Right to Parole in India: A Statutory Right or Judicial Discretion?

JYOTI MANGAL* AND DR. POOJA SOOD**

ABSTRACT

Parole is a central instrument of the modern criminal justice system, offering the conditional release of a prisoner before the completion of the sentence as a means of rehabilitation, reintegration, and relief from prison overcrowding. This paper examines the nature of the right to parole in India, tracing its evolution from restorative practices in ancient India, through its introduction during the colonial era, to the present statutory and administrative framework under the Criminal Procedure Code, the Prisons Act, 1894, and various state guidelines and furlough rules. It analyses the attitude of the Supreme Court and the High Courts, which have treated parole not as an absolute right but as a discretionary measure subject to reasonable restrictions, while insisting that parole decisions be fair, reasoned, and non-arbitrary. The paper further highlights instances of misuse of parole, including political interference, preferential treatment, and failure to enforce conditions, and concludes with suggestions for strengthening the transparency, independence, and accountability of the parole system so that it balances the rehabilitation of prisoners against the interests of public safety.

Keywords: parole, furlough, prisoners' rights, rehabilitation, judicial discretion, criminal justice, Article 21, India

I. INTRODUCTION

In the realm of criminal justice systems worldwide, the concept of parole holds significant importance as an instrument of rehabilitation, reintegration, and a means to alleviate prison overcrowding. Parole refers to the conditional release of a prisoner from incarceration before the completion of their full sentence, subject to certain terms and supervision. The fundamental objective of parole is to provide individuals with an opportunity to transition back into society under strict monitoring, while also serving as an incentive for good behaviour and rehabilitation during their imprisonment.¹ The origins of parole can be traced back to ancient times when societies incorporated restorative justice practices. However, it gained formal recognition in the

* Author is a Research Scholar at Panjab University, Chandigarh, India.

** Author is an Assistant Professor at University Institute of Legal Studies, Panjab University SSG Regional Centre, Hoshiarpur, Punjab, India.

¹ G.R. MADAN, INDIAN SOCIAL PROBLEM, vol I, 139-141 (6th edn, 2002, repr. 2003).

modern era, particularly during the 19th century when penal reforms began to emphasise the importance of reformation rather than retribution. The term "parole" itself is derived from the French word *parol*, meaning "word" or "promise", indicating the trust placed in the parolee to abide by the specified conditions of release.²

The concept of parole operates on the fundamental principle that some offenders, through appropriate support, guidance, and supervision, can successfully reintegrate into society without posing a threat to public safety. By granting early release, parole systems aim to facilitate the individual's transition from a highly controlled prison environment to a relatively independent life in society. This process involves various components, including counselling, employment assistance, and community support, all of which play a pivotal role in reducing the risk of recidivism.³ The eligibility criteria and procedures for parole vary across different jurisdictions, often guided by specific laws and regulations. In many legal systems, individuals convicted of serious offences or with a history of violent crimes may be excluded from parole consideration, focusing instead on non-violent and low-risk offenders. The parole board or a designated authority assesses the suitability of a prisoner for release, taking into account factors such as behaviour while incarcerated, engagement in rehabilitation programmes, and the potential for societal reintegration.⁴

One of the core benefits of parole lies in its potential to address issues of prison overcrowding and reduce the financial burden of prolonged incarceration. By granting conditional release, prisons can focus resources on high-risk individuals while providing low-risk offenders an opportunity to reintegrate, reducing the likelihood of re-offending. However, parole is not without controversy and challenges. Critics argue that it can create public safety concerns if not properly managed, as some individuals on parole may relapse into criminal behaviour. Additionally, concerns about potential biases in parole decision-making processes and disparities in access to rehabilitation programmes have been raised. Despite the complexities surrounding parole, it remains an integral aspect of modern criminal justice systems. With a careful balance of risk assessment, support systems, and supervision, parole can play a crucial role in promoting the rehabilitation and successful reintegration of individuals into society while upholding the principles of justice and public safety.⁵

² *Parole*, NATIONAL INSTITUTE OF CORRECTIONS, <https://nicic.gov/resources/resources-topics-and-roles/topics/parole> (last visited Feb. 8, 2024).

³ J.L. GILLIN, *CRIMINOLOGY AND PENOLOGY* 339 (3rd edn).

⁴ N.V. PARANJAPÉ, *CRIMINOLOGY AND PENOLOGY (INCLUDING VICTIMOLOGY)* 593 (20th edn, Central Law Publications 2022).

⁵ Kishita Gupta, *Parole in India and Laws Related to It*, iPleaders (Apr. 23, 2024), <https://blog.iplayers.in/parole-india-laws-related/>.

II. HISTORY OF THE PAROLE SYSTEM IN INDIA

The history of the parole system in India dates back to the colonial era when the British introduced the concept to the Indian penal system. Over the years, the parole system has evolved through legislative developments and judicial interpretations to address the needs of the country's criminal justice system and its growing population.

A. Parole in Ancient India

The concept of parole, as it is understood in modern criminal justice systems, may not have existed in the same form in ancient India. However, ancient Indian societies did have certain practices and principles that align with some aspects of the modern parole system. In ancient India, the justice system operated on principles of *dharma* (righteousness) and *nyaya* (justice). The emphasis was on restorative justice and rehabilitation, rather than retribution and punishment. Disputes were often resolved through arbitration and mediation, and offenders were encouraged to make amends for their actions and reintegrate into the community.⁶

Ancient Indian legal texts, such as the *Manusmriti* and *Arthashastra*, outlined the principles of justice and laid down guidelines for punishment and rehabilitation. While these texts do not mention the term "parole", they do emphasise the importance of reforming offenders and providing them with opportunities for redemption.⁷ In some cases, offenders who expressed remorse for their actions and showed a willingness to make reparations were given a chance to reintegrate into society under certain conditions. These conditions might have included public service, monetary compensation, or other forms of restitution to the victim or the community.⁸

B. Colonial Era

During the colonial era, the concept of parole was introduced to the Indian penal system by the British colonial authorities. Under the colonial parole system, prisoners who exhibited good conduct and demonstrated a commitment to rehabilitation were considered for early release. The process of granting parole was at the discretion of the prison authorities, and prisoners were often released on the condition that they would adhere to specific terms and conditions during their temporary freedom. During their parole period, prisoners were typically required to reside in designated areas or report regularly to the authorities. Additionally, some parolees may have

⁶ KRISHNA PAL MALIK, *PENOLOGY, VICTIMOLOGY AND CORRECTIONAL ADMINISTRATION IN INDIA* 152 (Allahabad Law Agency 2015).

⁷ NIRMAL ADVANI, *PERSPECTIVES ON ADULT CRIME AND CORRECTION* (1978); R.N. DATTIR, *PRISON AS A SOCIAL SYSTEM* 120 (1978).

⁸ DAVID E. DUFFEE, *CORRECTIONS: PRACTICE AND POLICY* 150-180 (McGraw-Hill 1989).

been subject to surveillance or required to perform community service as a form of restitution to society.⁹

C. Post-Independence Era

After India gained independence in 1947, efforts were made to reform and modernise the criminal justice system, and the parole system continued to be an essential component. The concept of parole was incorporated into various state laws, and guidelines were established to determine eligibility and criteria for parole. The primary objective remained the same: to promote rehabilitation and reintegration while reducing the burden on prisons.

III. LEGISLATIVE PROVISIONS RELATING TO PAROLE IN INDIA

The right to be released on parole in India is not explicitly recognised as a fundamental right under the Constitution of India. However, the concept of parole is derived from the principles of human rights, rehabilitation, and reintegration, which are protected under various constitutional provisions. While parole is not an absolute right, prisoners in India have the right to apply for parole, and the authorities are obligated to consider their applications in a fair and reasonable manner. The legislative provisions relating to parole in India primarily fall under the Criminal Procedure Code (CrPC) and individual state laws. These provisions set out the framework for granting parole to prisoners, specifying the conditions and criteria for eligibility.

A. Criminal Procedure Code (CrPC)

Section 432¹⁰ of the CrPC empowers state governments to grant parole to prisoners. This provision allows state governments to release prisoners temporarily for a specific period, subject to certain conditions. It is within the discretion of the state government to determine the eligibility criteria and conditions for granting parole.

⁹ LOUIS P. CARNEY, INTRODUCTION TO CORRECTIONAL SCIENCE 120-125 (McGraw-Hill 1974).

¹⁰ Code of Criminal Procedure, 1973, § 432 (India), Power to suspend or remit sentences: When any person has been sentenced to punishment for an offence, the appropriate Government may, at any time, without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced. Whenever an application is made to the appropriate Government for the suspension or remission of a sentence, the appropriate Government may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion, and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists. If any condition on which a sentence has been suspended or remitted is, in the opinion of the appropriate Government, not fulfilled, the appropriate Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police officer without warrant and remanded to undergo the unexpired portion of the sentence. The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will. The appropriate Government may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

B. Guidelines and Rules

In addition to the provisions of the CrPC, many states have formulated their own guidelines and rules concerning the parole system. These guidelines provide details on the process of applying for parole, the criteria for eligibility, the duration of parole, and the responsibilities of the parolee during the parole period.¹¹

C. State-Specific Laws

Some states in India have enacted separate legislation to regulate parole and related aspects. For example, Maharashtra regulates the temporary release of prisoners on parole and furlough through the Prisons (Bombay Furlough and Parole) Rules, 1959, now superseded by the Maharashtra Prisons (Furlough and Parole) Rules, 2024.¹²

D. Parole Boards or Competent Authorities

States usually establish parole boards or designate competent authorities responsible for reviewing parole applications and making decisions regarding the grant or denial of parole. These boards typically consist of experts from various fields, including legal professionals, social workers, and psychologists, to ensure a comprehensive and fair evaluation of parole requests.¹³

E. Eligibility Criteria

The eligibility criteria for parole may vary from state to state, but common factors include the nature of the offence, the behaviour of the prisoner during incarceration, the risk of recidivism, the presence of a support system in the community, and the purpose of the parole (e.g., medical treatment, family emergency).

According to the 2010 Parole/Furlough Guidelines, to be eligible for parole:

- a convict must have served at least one year in jail, excluding any time spent in remission;
- the prisoner's behaviour must have been uniformly good;
- the convict should not have committed any crimes during the period of parole if it was granted previously;
- the convict should not have broken any of the terms and restrictions of his or her previous release; and

¹¹ MARY STOHR, ANTHONY WALSH & CRAIG HEMMENS, CORRECTIONS 150-155 (2nd edn, Sage Publications 2009).

¹² The Prisons (Bombay Furlough and Parole) Rules, 1959; the Maharashtra Prisons (Furlough and Parole) Rules, 2024.

¹³ Nicola Padfield, *Parole: Reflections and Possibilities*, HOWARD LEAGUE FOR PENAL REFORM (2018).

- a minimum of six months should have passed since the previous parole was terminated.¹⁴

F. Conditions of Parole

When granting parole, authorities impose specific conditions on the parolee. These conditions may include reporting regularly to a designated authority, maintaining good behaviour, refraining from engaging in criminal activities, attending counselling or rehabilitation programmes, and not leaving the specified jurisdiction without permission.¹⁵

G. Duration of Parole

The duration of parole can vary based on the reasons for granting parole and the nature of the offence. Some parole periods may be short-term, while others can extend to several weeks or months.¹⁶

H. Process and Procedures

The process of applying for parole in India generally involves the following steps:

- **Application:** The prisoner submits an application for parole to the concerned prison authorities, providing details such as the purpose of parole, proposed duration, and address of the intended stay.
- **Verification and recommendation:** The application is scrutinised, and a verification process is conducted, which may include verifying the prisoner's conduct, family background, and proposed residence during parole. The prison authorities then make recommendations based on their assessment.¹⁷
- **Approval and review:** The final decision regarding parole rests with the competent authority, often a designated committee or officer. The decision is based on various factors, including the prisoner's behaviour, offence, and the purpose and duration of parole. Regular reviews may be conducted to assess the prisoner's compliance with parole conditions.¹⁸

I. The Prisons Act, 1894

The Prisons Act, enacted by the Central Government, provides a general framework for the management and administration of prisons in India. While it does not explicitly address parole,

¹⁴ Kishita Gupta, *Parole in India and Laws Related to It*, iPleaders (Apr. 23, 2024), <https://blog.iplayers.in/parole-india-laws-related/>.

¹⁵ SUTHERLAND & CRESSEY, *PRINCIPLES OF CRIMINOLOGY* (6th edn 1968).

¹⁶ MARY STOHR, ANTHONY WALSH & CRAIG HEMMENS, *CORRECTIONS* 150-155 (2nd edn, Sage Publications 2009).

¹⁷ DAVID E. DUFFEE, *CORRECTIONS: PRACTICE AND POLICY* (McGraw-Hill 1989).

¹⁸ LOUIS P. CARNEY, *INTRODUCTION TO CORRECTIONAL SCIENCE* (McGraw-Hill 1974).

it grants powers to the state governments to make rules regarding various aspects of prison administration, including the release of prisoners on parole.¹⁹

J. State-Specific Furlough Rules

Many states in India use the term "furlough" instead of parole. These states have enacted specific furlough rules that outline the conditions and procedures for granting furlough to prisoners. These rules typically specify the eligibility criteria, duration, and purpose of furlough, as well as the process for applying and reviewing furlough applications.²⁰

IV. JUDICIAL ATTITUDE TOWARDS PAROLE IN INDIA

While the right to be released on parole is not explicitly codified as a statutory right, the judiciary has played a significant role in safeguarding and defining the rights of prisoners in parole matters. The courts have intervened in cases where parole decisions were arbitrary, discriminatory, or violated the principles of natural justice. They have emphasised the need for fair and objective criteria for parole eligibility, proper consideration of individual circumstances, and the balancing of the rights of prisoners and public safety.

According to the Indian judiciary, in *Krishan Lal v. State of Delhi*,²¹ parole, a penological innovation, is a success in rehabilitation and in reducing recidivism. Parole, according to the *Mohinder Singh* case, is "a conditional release of a prisoner who has served part of the period for which he was condemned to jail, often under the supervision of a parole officer, who has served part of the term for which he was sentenced to prison." Parole refers to executive action done after a convict's sentence has been imposed. There is no suspension of sentence during parole, but the sentence continues to run throughout that time as well.

"It is not out of place to mention that if the State takes up a flexible attitude, it may be possible to permit long spells of parole, under controlled conditions, so that fear that the full freedom if bailed out might be abused may be eliminated by this experimental measure, punctuated by reversion to prison," Justice Krishna Iyer stated in *Babu Singh v. State of U.P.*²² Unrelenting isolation in the harsh and hardened company of other inmates leads to a slew of unmentionable vices; therefore, humanising parole periods are an important aspect of our system's compassionate constitutionalism.

¹⁹ *Supra* note 15.

²⁰ *Supra* note 17.

²¹ *Krishan Lal v. State of Delhi*, AIR 1976 SC 1139.

²² *Babu Singh v. State of U.P.*, 1978 SCR (2) 777.

The Supreme Court of India has recognised the significance of parole as a means of prisoner rehabilitation and has emphasised the need for its fair and equitable implementation. In various judgments, the Court has highlighted that the right to be released on parole is not an absolute right, but a right subject to reasonable restrictions and conditions that ensure the safety of society.

Several landmark judgments by the Supreme Court and High Courts in India have shaped the understanding and implementation of parole in the country. These judgments have addressed issues such as the scope of judicial discretion, the rights of prisoners, and the principles governing the grant of parole. Some significant judgments related to parole in India are set out below.

In *Sunil Fulchand Shah v. Union of India*,²³ the Supreme Court emphasised that parole is an essential aspect of prisoner rehabilitation and reintegration. It held that the authorities must exercise their discretion in a fair and reasonable manner while considering parole applications, keeping in mind the purpose of parole and the need to balance the rights of prisoners and the interests of society.

In *Charles Sobhraj v. Superintendent, Central Jail*,²⁴ the Supreme Court held that the power to grant parole is discretionary but not arbitrary. It emphasised that parole decisions must be based on valid and rational grounds, and the authorities should consider factors such as the nature of the offence, the prisoner's conduct, and the purpose of parole. The court also stressed the importance of maintaining public confidence in the parole system.

In *Ashok Kumar Jain v. Delhi Administration*,²⁵ the Supreme Court recognised that prisoners have a right to seek parole as a step towards their social reintegration. The court held that parole is a privilege granted to prisoners for their reformation, and its purpose is to enable them to maintain family ties, find employment, and engage in rehabilitative activities.

In *Rajendra Dhairyawan Manjule v. State of Maharashtra*,²⁶ the Supreme Court reiterated that parole is not an absolute right but a right subject to reasonable restrictions. It held that the authorities must have valid and reasonable grounds for denying parole and that the decision-making process should be fair, transparent, and non-arbitrary.

²³ *Sunil Fulchand Shah v. Union of India*, (2000) 3 SCC 409.

²⁴ *Charles Sobhraj v. Superintendent, Central Jail, Tihar*, 1979 SCR (1) 512.

²⁵ *Ashok Kumar Jain v. Delhi Administration*, 1977 SCR (3) 143.

²⁶ *Rajendra Dhairyawan Manjule v. State of Maharashtra*, Criminal Appeal No. 719 of 2010.

In *Asfaq v. State of Rajasthan*,²⁷ the Supreme Court emphasised that parole should be granted based on the individual circumstances of each case. The court held that the nature and seriousness of the offence, the prisoner's conduct, and the purpose and duration of parole should be considered while deciding on parole applications.

Parole decisions must be reasoned and non-arbitrary: the authorities must provide reasons for refusing parole, the decision should rest on objective criteria, and the mere fact that a prisoner is a habitual offender cannot by itself be an automatic ground of denial.²⁸

In *Sunil Batra v. Delhi Administration*,²⁹ a landmark Supreme Court case laid down guidelines regarding the grant of parole. The court held that parole should be granted to prisoners as a right, and not merely as a privilege. It emphasised that parole is an essential part of the prisoner's right to life guaranteed under Article 21 of the Indian Constitution.

In *State of Maharashtra v. Vijay D. Salvi*,³⁰ it was clarified that the power to grant parole is vested with the state government and not the court. The court held that, while considering parole applications, the government should balance the prisoner's interest with the interests of society and public safety.

In *State of Haryana v. Mohinder Singh*,³¹ the Supreme Court emphasised that parole is not a matter of right and can be granted subject to certain conditions. The court stated that the purpose of parole is to provide an opportunity for social reintegration and rehabilitation, and therefore, the conditions imposed should be reasonable.

The state government also has the power to impose reasonable conditions while granting parole, including requiring the prisoner to furnish a personal bond or sureties, or to report to the police station regularly; such conditions flow from Section 432 of the Code of Criminal Procedure, 1973 and the applicable state furlough and parole rules.³²

There was a provision in the Delhi Rules on parole to achieve a balance between the necessity of providing inmates with the option to reconnect with society and retain their family ties through parole, while also preventing the recurrence of similar offences. It stated that prison inmates accused of grave crimes such as murder, rape, or dacoity would not be eligible for interim parole. However, in *Dinesh Kumar v. Govt. of NCT of Delhi* (2012), this was found to be in violation of Article 14 of the Indian Constitution.

²⁷ *Asfaq v. State of Rajasthan*, (2017) 15 SCC 55.

²⁸ *Asfaq*, *supra* note 27.

²⁹ *Sunil Batra v. Delhi Administration*, 1980 SCR (2) 557.

³⁰ *State of Maharashtra v. Vijay D. Salvi*, Criminal Application in Revision No. 300 of 2016.

³¹ *State of Haryana v. Mohinder Singh*, (2000) 3 SCC 394.

³² The Code of Criminal Procedure, 1973, s 432; see also the Prisons (Bombay Furlough and Parole) Rules, 1959.

In *Babulal Das v. State of West Bengal*,³³ the Supreme Court held that people who are imprisoned without trial should be given a chance to reform themselves through reasonable use of the parole power, calculated risks, and short-term release, which could be a social gain if the beneficent jurisdiction is wisely exercised.

In *Inder Singh v. State (Delhi Administration)*,³⁴ the Supreme Court stressed the importance of allowing parole to be used liberally, especially in the case of grave offences.

It was observed in the recent case of *Sanjay Kumar Valmiki v. State of NCT of Delhi*³⁵ that "parole is a discretionary exercise, whereas furlough is a beneficial privilege of the criminal to be considered for release, which the convict can claim provided he meets the Act's and Rules' requirements. Parole is granted in emergency situations, whereas furlough is granted to the petitioner if the prerequisites are met. According to Rules 1171 to 1178 of the Delhi Prison Rules, 2018 and Rule 1223, a prisoner is only eligible for furlough if he has received three Annual Good Conduct reports and, as a result, three Annual Good Conduct Remissions."

These landmark judgments have played a crucial role in defining the rights of prisoners in parole matters and setting guidelines for the fair and equitable implementation of the parole system in India. They underscore the importance of balancing the rights of prisoners with public safety and ensuring that parole decisions are made on valid and rational grounds.

V. MISUSE OF THE RIGHT OF PAROLE: SOME OBSERVATIONS

While the concept of parole has been highlighted and emphasised by the judiciary and penologists alike in order to reduce the negative aspects of prison life, the question arises whether parole actually serves its intended function or merely acts as a means of escape. The case of Manu Sharma garnered national outrage over haphazard jail management and an even more haphazard state government, which granted and vociferously supported parole to a convict in the Jessica Lal murder case.³⁶

Bibi Jagir Kaur is another example. She was prosecuted for her role in the death of her daughter. She was later acquitted of the murder charge in 2018, but was sentenced to a five-year jail term in a related matter. She was reportedly released on parole early in her sentence and was said to have received preferential treatment as a former Punjab Cabinet Minister.³⁷

³³ *Babulal Das v. State of West Bengal*, (1975) 3 SCR 193.

³⁴ *Inder Singh v. State (Delhi Administration)*, 1978 SCR (3) 393.

³⁵ *Sanjay Kumar Valmiki v. State of NCT of Delhi*, W.P. (Cr.) 2049/2019.

³⁶ Julia Yesberg, Jessie L. Gwynne & Devon L.L. Polaschek, *Life on Parole: The Quality of Experiences Soon After Release Contributes to a Conviction-Free Re-Entry* (2020).

³⁷ See *Bibi Jagir Kaur, Acquitted in Daughter's Death Case, a Badal Loyalist Who Became SGPC Head*, THEPRINT (Dec. 4, 2018).

Bitti Mohanty is another notable parole case. In this instance, the convict, the son of a DGP of Orissa, was found guilty of raping a German national. He was sentenced to seven years in prison as well as a fine. He was allowed 15 days' parole in November 2006 to visit his ill mother, with his father standing as his surety. He absconded soon after, and his father pretended to be unaware of his movements. After a period of about seven years, the police were finally able to apprehend him in Kerala in March 2013 on the basis of a tip-off. By that time, the accused had changed his name and refused to confess his true identity as Bitti Mohanty.³⁸

Dr. Jalees Ansari, also known as "Dr. Bomb", was released on parole after being convicted in the Ajmer blasts, Jaipur serial blast, and Malegaon blast cases. He was accused of plotting and executing over 50 bomb blasts across the country since the early 1990s and was serving a life sentence. He was last seen on 16 January 2020, when he was due to report the next day.³⁹

Parole can also give a criminal a perilous opportunity to participate in criminal activity while on release. The appellant had killed his first wife and was serving a life sentence in *Saibanna v. State of Karnataka*.⁴⁰ He was freed on parole for a month, during which time he murdered his second wife and child, inflicting up to 21 injuries on their bodies. The Supreme Court agreed that the case was one of the "rarest of rare" situations, featuring pre-planned, horrific murders without provocation, and that death was the only just penalty. In another case, *Krishan v. State of Haryana*,⁴¹ a life sentence was handed down for a murder committed while the defendant was already serving a life sentence and on parole.

On 24 October 2020, the jail superintendent granted Gurmeet Ram Rahim Singh one day of parole to allow him to visit his ailing mother in a hospital in Gurgaon; the release was carried out discreetly, with Ram Rahim accompanied by police. On 21 May 2021, his parole application to visit his unwell mother was approved, leading to his release for 12 hours, "from sunrise to sunset", under police protection. In February 2022, he was granted a 21-day furlough to meet his family and was given Z-plus security. In June 2022, he was granted a 30-day parole, during which he stayed at his Dera Sacha Sauda ashram in Barnawa, in Uttar Pradesh's Baghpat. The parole was objected to by the SGPC.⁴²

On 14 October 2022, Ram Rahim was granted a 40-day parole, during which he again stayed in Barnawa, in Uttar Pradesh's Baghpat. During his parole, he released three music videos of tracks written, sung, produced, and composed by him, titled "Sadi Nit Diwali", "Jaago Duniya

³⁸ Mohammad Najmi, *The Role of Parole: Parole System at a Glance*, CBI BULLETIN 24 (1968).

³⁹ *Maharashtra Police Launch Massive Manhunt as 'Dr. Bomb' Jumps Parole*, INDIA TV NEWS (Jan. 17, 2020).

⁴⁰ *Saibanna v. State of Karnataka*, (2005) 4 SCC 165.

⁴¹ *Krishan v. State of Haryana*, Criminal Appeal No. 2351 of 2011.

⁴² *Dera Chief Ram Rahim Granted Month-Long Parole, Leaves Rohtak Jail*, INDIA TODAY (June 18, 2022).

De Loko", and "Chat Pe Chat", on his own YouTube channel. The Delhi Commission for Women's chairperson, Swati Maliwal, appealed for the parole to be cancelled. On 21 January 2023, Ram Rahim was given another parole for 40 days to stay at his Dera Sacha Sauda ashram in Barnawa. The stated purpose of the parole was to allow him to attend virtually the religious event held at the Dera headquarters in Sirsa on the birth anniversary of the previous Dera chief, Shah Satnam Singh. On 23 January 2023, he was seen cutting a large cake with a sword at the ashram in Baghpat in a viral video, an act that amounts to the public display of a weapon under the Arms Act, 1959.⁴³

The jailed Dera Sacha Sauda chief and self-styled godman Gurmeet Ram Rahim Singh was again granted a 30-day parole on 20 July 2023. With this, the Haryana government once again approved the parole of the convict, who had previously been granted parole in January of that year.⁴⁴

VI. CONCLUSION AND SUGGESTIONS

While parole is an important tool for the reformation and rehabilitation of prisoners, like any system, it is open to misuse. Instances of potential misuse of the right to parole in India have been reported, highlighting the need for appropriate checks and balances to prevent such misuse. A few examples of potential misuse are set out below.

Political interference: There have been allegations of political interference in the parole process, where influential individuals or political leaders may exert their influence to secure parole for themselves or their associates, bypassing the established criteria and procedures. This interference can undermine the fairness, transparency, and integrity of the parole system. It can manifest in various ways:

- **Expedited or preferential treatment:** Influential individuals may receive expedited or preferential treatment in the parole process, leading to their early release or the relaxation of parole conditions compared to other prisoners. This is often attributed to their political connections or positions.
- **Bypassing eligibility criteria:** Political interference may lead to the relaxation or outright bypassing of the established eligibility criteria for parole. This can result in the release of individuals who do not meet the necessary requirements or do not demonstrate sufficient grounds for parole.

⁴³ *Id.*

⁴⁴ *Dera Sacha Sauda Chief Gurmeet Ram Rahim Granted 30-Day Parole*, INDIA TV NEWS (July 20, 2023).

- **Pressure on parole boards:** Political leaders may exert pressure on parole boards or other authorities responsible for making parole decisions. This pressure can influence the decision-making process, leading to parole being granted inappropriately or denied to deserving individuals.
- **Lack of transparency:** Political interference can contribute to a lack of transparency in the parole system. Decisions may be made behind closed doors without adequate justification or disclosure of the factors considered. This undermines public trust in the fairness and credibility of the parole system.

To mitigate political interference in the parole system, it is crucial to establish robust checks and balances, ensuring the independence and autonomy of the authorities responsible for parole decisions. These measures may include:

- **Independent parole boards:** Establishing independent and impartial parole boards comprising professionals from relevant fields who can make decisions based on merit and established criteria.
- **Transparent processes:** Implementing transparent processes for parole applications, reviews, and decision-making. This can include clearly defined eligibility criteria, standardised procedures, and public disclosure of the factors considered in parole decisions.
- **Accountability mechanisms:** Instituting accountability mechanisms to address complaints or reports of political interference. This can involve impartial investigations into allegations of undue influence and appropriate disciplinary action against those involved.
- **Public awareness and engagement:** Increasing public awareness and engagement regarding the parole system to foster transparency and scrutiny. This can be achieved through public consultations, information campaigns, and platforms for public feedback.

Efforts should be made to strengthen the parole system, reduce political interference, and ensure that parole decisions are based on merit, fairness, and the best interests of both prisoners and society.

Lack of stringent evaluation: In some cases, parole may be granted without a thorough evaluation of the prisoner's behaviour, risk assessment, or consideration of public safety concerns. This could lead to the release of prisoners who pose a potential risk to society or who have not demonstrated significant progress in their rehabilitation.

Favouritism and corruption: Instances of favouritism and corruption have been reported, where parole decisions are influenced by personal relationships, bribery, or other unlawful means. This can lead to undeserving individuals obtaining parole while others who may be more deserving are denied the opportunity.

Failure to enforce conditions: In certain cases, prisoners released on parole may fail to comply with the conditions imposed, such as reporting back to authorities or refraining from criminal activities. This highlights the importance of proper monitoring and enforcement mechanisms to ensure that parole is used as intended.

To address these concerns and prevent the misuse of parole, it is essential to have transparent and accountable processes in place. This includes independent parole boards, adherence to established guidelines and criteria, regular monitoring and evaluation of parolees, and appropriate disciplinary measures for non-compliance.

Efforts should also be made to raise awareness about the purpose and importance of parole among both prisoners and society at large, emphasising the goal of rehabilitation and societal reintegration.
