



PAROLE AND FURLOUGH

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Abstract:

Two legal tools intended to help convicts reintegrate into society are parole and furlough. A conditional release from jail before the conclusion of a term under supervision and with specified restrictions is known as parole. On the other hand, a furlough is a brief release of an offender from jail for a specified reason, such as attending a family event or receiving medical care, and is subject to the same rules and oversight. Both parole and furlough are designed to act as a way of lowering recidivism and increasing public safety while also fostering rehabilitation and reintegration of criminals into society. The requirements and conditions for both, however, differ from state to state and are based on the offender's offence, prison conduct, and possibility of becoming a risk. This article is attempted to study about parole and furlough, their objectives and type. Also differentiate between the parole and furlough.

KEYWORD: Parole, Furlough, Cr.PC, RNR model, RNR-T model, RNR-T-PS model

Introduction:

“Section 432 of the Criminal Procedure Code of 1973, which grants the authority to suspend or reduce sentences, grants inmates the rights of parole and furlough.”¹ The system of parole and furlough is outlined in the Prisoners Act of 1894 and the Prisoners Act of 1900. “In Sections 5(A) and 5(B) of The Prisons Act of 1894, the methods for parole and furlough are described.”²

The fundamental tenet of parole and furlough is that inmates are given permission to maintain their social and familial ties. The correctional behaviour of the prisoner and the prisoner's own reformation are also two key components of the decision to award the two. Even if just occasionally, the right to breathe clean air is another goal. It is done to keep the prisoners' minds in check and to guarantee their sanity. The two's core concept is the humanitarian perspective.

The court has acknowledged that one of the goals is reformation, and allowing the prisoners to leave for brief periods during furlough and parole is crucial for their mental health as well as a way to ensure that they don't pick up their criminal activities once they are released from prison because they won't be totally cut off from the outside world. According to the highest court, these are skeleton in nature.

¹ Criminal Procedure Code of 1973, § 432, No.2, Act of parliament, 1973 (India).

² The Prisons Act of 1894, § 5(a) & 5(b), No. 9, Act of Maharashtra Legislation, 1894 (India).

Parole:

In the case of parole, which is a type of conditional release including monitoring by a parole board or other authorities, offenders are allowed to serve the balance of their sentences outside of custody. The purpose of parole is normally to help people gradually reintegrate back into society while also giving them the tools and resources they need to do so.

The terms "parole sentencing procedures" and "parole release criteria" relate to the laws and regulations that specify how and when someone is released on parole. The gravity of the offence that was done, the duration of the person's sentence, and their criminal background can all be taken into account by these regulations, which differ depending on the jurisdiction.

In addition, parole regulations specify requirements that must be completed by the parolee while on parole, including as reporting to a probation officer, taking drug tests, and taking part in treatment programmes. If these requirements are not met, the parole may be revoked and the person may be sent back to jail.

The particular parole regulations differ from location to location; however, some are based on the following:

- **Risk-Need-Responsivity (RNR) model:** It is a methodology for identifying and handling offenders that has grown in acceptance in recent years. It is predicated on the notion that while creating and putting into practise treatments, it is important to take into account the offenders' risk of reoffending, their criminogenic requirements (i.e., elements that influence their criminal conduct), and their responsiveness to interventions.

According to the RNR model, interventions should be given in a way that is responsive to the learning preferences and motivations of offenders and should be customised to their degree of risk and criminogenic requirements. The RNR approach hopes to increase public safety while simultaneously lowering the chance of recidivism by doing this.

- **Risk-Need-Responsivity-Treatment (RNR-T) model:** By highlighting the significance of evidence-based treatment treatments that focus on criminogenic demands, this model expands on the RNR model. The RNR-T model recognises that not all interventions are equally successful and that the most effective interventions are those that are tailored to an offender's criminogenic requirements, degree of risk, and learning style.
- **Risk-Need-Responsivity-Treatment-Public Safety (RNR-T-PS) model:** By including the significance of public safety in the evaluation and intervention process, this model builds on the RNR-T paradigm. The RNR-T-PS model acknowledges that treatments must be effective in preserving public safety in addition to reducing reoffending. This involves determining how likely an offender is to do harm to others, controlling that risk, and making sure that solutions don't make the situation worse for the community.

In general, the RNR, RNR-T, and RNR-T-PS models are evidence-based methods to managing offenders with a focus on reducing reoffending, enhancing public safety, and fostering offender rehabilitation and reintegration.

These models are frequently used by nations as the foundation for their parole programmes, and they are intended to promote public safety by identifying high-risk offenders and offering them the proper care.

Objectives:

“The object behind parole is to grant some relief to the prisoners in certain exigencies which may be as follows:

- i. A member of the prisoner’s family has died or is seriously ill or the prisoner himself is seriously ill;
- ii. The marriage of the prisoner himself, his son, daughter, grandson, granddaughter, brother, sister, sister’s son or daughter is to be celebrated;
- iii. The temporary release of the prisoner is necessary for ploughing, sowing or harvesting or carrying on any other agricultural operation of his land or his father’s undivided land actually in possession of the prisoner;
- iv. It is desirable to do so for any other sufficient cause.

Parole can be granted only after a portion of the sentence is served. If the conditions of parole are not abided by the parolee, he may be returned to serve his sentence in prison.”³

Types of Parole:

- Regular Parole:

In all other circumstances, the government may decide to take requests for standard parole into account. Some of the grounds for which the prisoner's request may be taken into consideration are as follows:

1. terrible illness of a family member.
2. Families are in a serious condition as a consequence of an accident or a relative's passing.
3. any family member of the offender getting married.
4. If no other family member is available to care for the convict's spouse at home, the convict's wife gives birth to a kid.
5. serious injury to the lives or property of the convict's family, including losses brought on by natural disasters.
6. maintaining ties with family and friends.

³ Numen Law, <https://www.numenlaw.com/parole-and-furlough.pdf> (last visited on Feb. 22, 2023).

7. to submit a Special Leave Petition to the Indian Supreme Court in response to a decision by the High Court that convicted a person or upheld a conviction, as the case may be.

- Emergency parole or custody parole:

Only in the case of an emergency, such as the death of a family member, the marriage of a family member, the serious sickness of a family member, or in any other emergency scenario, can custody release be granted. A prisoner on custody parole must be escorted to and from the site of visiting in order to protect their safety. For the duration of the term, such convicts would be regarded as being in jail, and the period would be recorded as prison time.

Furlough:

On the other hand, a furlough is a brief release from jail that is typically done for a specified reason, such going to a family member's funeral, visiting a sick relative, or looking for employment prospects. Furloughs are often given for a little length of time, and the offender is expected to report back to jail at the conclusion of that time. Furloughs are not a type of conditional release, unlike parole, and do not include continuing supervision.

Policies for granting furloughs are referred to as "furlough sentencing," and they contain the laws and procedures that must be followed. The duration of the person's sentence, how they behaved while incarcerated, and the particular goal of the furlough are all possible considerations in these rules.

Policies for furloughs also include requirements that must be satisfied by the person taking the furlough, such as reporting to the authorities, remaining in a certain location, and not breaking any laws. The furlough may be cancelled and the person may be sent back to jail if they don't follow these rules.

“The Hon’ble Division Bench of the Gujarat High Court has held that a convict may be denied furlough solely on ground of the offences committed by him as his release will hamper his reform or expose the society to the very danger to shield from which the convict is imprisoned.”⁴ “However, the Hon’ble Division Bench of the Delhi High Court disagreeing with the rationale of the Hon’ble Gujarat High Court held, that the seriousness of the offence cannot be a criteria to reject furlough without considering the convicts situation and reasons. The authority granting furlough in cases where the convict has been guilty of serious offences should do so with extra caution and also need to write a statement of reasons for granting furlough to such convicts.”⁵

Parole and Furlough Relation:

In order to prevent the convict from doing additional harm, the purpose of both furlough and parole is to find a balance between the rights of the criminal and the rights of society. Both are examples of conditional release, which means the criminal is required to follow the guidelines set down in the court order granting furlough or parole, such as returning to the neighbourhood police station on schedule. Both parole and furlough may be rejected if the responsible authority thinks that releasing the criminal will harm society.

⁴ Sharad Keshav Mehta Vs. State of Maharashtra & Ors. 1989 Cri LJ 681.

⁵ Juvan Singh Lakhubhai Jadeja Vs. State of Gujrat, 1973 (14) GLR 104.

Difference Between Parole and Furlough:

Although they use distinct techniques, the goal of both furlough and parole regulations is to get the criminal ready for re-entry into society. The goal of furlough policies is to provide the criminal a brief release for a specified purpose, as opposed to the objective of parole regulations, which place more emphasis on long-term supervision of the offender.

“Over the years, the Hon’ble Supreme Court through various judicial pronouncements has differentiated between concept of parole and furlough, few of which are listed hereunder as follows:

- I. Parole can be granted in case of short-term imprisonment whereas furlough is granted in case of long-term imprisonment.
- II. Duration of parole extends to one month whereas in case of furlough it extends to fourteen days maximum.
- III. Parole is granted by Divisional Commissioner and furlough is granted by the Deputy Inspector of General of Prisons.
- IV. For parole a specific reason is required, whereas furlough is meant for breaking the monotony of imprisonment.
- V. The term of imprisonment is not included in the computation of the term parole, whereas it is vice-versa in furlough.
- VI. Parole can be granted number of times whereas there is a limitation in the case of furlough.”⁶

Conclusion:

Thus, the possibilities for parole and furlough allow for a humane attitude to criminals being held in jails. The major goal of such measures is to provide offenders a chance to deal with their personal and family issues and to make it possible for them to keep their ties to society. The effective reintegration of criminals into society should be in the best interest of every person in our nation. A person's chances of reformation are reduced and their chances of failing to integrate into society are increased if they leave jail without strong networks of support, career opportunities, basic understanding on how to get along with the community they return to, and resources. Therefore, if utilised wisely, notions like furlough and parole may assist prepare criminals and inmates to effectively re-enter society and live law-abiding lives.

⁶ *Supra note 3.*