



Revised Guidelines for Parole and Furlough: MHA

Why in News

Recently, the Union **Ministry of Home Affairs (MHA)** has revised the **Model Prison Manual, 2016** guidelines related to parole and furlough.

Key Points

▪ Revised Guidelines:

- The MHA has asked states to **not release prisoners, on parole and furlough**, who are considered a threat to the security of the state or to individuals.
 - Imprisonment besides being a mode of punishment also **aims at protecting the society from criminal activities**, therefore **release on parole is not an absolute right** but a concession.
 - A **balance** is, therefore, considered essential between ensuring the rights of inmates and protecting the society from further harm.
- The **parole rules of states to be reviewed** about the benefits and detriments of such parole.
- Parole and furlough may **not be granted as a matter of routine** and may be **decided by a committee of officers and behavioural experts**, especially for inmates sentenced for sexual offences and serious crimes such as murder, child abduction, violence etc.
- **Inclusion of an expert psychologist/ criminologist/correctional administration expert** as a member of the sentence review board and in the committee which decides grant of parole and furlough to inmates and obtain their opinion before such temporary release.

▪ Background:

- In the wake of the **Covid-19 pandemic**, states are under pressure to release prisoners in order to avoid overcrowding in prisons. Earlier, the **Supreme Court of India** has also passed orders on measures taken **to decongest** prisons, correction homes and detention centres due to the Covid-19 outbreak.
 - **Prison is a state subject** and **all states have their own rules** for parole, furlough, remission and premature release based on good conduct of the prisoners.
- The MHA guidelines came in the **backdrop of reports** of several prisoners being released on parole and furlough and some of them committing crimes out of jail.

Parole and Furlough

- **Parole:** It is a system of **releasing a prisoner with suspension of the sentence**. The release is conditional, usually subject to behaviour, and requires periodic reporting to the authorities for a set period of time.
 - **Parole is not a right**, and is given to a prisoner for a specific reason, such as a death in the family or a wedding of a blood relative.

- It may be denied to a prisoner even when he makes out a sufficient case, if the competent authority is satisfied that releasing the convict would not be in the interest of society.

▪ **Furlough:**

- It is similar to parole, but with some significant differences. It is given in cases of **long-term imprisonment**. The period of furlough granted to a prisoner is treated as **remission of his sentence**.
- Unlike parole, **furlough is seen as a matter of right for a prisoner**, to be granted periodically irrespective of any reason, and merely to enable the prisoner to retain family and social ties, and to counter the ill-effects of prolonged time spent in prison.
- Both parole and furlough are considered as **reformatory processes**. These provisions were introduced with a view to **humanising the prison system**.
 - Parole and furlough are covered under the **Prisons Act of 1894**.

Way Forward

It is important for state authorities to review their guidelines to ensure that the facility and concession given to inmates, by way of parole, furlough and premature release etc. with the intention of providing them relief and rehabilitation, is not abused and misused by them and their advantage does not turn into disadvantage and nuisance for the society at large.

Source: IE

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