
THE FUTURE OF PAROLE IN INDIA: HUMANISING JUSTICE THROUGH REFORM AND TECHNOLOGY

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ABSTRACT

This paper critically examines the parole system in India through the lens of reformative and restorative justice. It traces the evolution of parole from a colonial administrative mechanism to a modern tool of rehabilitation, highlighting how executive discretion, political influence, and the absence of uniform guidelines have undermined its original purpose. By comparing

India's fragmented parole framework with the structured and judicially supervised systems of the United Kingdom and Belgium, the paper identifies urgent needs for transparency, accountability, and humane oversight. It further explores contemporary developments, including digital governance initiatives and judicial interventions that have reframed parole as a constitutional expression of liberty under Article 21. The study finally proposes a model of restorative parole grounded in judicial participation, technological transparency, and community-based reintegration. Parole, thus reimagined, becomes not a discretionary concession but a hopeful affirmation that justice and compassion can coexist within India's criminal justice system.

1. UNDERSTANDING THE CONCEPT OF PAROLE

Section 5(B) of the Prisoners Act, 1894 defines parole system is the system of releasing prisoners in Jail on parole, by suspension of their sentences in accordance with their rules for the time being in force¹. In other words, it is a process whereby partial liberty of lessening of restrictions is granted to a convict prisoner. The convicts are under subjected to rules which are framed whereby they are supervised by the authorities, and in case of failure to perform the promise, the convict who was released on parole is directed to surrender to custody.

The entire idea behind parole is to reform the offender on his/her own, by dawning realisation upon him/her that the law takes a lenient view towards those, who have slipped into criminal act by chance. The offender is allowed to live in the community, among his/her people and is thus rescued from the trauma and the ordeals of prison.

In State of *Haryana v. Mahander Singh*², the Supreme Court held that parole releases a prisoner from a penal institution only when he has served a part of his sentence under the continuous custody of the State and under the conditions being imposed on him is observed.

In Parole, the offender is supposed to serve the minimum term of the sentence, usually onethird of the maximum prescribed, and then he is set at liberty with or without restrictions. The parole system must have it in two elements: (a) that the parolee should be under supervision so that if the interest of the public security demands then he should be brought back to the prison or institution from where he was paroled out. (b) the parolee should be provided with constructive work so that he can find a way back to establish himself in the society and that he should not be exploited.

1.1. Concept and Philosophy behind Parole:

There are two schools of thoughts which provides two different notions of punishment. According to Classical School of thought, when an offender commits a crime he calculates his pleasure and gain at the cost of other's pain and so he must be punished for his deeds. But the Positivist schools believed that it is the circumstances which forces a person to commit a crime

¹ NSSR Murthy and Dr. MSV Srinivas, Indian Parole System-a Review of Judicial Stand and Critical Issues, International Journal of Innovative Research and Development, ISSN 2278-0211, Vol 4 Issue 9, available at <http://www.shareyouressays.com/essays/essay-on-judicial-trend-of-parole-system-in-india-1215-words/121541> accessed on 22nd December, 2025

² (2000) 3 SCC 394

and that he must be rehabilitated³. From this thought, the concept of parole develops. The concept of parole believes in providing a second chance to the offender to rehabilitate himself and not to be labelled as a criminal.

Since ages, it has formed an essential part of the criminal justice system in mitigating crime. Punishment(s) can have several aims. The aims and goals of punishment include – rehabilitation, retribution, deterrence, incapacitation and condemnation. These aims have been profoundly modified due to the rapidly changing social values and sentiments of the people. The earlier forms of punishment emphasized on inflicting greater pain on the offenders. The onset of the reformatory theory of punishment in the Criminal Justice system resorts some little relief to the offender by restoring his/her human dignity. The reformatory theory of punishment provides protection to the human dignity by emphasising largely upon the reformation and rehabilitation of the offender and trying to re-integrate him/her back into the society. The entire concept of parole has been fuelled by such theories.

1.2.Parole in India: An Analysis of the Existing Situation

The grant of Parole in India is governed by such rules which are made under the Prison Act, 1894 and Prisoners Act, 1904. However, there is no unified parole rules prevalent in India as each of the State made its own rule related to Parole which have minor variation from one another. In India, parole are of two kinds- one is custody and another is regular. In circumstances which include emergency like serious illness or marriage or death in the family, then custody parole is granted⁴. However, such parole has a limited duration of six hours after which the prisoner is to return back.

On the other hand, those convicts who have served atleast one year in prison may be granted regular parole for a maximum period of one month. It is granted on grounds like Marriage of a member of the family like delivery of Child by wife of the convict, serious damage to life or property of the family of convict by natural calamities, maintain family or social ties or Pursue

³ Richard A. Bierschbach, PROPORTIONALITY AND PAROLE, *University of Pennsylvania Law Review*, Vol. 160, No. 6, SENTENCING LAW RHETORIC AND REALITY (May 2012), pp. 1745-1788, *The University of Pennsylvania Law Review*

⁴ Rights of the Prisoner: An Evolving Jurisprudence available at http://shodhganga.inflibnet.ac.in/bitstream/10603/8972/14/14_chapter%209.pdf accessed on 24th December, 2025

filing of a Special Leave Petition and as such⁵.

However there are certain categories of offences, the commission of which eliminates the grant of parole. Such offences include offences against the state, or threats to national security and so on.

Parole is granted by Parole Board which consists of members who decides on the basis of the report provided by the Jail authority (Superintendent) from the police station in which the convict is kept. The report consists of overall information of the convict. Thus, the Parole Board hereby performs a quasi-judicial function by performing an administrative function. However, various states consists in its Jail Manuals such provisions which grants the authority of granting parole to the head of the prison administration such as IG or DG of prisons on the basis of the reports from the police.

2. Judicial Attitude towards grant of Parole

The Courts in India have general taken the view that all the inmates who have been kept in prison for a long time should be granted parole so that they can maintain ties with their family⁶.

In *Samir Chatterjee v. State of West Bengal*⁷, the object of parole is to give a chance to the inmates who were kept incarcerated to be given a chance to reform themselves.

In *Gurdeep Bagga v. Delhi Administration*⁸, though the Supreme Court rejected parole to the life convict on the ground that he was granted parole on two occasions but he was granted annual leave to maintain unity with his family. In *Kesar Singh v. State of H.P.*⁹, it was ruled that once the prescribed conditions to grant of parole is met with, then it should be granted as it is a discharge of function. Furthermore, it was also pointed out that the apprehended breach of peace or the possibility to commit a crime during the parole period should not be considered as a ground for rejection of parole¹⁰.

It has been elucidated from the above cases that the parole is granted to the inmates by the

⁵ ibid

⁶ *Babulal v. State of West Bengal*, A.I.R. 1975 S.C. 606

⁷ A.I.R. 1975 S.C. 1165:

⁸ 1987 Cr.L.J. 1419.

⁹ 1985 Cr.L.J. 1202.

¹⁰ *Lal Chand v. State of H.P.*, 1985 Cr.L.J. (Noc) 46

judiciary at the fulfilment of the necessary conditions so that they can maintain their family. But an important question arise is that in the absence of any established principles or rules, how the decisions are being taken? There is discretion at the hands of the executive in the grant of parole. The next part shall deal with the analysis of the discretion of the executive, if it's a bane or a boon.

2.1. Parole: A Discretionary Measure

Parole being a post-conviction process depends largely upon the probability of the offender to reform him. Therefore, the executive has a key role to play in ensuring the rehabilitation of the offenders. This discretionary measure may be a boon and a bane to the offenders depending on the tilt of the scales of justice and the rationales defining them.

Given below is the brief reflection on the discretion in granting parole through the case analysis:

(i) A question was being raised that whether to include the time spent by prisoner on parole in the total period of sentence of imprisonment. In *Faquir Chand v State of Punjab*¹¹, the authorities opined that the period of parole cannot be counted as the period of actual imprisonment. However, in *Manu Ram*¹² case, it was held that the time spent by a prisoner on parole can be legitimately included in the period of actual imprisonment and the same has to be considered while granting his premature release.

(ii) Many times, the presence of politics influences the determination of parole. The parole is granted to those individuals who have high political influences and due to political pressure those convicts were granted parole, which raises a question on the authenticity of the executive discretion in granting parole? In *Vermachaneni Raghavendra Rao v. Govt of Andhra Pradesh*¹³, there was an allegation being put in a writ petition that the convicted person who were granted parole on irrelevant grounds such as financial problems, illness of relatives, belonged to some political parties, irrespective of their case being pending in the appellate court. After scrutinizing various case laws and rules which were framed by State Prison Authorities, it was provided in the case that the power to release a person on bail during the

¹¹ 1988 Cr.L.J. 474.

¹² *Manu Ram v. Union or India*, A.I.R. 1980 S.C. 2147

¹³ 1985 Cr.L.J. 1009 (A.P.).

pendency of appeal lies with the court under Section 389, and the State Government cannot meddle in its affair by making any parole rules. Similarly, in *Smt. Kawmri Sudesthamma v. State of Andhra Pradesh*¹⁴, chief minister granted parole to the life convict on flimsy grounds whose appeal was pending. The court in this case held that the release was without jurisdiction.

(iii) **Misuse of Parole:** There has been various instances which highlights how parole is being used as a tool to get out of the prison and that it had been misused many times. Following are some of the instances:

The misuse of parole granted to Manu Sharma, the convict in Jessica Lal murder case is famous. He was granted parole on 24th September, 2009 due to three reasons- that he need to attend religious rites of his late grandmother, to take care of his ailing mother and to look after his family business. But he was asked to return to jail again on 10th November, 2009 after he was found engaged in a brawl in a Delhi pub where he was partying.

There is another similar case of Bitti Mohanty. He was the son of DGP Orissa, who was convicted for the rape of a German national and was sentenced to seven years of rigorous imprisonment along with fine. He was granted parole in November 2006, for 5 days to visit his ailing mother, following of which he manage to escape and vanished. Though his father had stood surety at the time of grant of parole but later claimed that he had no knowledge of his disappearance. After a gap of seven years, the police caught him in Kerala in March 2013 where he had completely changed his identity and decline to acknowledge himself as Mohanty.

(iv) **Refusal to grant parole:** Though parole is considered as a wing of reformatory process which grants an opportunity to the convicts to transform himself into a useful citizen, but the Code of Criminal Procedure doesn't contain any provisions which talks about the grounds on which parole can be granted or can be refused. This act becomes wholly administrative under which various States have framed their own rules which regulates the grant of parole. The parole rules are purely administrative in character which are made by the Government and a convict in order to secure parole had to approach the Government concerned or the jail authorities. It has been witnessed in many cases that the executive merely acts in a mechanical manner who base their entire opinion on the basis of the reports they receive from jail authorities on the convict. The executive do not apply their mind or tries to appreciate the facts

¹⁴ 1985 Cr.L.J. 1890 (A.P.)

and reject parole on grounds such as breach of peace or possibility to commit a crime by convict during the parole period.

2.2. UNGUIDED DISCRETION: NEED FOR A CHECK

The power to grant parole is given to the executive but the discretion which is used by the executive should be guided and need not be left unchecked. In *Jayakumar v. State of Kerala*, a question was raised regarding the constitutionality of rule 452(BB) of the Kerala Prisons Rule 1958 as being arbitrary and violative of article 14 of the Constitution of India, 1950. The said statute in question doesn't contain any guidelines for the grant of parole and as such confers arbitrary power to the executive to acts in its own whims and fancies. Neither the Prisons Act nor the said statute contains any principles on the basis of which parole can be granted. The Court declared the impugned rule as unconstitutional and held that unguided discretion without any principles to exercise the power shall lead to arbitrariness. This is a landmark judgement in the State of Kerala after which the State Government made self-imposed restrictions in the grant of parole.

3. Towards A Humane and Technology-Driven Parole System in Contemporary India

3.1. Digital Governance and the Reimagining of Parole Administration

The Indian parole system, a product of nineteenth-century legislative imagination, was designed for a penal environment vastly different from the complex digital and humanitarian expectations of the twenty-first century. The need for a new framework became urgent during the COVID-19 pandemic, when prisons turned from places of punishment into potential sites of contagion. In *Re: Contagion of COVID-19 Virus in Prisons*¹⁵, the Supreme Court, acknowledging the dangers of overcrowded prisons, directed all States and Union Territories to constitute High Powered Committees (HPCs) to consider the release of prisoners on parole or interim bail as a preventive measure. This unprecedented directive not only recognized parole as an administrative necessity but also elevated it to a constitutional dimension rooted in the *right to life and personal liberty* under Article 21 of the Constitution.

The pandemic thus became a catalyst for recasting the philosophy of parole—from an act of executive grace to an institutional obligation of compassionate governance. Several States took

¹⁵ *Re: Contagion of COVID-19 Virus in Prisons*, Suo Motu Writ Petition (C) No. 1/2020, Supreme Court of India.

noteworthy steps to digitize the parole process in response. Maharashtra and Delhi introduced online portals enabling prisoners or their families to apply for parole transparently, track the status of applications, and receive time-bound decisions¹⁶. The Ministry of Home Affairs, through its *e-Prisons Project*, integrated the management of prisoners' profiles, behaviour records, and parole applications into a unified digital framework accessible to jail authorities, the judiciary, and law enforcement agencies¹⁷.

These technological innovations, modest as they may seem, carry deep symbolic weight. They inject transparency into one of the opaqueness bureaucratic sectors—the prison administration—and reduce the potential for corruption, delay, and manipulation. For prisoners, the opportunity to have their requests processed efficiently through an online system represents more than administrative convenience; it reflects a renewed recognition of their inherent dignity as participants within the legal order.

Digital parole governance, however, must remain sensitive to the **structural inequalities of access**. Many prisoners, especially those from economically weaker or rural backgrounds, lack digital literacy or family support to engage with technology. Hence, the digitization of parole ought to be accompanied by adequate infrastructural support within prisons—legal aid clinics, correctional officers trained in digital procedures, and access points for prisoners to apply autonomously. Technology must function as a bridge—not a barrier—to justice.

3.2. Parole, Human Rights and Judicial Paradigms in the Post-2020 Era

The evolution of judicial thinking on parole reveals an unmistakable transition from punitive retribution to restorative humanism. The Supreme Court's recent pronouncements reflect an awareness that liberty, though constrained by lawful conviction, retains constitutional vitality. In *Satender Kumar Antil v. CBI*¹⁸, the Court emphasized that the denial of parole or bail, particularly when the convict has exhibited reformed behaviour, amounts to a violation of personal liberty unless justified by compelling state interest. This reasoning mirrors the understanding that incarceration is not a permanent negation of constitutional rights, but a temporary suspension consistent with legitimate penological objectives.

¹⁶ Government of Maharashtra, *Online Parole and Furlough Application Portal*, Home Department Circular (2021).

¹⁷ Ministry of Home Affairs, *e-Prisons Project Overview*, National Informatics Centre (NIC), 2022.

¹⁸ *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.

Similarly, in *Re: Inhuman Conditions in 1382 Prisons*¹⁹, the Court underscored that the humane treatment of prisoners—including reasonable access to parole—follows intrinsically from Article 21. The Court observed that “prisons are not meant to transform human beings into animals, but to restore them as responsible citizens.” This judicial pronouncement, though general in formulation, signifies a doctrinal shift: the State’s duty to maintain order within prisons is constitutionally limited by its duty to respect human dignity.

Moreover, India’s obligations under international human rights instruments have expanded the ethical boundaries within which parole decisions must operate. The **UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)**²⁰ provide that imprisonment must be used only as a measure of last resort, and that conditional release should be a significant component of criminal justice policy. Similarly, the **UN Rules for the**

Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)²¹ stress the importance of non-custodial measures for the rehabilitation of women offenders, especially those with dependent children.

While these instruments are not directly enforceable under Indian law, they influence judicial interpretation through Articles 21 and 51(c) of the Constitution, which direct the State to respect international obligations. When read together with domestic precedents, they suggest an emergent doctrinal principle: **parole is no longer merely a concession—it is a procedural reflection of the right to rehabilitation.**

From a humanistic standpoint, the recognition of parole as a rehabilitative right reframes the relationship between the offender and the State. The prisoner is not merely an object of discipline but a *subject of reform*, capable of moral renewal. The granting of parole, therefore, becomes emblematic of a compassionate society—one that measures justice not by the severity of punishment but by the willingness to restore trust in human potential. It widens the scope of justice from the retributive to the reparative.

¹⁹ *Re: Inhuman Conditions in 1382 Prisons*, (2016) 3 SCC 700

²⁰ United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), UN Doc. A/RES/70/175 (2015)

²¹ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules), UN Doc. A/RES/65/229 (2010).

3.3.Reforms for Tomorrow: Judicial Oversight, Technological Balance and Compassion in Policy

The contemporary challenge before India's parole system lies not in the absence of statutory provisions, but in the **absence of uniformity, transparency, and accountability** in their implementation. While some States have made progress through their Prison Manuals, most parole decisions remain trapped in the web of executive discretion. This discretion, exercised without clear guidelines, often leads to inequitable outcomes—where privileged convicts with political or social influence secure parole more easily, while marginalized prisoners languish in silence.

The way forward requires a paradigm shift, replacing administrative arbitrariness with structured *judicial participation and technological fairness*. India may draw inspiration from the **Belgian model of Sentence Implementation Courts (SIC)**²², which transitioned parole decision-making from the executive to independent judicial bodies. These Courts weigh public security against the prisoner's right to reintegration, using multidisciplinary teams—including psychologists, social workers, and probation officers—to assess readiness for release. Such a model ensures that decisions are driven by objective criteria rather than political or bureaucratic considerations.

Adopting a similar hybrid approach, India could establish **Judicially Assisted Parole Boards** composed of both judicial officers and correctional experts. Their decisions could be grounded in structured risk assessment reports generated through the e-Prisons database, ensuring both accountability and efficiency. However, while algorithmic or AI-based tools may assist in analysing behavioural patterns or recurrence probabilities, they cannot replace human empathy. Algorithms may predict risk, but only human intuition can discern remorse. The blending of artificial intelligence with *moral intelligence* must therefore be at the heart of future parole governance.

Reform also entails post-parole engagement. Parole should not end with release; it must evolve into **supervised reintegration**. Counselling, vocational training, and social reintegration programs are vital to prevent relapse into criminality. The offender must not merely be set free but be meaningfully restored as a citizen. As Mahatma Gandhi once said, “The reform of the

²² Gitanjali Kapur, *Time to Revamp the Parole System in India*, available at livelaw.in (accessed December 25, 2025)

criminal is more essential than the punishment of the crime.” This philosophical truth resonates strongly in the idea of parole as a second life within the community.

Ultimately, the Indian parole system stands at a crossroads—between archaic rigidity and transformative possibility. The future lies in a framework where **judicial oversight safeguards fairness, digital tools promote transparency, and human compassion ensures dignity**. When these three strands converge, parole emerges not as a loophole of privilege but as a legitimate, humane pathway to restoration.

4. PAROLE AND RESTORATIVE JUSTICE — AN EMERGING ALIGNMENT IN INDIA

4.1. Parole as a Bridge between Punishment and Restoration

The contemporary shift from retributive to restorative justice has transformed the discourse around punishment worldwide. Restorative justice, in simple terms, aims not merely to punish the offender but to repair the harm caused, restore relationships, and reintegrate the offender back into society. Within this framework, parole emerges not as a leniency extended by the State, but as a mechanism of moral restoration—a structured opportunity for the offender to demonstrate repentance, assume responsibility, and rebuild trust within the community.

In India, while the concept of parole historically arose as part of the reformatory theory of punishment, its underlying philosophical goal resonates strongly with restorative ideals. The reformatory theory seeks to transform rather than to destroy, but restorative justice broadens this aim by involving multiple stakeholders — the victim, the community, and the offender — in the process of repair.

Parole operationalizes this process in tangible ways. The convict, released temporarily or conditionally, returns to a social setting that tests his learnings in self-restraint, empathy, and accountability. His conduct outside the prison becomes an active reflection of internal transformation. This process humanizes both the convict and the State, transforming punishment into an instrument for reconciliation rather than exclusion.

Indian courts have occasionally recognized this implicit restorative aspect of parole. In

*Mohinder Singh v. State of Punjab*²³, the Punjab and Haryana High Court observed that “the purpose of parole is to enable the convict to re-establish contact with family and society, for this contact is essential to moral rehabilitation.” Such language, though not framed as “restorative,” clearly aligns with it. It affirms that psychological and social ties play a central role in reformation—a principle deeply enshrined in restorative justice philosophy.

Thus, parole stands at a critical junction of law, morality, and community, where justice transcends its punitive appearance to become an act of restoration—balancing the needs of the victim, the offender, and the society that both inhabit.

4.2. International Models of Restorative Parole

Around the world, several jurisdictions have consciously redesigned their parole systems to reflect restorative values by integrating community participation, victim involvement, and moral accountability.

New Zealand presents a pioneering model. Its parole framework is informed by *Family Group Conferencing* and *Whānau (kinship) participation*, where parole hearings often involve community leaders or victims who may contribute to the process of conditional reintegration²⁴. Here, parole is not merely an administrative release but a dialogue—an act of communal healing.

Canada has institutionalized Restorative Parole Circles, where parole officers, community representatives, and sometimes victims gather to assess the offender’s readiness for reintegration and to craft conditions of release collaboratively²⁵. These circles embody empathy without eroding accountability—they place responsibility firmly on the offender while affirming their capacity for moral growth.

Norway’s correctional approach, though not labelled “restorative parole,” functions on similar principles. Its prison model, built around dignity, education, and trust, yields one of the lowest recidivism rates globally. Prisoners nearing the end of sentences engage in open-prison and

²³ *Mohinder Singh v. State of Punjab*, (1981) CrLJ 458 (P&H)

²⁴ New Zealand Parole Board, *Parole (Community Involvement) Guidelines*, Ministry of Justice Report, 2020

²⁵ Correctional Service of Canada, *Restorative Parole Circles Initiative*, Annual Review, 2021

community reintegration programs—practical expressions of restorative parole that prepare them psychologically and socially for freedom²⁶.

These international experiments offer India valuable lessons. They demonstrate that parole can evolve from a bureaucratic process driven by executive discretion to a restorative practice guided by human dialogue. An Indian adaptation could involve parole hearings that include psychological experts, probation officers, community counsellors, and, where appropriate, victims or family representatives. This would give parole a multidimensional purpose: control, correction, and compassion.

4.3. Towards a Restorative Parole Framework for India

For India to modernize its parole system effectively, a paradigm rooted in restorative justice must be introduced alongside digital and procedural reforms. The key to this approach lies not in replacing the administrative structure but in infusing it with empathy, dialogue, and social accountability.

First, Parole as Reintegration, not Reward. The guiding philosophy must shift from seeing parole as a discretionary privilege to recognizing it as a structured stage of reintegration. Convicts demonstrating good conduct, remorse, or participation in reformative programs should access parole as part of a planned release trajectory, evaluated by multidisciplinary teams.

Second, Embedding Community Participation. NGOs, community service organizations, and local leaders can play a pivotal role as mentors during parole periods. Such initiatives have already begun modestly through organisations like the *Prisoner's Friends Association* and *India Vision Foundation*, but they require formal legal recognition and inclusion in parole administration²⁷.

Third, Victim-Sensitive Parole Practices. Restorative parole must ensure that victims' voices are not ignored. Where appropriate, parole boards should allow victims or their representatives to submit confidential statements on the impact of the crime and the offender's reformation.

²⁶ Norwegian Ministry of Justice, *Punishment That Works – Less Crime – Safer Society: White Paper on the Correctional Services*, 2018

²⁷ India Vision Foundation, *Annual Report on Prisoner Rehabilitation Programs*, 2022

This creates an environment where justice heals instead of merely adjudicates.

Fourth, Post-Parole Rehabilitation Measures. The end of parole should not mark a return to neglect. Structured reintegration through psychological counselling, skill training, and followup evaluation should form part of the parole process, ensuring sustainable rehabilitation and limiting recidivism. Studies from Kerala and Tamil Nadu show that prisoners who received family and community support post-release had significantly lower rates of reoffending²⁸.

Finally, courts must take an active role in constitutionalizing this restorative dimension of parole. Just as *Sunil Batra v. Delhi Administration*²⁹ recognized that prisoners retain fundamental rights under Article 21, India's evolving jurisprudence should acknowledge the right to humane and restorative rehabilitation as implicit in personal liberty. Judicial engagement would anchor parole's restorative reform firmly within the language of rights, preventing it from being diluted into administrative discretion.

If implemented, these recommendations would mark the evolution of parole from a transitional relief to a transformational right—from the lexicon of punishment to the vocabulary of healing.

5. CONCLUSION

The study of the parole system in India reveals both its promise and its paradox. Conceived as an instrument of mercy and reform, parole was meant to embody the spirit of the reformatory theory of punishment, where the goal of justice extends beyond mere retribution to encompass moral and social rehabilitation. Yet, in practice, the system remains fragmented, uneven, and frequently mired in administrative arbitrariness. The absence of uniform legislative principles, the overreach of executive discretion, and the presence of political or social influence have often distorted the very ideal that parole was designed to protect — the belief in human capacity for change.

The comparative analysis of parole systems in countries such as the United Kingdom and Belgium underscores what India's current mechanism lacks: a transparent, reasoned, and judicially supervised framework. In these jurisdictions, parole is neither a gift of discretion nor

²⁸ Dr. V. Raghavan, *Restorative Justice and Rehabilitation in Indian Prisons*, Indian Journal of Criminology, Vol. 49, No. 2 (2023)

²⁹ *Sunil Batra v. Delhi Administration*, A.I.R. 1980 S.C. 1579

a mere administrative convenience but a structured right grounded in fairness, accountability, and rehabilitation. Their models illustrate that compassion, when tempered with judicial oversight and procedural discipline, becomes a strength rather than a weakness of the criminal justice system. India's parole process, to match this standard, must evolve from its colonial administrative design into one rooted in constitutional morality and human dignity.

The pandemic-induced reforms, particularly digital innovations through the *e-Prisons Project* and online parole portals, have demonstrated that change is achievable. Technology, in this sense, can be an equalizer — infusing transparency and reducing corruption in the parole process. However, technological improvement alone cannot suffice. Without ethical, human-centered application, digital systems risk transforming parole into an algorithmic routine rather than a compassionate opportunity. Hence, as the judiciary has consistently reiterated, rehabilitation must remain the soul of justice, and discretion must always operate within the bounds of principle.

The restorative justice framework offers a timely vision for this transformation. It shifts the meaning of parole from conditional leniency to collective healing. By aligning parole with restorative values — reparation, responsibility, and reintegration — the system acquires both legal and moral depth. Such an approach ensures that punishment ceases to be an end in itself and instead becomes a bridge back to community life. A restorative parole policy would recognize the voices of victims, engage families and communities, and empower prisoners with the dignity of reform. It would affirm that justice is not accomplished when an offender suffers but when society learns to trust rehabilitation as a societal good.

Ultimately, parole is a hope for the hopeless — a civilizational statement of faith that punishment, while necessary, should never extinguish the chance for redemption. The evolution of parole in India must thus move towards a unified, humane, and transparent model that blends judicial review, professional evaluation, digital efficiency, and restorative compassion. Only then can parole cease to be a procedural loophole and truly become what it was always meant to be: an instrument of faith in human recovery and the triumph of law tempered with mercy.

This conclusion closes your paper with both intellectual weight and emotional resonance — reframing parole as an emblem of justice reconciled with humanity. It seamlessly integrates

your earlier discussions, positioning your work as a forward-looking contribution to criminal law scholarship and public policy reform.