

Furlough and parole - (i) Furlough and parole envisage a short-term temporary release from custody; (ii) While parole is granted for the prisoner to meet a specific exigency, furlough may be granted after a stipulated number of years have been served without any reason; (iii) The grant of furlough is to break the monotony of imprisonment and to enable the convict to maintain continuity with family life and integration with society; (iv) Although furlough can be claimed without a reason, the prisoner does not have an absolute legal right to claim furlough; (v) The grant of furlough must be balanced against the public interest and can be refused to certain categories of prisoners.

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Prisons (Bombay Furlough and Parole) Rules 1959 , Rule 3(2) - Bombay Furlough and Parole Rules do not confer a legal right on a prisoner to be released on furlough - While Rule 3 provides the eligibility criteria for grant of furlough for prisoners serving different lengths of imprisonment, Rule 4 imposes limitations - The use of the expression “may be released” in Rule 3 indicates the absence of an absolute right - This is further emphasised in Rule 17 which states that said Rules do not confer a legal right on a prisoner to claim to release on furlough - Thus the grant of release on furlough is a discretionary remedy circumscribed by Rules 3 and 4 extracted above - Furlough and parole.

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