# IPC Section 227: Violation of condition of remission of punishment.

Section 227 of the Indian Penal Code (IPC) deals with the violation of conditions attached to the remission of punishment. Remission, in this context, refers to the reduction or shortening of a sentence granted by competent authorities, often subject to certain conditions. Section 227 criminalizes the breach of these conditions, ensuring that the benefits of remission are not misused and that the underlying purpose of punishment, including deterrence and rehabilitation, is not undermined.  
  
\*\*Detailed Explanation of Section 227:\*\*  
  
To understand the scope of Section 227, let's analyze its key components:  
  
\* \*\*"Violation":\*\* This refers to the act of breaking or failing to comply with the specified conditions. This can involve active breaches, such as engaging in prohibited activities, or passive breaches, such as failing to report to designated authorities or comply with specified restrictions.  
  
\* \*\*"Condition":\*\* These are the specific stipulations or requirements imposed by the authority granting the remission. These conditions can vary widely depending on the nature of the original offense, the individual's behavior, and the goals of the remission. They might include restrictions on movement, association, or activities; requirements for regular reporting to authorities; participation in rehabilitation programs; or abstinence from certain substances.  
  
\* \*\*"Of remission of punishment":\*\* "Remission" signifies a reduction or shortening of a sentence granted as a privilege, not as a right. This can take several forms, such as commutation (reduction of the type of punishment, e.g., from death to life imprisonment), release on furlough (temporary release for a specific purpose), or early release on good behavior. The remission is granted by competent authorities based on various factors, including the prisoner's conduct, the nature of the offense, and overall prison administration policies. The crucial aspect here is that the remission comes with attached conditions, and violation of these conditions activates Section 227.  
  
  
  
\*\*Punishment Under Section 227:\*\*  
  
The punishment for violating the conditions of remission under Section 227 is:  
  
\* \*\*Imprisonment of either description for a term which may extend to two years, or with fine, or with both.\*\*  
  
In addition to this punishment, the original sentence, which was remitted, may be revived. This means that the individual could be required to serve the remainder of their original sentence, effectively canceling the benefits of the remission.  
  
  
\*\*Ingredients of the Offense:\*\*  
  
The prosecution must establish the following to prove an offense under Section 227:  
  
1. The accused was granted remission of punishment.  
2. Specific conditions were attached to the remission.  
3. The accused violated those conditions. The violation must be clear and unambiguous.  
  
  
\*\*Who Grants Remission?\*\*  
  
The authority to grant remission varies depending on the jurisdiction and the nature of the offense. It can be the state government, the central government, or specific authorities designated by law, such as prison authorities or parole boards. The procedure for granting remission and the conditions attached are typically governed by specific rules and regulations.  
  
  
  
\*\*Purpose of Section 227:\*\*  
  
Section 227 serves several important purposes:  
  
\* \*\*Maintaining the integrity of the justice system:\*\* It ensures that the grant of remission is not abused and that the system of rewards for good behavior is not undermined.  
  
\* \*\*Deterring breach of conditions:\*\* The threat of further punishment and the possibility of having the original sentence revived discourages individuals from violating the conditions of their remission.  
  
\* \*\*Protecting public safety:\*\* By imposing conditions and ensuring compliance, Section 227 helps manage the risks associated with releasing individuals back into society before the completion of their original sentences.  
  
\* \*\*Promoting rehabilitation:\*\* Conditions attached to remission often aim to facilitate the rehabilitation of offenders by requiring participation in specific programs or adherence to certain behavioral restrictions.  
  
  
  
\*\*Distinction from Related Sections:\*\*  
  
While related to escape from custody, Section 227 is distinct from sections like 223, 224, and 225, which deal with the act of escaping or resisting apprehension. Section 227 specifically deals with the breach of conditions \*after\* a remission has been granted. The individual is not escaping from lawful custody in the same sense as those other sections; they are violating the terms of a conditional release.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* A prisoner released on furlough for a family event fails to return to prison on the stipulated date.  
\* A person granted early release on the condition of attending anger management sessions fails to attend the sessions.  
\* An individual released on parole on the condition of not contacting their victim violates this condition by attempting to communicate with the victim.  
  
  
  
\*\*Defenses Against Section 227:\*\*  
  
Possible defenses against a charge under Section 227 could include:  
  
\* \*\*Lack of knowledge of the conditions:\*\* If the accused can demonstrate they were genuinely unaware of the specific conditions attached to their remission, they might have a defense. However, this defense is unlikely to be successful if the conditions were clearly communicated and the accused had the opportunity to understand them.  
  
\* \*\*Involuntary breach of conditions:\*\* If the accused can demonstrate that the breach was due to circumstances beyond their control (e.g., a medical emergency preventing them from reporting), they might have a defense.  
  
  
  
\*\*Conclusion:\*\*  
  
Section 227 of the IPC is a vital component of the criminal justice system's approach to remission and rehabilitation. It provides a mechanism for enforcing the conditions attached to remission, deterring breaches, protecting public safety, and maintaining the integrity of the justice system. By holding individuals accountable for violating these conditions, Section 227 ensures that the benefits of remission are not misused and that the overall goals of punishment are upheld.