

THE KARNATAKA PRISONS ACT, 1963

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STATEMENTS OF OBJECTS AND REASONS

I

Act 33 of 1963.- There are at present three different sets of laws in force in the integrated Areas of Bombay, Madras, Coorg, Hyderabad and old Mysore State, as noted below:—

- (1) The Prisons Act, 1894 (Central Act IX of 1894), as in force in the Bombay Area, Madras Area and the Coorg District;
- (2) The Hyderabad Prisons Act, 1954, (Hyderabad Act XXIX of 1954), as in force in the Hyderabad Area.
- (3) The Mysore Prisons Act, 1943, (Mysore Act XLIV of 1943), as in force in the Mysore Area.

It is considered necessary to have a uniform law for the regulation of Prisons as applicable to the entire State of new Mysore.

This Bill is accordingly brought forward.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 16th June 1962 as No. 4314, at page. 223)

II

Amending Act 13 of 1965.— The scheme of separation of the judiciary is in force in all the integrated areas of the State. The scheme has been given effect to in accordance with the executive orders issued in this behalf, in all the integrated areas, except the Bombay Area. In Bombay Area, the scheme has been given effect to by the Bombay Separation of Judicial and Executive Functions Act, 1951. The Law Commission in its report on the reform of Judicial Administration has observed that the scheme of separation could be more effectively brought into operation by undertaking legislation on the lines of the Bombay Separation of Judicial and Executive Functions Act, 1951 (Bombay Act XXIII of 1951). It is therefore considered expedient to amend the Code of Criminal Procedure in its application to the State of Mysore so as to provide for a uniform law for the separation of the performance of judicial functions and executive functions by the officers in the State. Opportunity has been taken to make certain other amendments considered necessary.

(Published in Karnataka Gazette (Extraordinary) Part IV-2A dated 13th January 1965 as No. 5 at page. 82.)

III

Amending Act 21 of 2022.- It is considered necessary to amend the Karnataka Prisons Act, 1963 (Karnataka Act 33 of 1963) to curb the menace of jumping parole and introducing or removal of any prohibited articles, into or from prison and communication with

prisoners which is required to create good atmosphere within and outside the limits of a prison on the direction given by the Hon'ble High Court of Karnataka in CRL. Appeal No.639/2015.

Hence, the Bill.

[L.A. Bill No. 07 of 2022, File No. SAMVYASHAE 09 SHASANA 2022]

[Entry 1 and 4 of List II of the Seventh Schedule to the Constitution of India]

[Published in Karnataka Gazette Extra-ordinary No.218 in part-IVA dated: 05.04.2022]

¹[KARNATAKA ACT]¹ No. 33 of 1963

(First published in the ¹[Karnataka Gazette]¹ dated the Seventh day of November, 1963.)

THE ¹[KARNATAKA]¹ PRISONS ACT, 1963

(Received the assent of the Governor on the Fourth day of November, 1963.)

(As Amended by Acts 13 of 1965 and 21 of 2022)

An Act to provide for a uniform law for the regulation of prisons in the ¹[State of Karnataka]¹.

WHEREAS it is expedient to provide for a uniform law for the regulation of prisons in the ¹[State of Karnataka]¹

BE it enacted by the ¹[Karnataka]¹ State Legislature in the Fourteenth Year of the Republic of India as follows:—

1. Adapted by the Karnataka Adaptations of Laws Order 1973 dated 1.11.1973

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the ¹[Karnataka]¹ Prisons Act, 1963.

(2) It extends to the whole of the ¹[State of Karnataka]¹.

(3) It shall come into force on such ²[date]² as the State Government may, by notification, appoint.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 dated 1.11.1973

2. Act came into force w.e.f. 25.7.1974 by notification No. HD 124 PRM 66 dt. 25.7.1994

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “civil prisoner” means any prisoner who is not a criminal prisoner;

(b) “convicted criminal prisoner” means any criminal prisoner under sentence of a Court or Court Martial, and includes a person detained in prison under the provisions of Chapter VIII of the Code of Criminal Procedure, 1898 (Central Act V of 1898);

(c) “criminal prisoner” means any prisoner duly committed to custody under a writ, warrant or order of any Court or authority exercising criminal jurisdiction or by order of a Court Martial;

(d) “furlough system” means a system of releasing prisoners in jails on furlough in accordance with the rules made under section 63;

(e) “history ticket” means the ticket exhibiting such information as is required in respect of each prisoner by this Act or the rules made thereunder;

(f) “Inspector-General” means the Inspector-General of Prisons;

(g) “medical subordinate” means an Assistant Surgeon appointed as medical subordinate under section 4;

(h) “notification” means a notification published in the official Gazette;

(i) “prescribed” means prescribed by rules made under this Act;

(j) “prison” means any jail or place used permanently or temporarily under the general or special orders of the State Government for the detention of prisoners, and includes all lands and buildings appurtenant thereto, but does not include,—

(i) any place for the confinement of prisoners who are exclusively in the custody of the Police;

(ii) any place specially appointed by the State Government under section 541 of the Code of Criminal Procedure, 1898;

(iii) any place which has been declared by the State Government, by general or special order, to be a subsidiary jail;

(k) "prohibited article" means an article the introduction or removal of which into or out of a prison is prohibited by any rule made under this Act;

(l) "remission system" means the system of regulating the award of marks to, and the consequence of shortening of sentences of prisoners in jail in accordance with the rules for the time being in force.

CHAPTER II

MAINTENANCE AND OFFICERS OF PRISONS

3. Inspector-General.—The State Government shall appoint an Inspector-General who shall, subject to the orders of the State Government, exercise the general control and superintendence of all prisons in the State.

4. Officers of prisons.—There shall be for every prison a Superintendent, a Medical Officer (who may also be the Superintendent), a Medical Subordinate, a Jailer and such other officers as the State Government thinks necessary:

Provided that the State Government may declare by order in writing that in any prison specified in the order, the office of Jailer shall be held by the person appointed to be the Superintendent.

5. Accommodation for prisoners.—The State Government shall provide, for the prisoners in the State, accommodation in prisons constructed and regulated in such manner as to comply with the requisitions of this Act in respect of the separation of prisoners.

6. Temporary accommodation.—Whenever it appears to the Inspector-General that the number of prisoners in any prison is greater than can conveniently or safely be kept therein, and it is not convenient to transfer the excess number to some other prison, or whenever from the outbreak of epidemic disease within any prison, or for any other reason it is desirable to provide for the temporary and safe custody of any prisoners, provision shall be made, by such officer and in such manner as the State Government may direct, for the shelter and safe custody in temporary prisons of so many of the prisoners as cannot be conveniently or safely kept in the prison.

CHAPTER III

DUTIES OF OFFICERS

General

7. Control and duties of officers of prisons.—All officers of a prison shall obey the directions of the Superintendent; all officers subordinate to the Jailer shall perform such duties as may be prescribed, or be imposed on them, by the Jailer, with the sanction of the Superintendent.

8. Officers not to have business dealings with prisoners.—No officer of a prison shall sell or let, nor shall any person in trust for or employed by him sell or let, or derive any benefit from selling or letting, any article to any prisoner or have any money or other business dealings directly or indirectly, with any prisoner.

9. Officers not to be interested in prison contracts.—No officer of a prison shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for the supply of any article to the prison; nor shall he derive

any benefit, directly or indirectly, from the sale or purchase of any article on behalf of the prison or belonging to a prisoner.

Superintendent.

10. Superintendent.—(1) Subject to the orders of the Inspector-General, the Superintendent shall manage the prison in all matters relating to welfare, discipline, labour, expenditure, punishment and control.

(2) Subject to such general or special direction as may be given by the State Government, the Superintendent of a prison other than a Central Prison, shall obey all orders not inconsistent with this Act or any rule thereunder, which may be given respecting the prison by the District Magistrate, and shall report to the Inspector-General all such orders and the action taken thereon:

Provided that the District Magistrate shall immediately forward a copy of such order to the Inspector-General of Prisons for ratification.

11. Records to be kept by Superintendent.—The Superintendent shall keep, or cause to be kept, the following records:—

- (1) a register of prisoners admitted;
- (2) a book showing when each prisoner is to be released;
- (3) a punishment book for the entry of the punishment inflicted on prisoners for prison offences;
- (4) a visitors' book for the entry of any observations made by the visitors touching any matters connected with the administration of the prison;
- (5) a record of the money and other articles taken from prisoners; and
- (6) all such other records as may be prescribed.

Medical Officer.

12. Duties of Medical Officer.—Subject to the control of the Superintendent, the Medical Officer shall have charge of the sanitary and health administration of the prison and shall perform such duties as may be prescribed.

13. Medical Officer to report in certain cases.—Whenever the Medical Officer has reason to believe that the mind of a prisoner is, or is likely to be, injuriously affected by the discipline or treatment to which he is subjected, the Medical Officer shall report the case in writing to the Superintendent, together with such observations as he may think proper. The Superintendent shall forthwith send such report, with his orders thereon, to the Inspector-General, for information.

14. Report on the death of prisoner.—On the death of any prisoner, the Medical Officer shall forthwith record in a register the following particulars, so far as they can be ascertained, namely:—

- (1) the day on which the deceased first complained of illness or was observed to be ill;
- (2) the labour, if any, on which he was engaged on that day;
- (3) the scale of his diet on that day;
- (4) the day on which the Medical Officer was first informed of the illness;
- (5) the day on which he was admitted to hospital;
- (6) the nature of the disease;
- (7) when the deceased was last seen before his death, by the Medical Officer or the Medical Subordinate;

- (8) when the prisoner died and reasons therefor; and
- (9) (in case where a post-mortem examination is made), an account of the appearances after death,

together with any special remarks that appear to the Medical Officer to be required.

A copy of the particulars recorded shall be sent to the Inspector-General and the nearest relatives of the deceased prisoner as soon as may be after the record is made.

Jailer.

15. Jailer.—(1) The Jailer shall reside in the prison, unless the Superintendent permits him in writing to reside elsewhere.

(2) The Jailer shall not, without the sanction of the Inspector-General in writing, be concerned in any other employment.

16. Jailer to give notice of death of prisoner.—Upon the death of a prisoner, the Jailer shall give immediate notice thereof to the Superintendent and the Medical Officer.

17. Responsibilities of Jailer.—The Jailer shall be responsible for the safe custody of the records to be kept under section 11, for the commitment warrants and all other documents confided to his care and for the money and other articles taken from the prisoners.

18. Jailer to be present at night.—The Jailer shall not be absent from the prison for a night, without the permission in writing from the Superintendent; if absent without leave for a night from unavoidable necessity, he shall immediately report the fact and the cause of it, to the Superintendent.

19. Powers of Deputy and Assistant Jailers.—Where a Deputy Jailer or Assistant Jailer is appointed to a prison, he shall, subject to the orders of the Superintendent, be competent to perform any of the duties, and be subject to all the responsibilities of a Jailer under this Act, or any rule thereunder.

Subordinate Officers.

20. Duties of gatekeeper.—The officer acting as gatekeeper or any other officer of the prison may examine anything carried in or out of the prison, and may stop and search or cause to be searched any person suspected of bringing any prohibited article into or out of the prison or carrying out any property belonging to the prison, and if any such article or property be found, shall give immediate notice thereof to the Jailer.

21. Subordinate officers not to be absent without leave.—Officers subordinate to the Jailer shall not be absent from the prison without leave from the Superintendent or from the Jailer.

22. Convict officers.—Prisoners who have been appointed as officers of prisons shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

CHAPTER IV

ADMISSION, REMOVAL AND DISCHARGE OF PRISONERS

23. Prisoners to be examined on admission.—(1) Whenever a prisoner is admitted into prison, he shall be searched, and all weapons and prohibited articles shall be taken from him.

(2) Every criminal prisoner shall also, as soon as possible after admission, be examined under the general or special orders of the Medical Officer, who shall enter or cause to be entered in a book to be kept by the Jailer, a record of the state of the prisoner's health and of any wounds or marks on his person, the class of labour he is fit for if he is sentenced to rigorous imprisonment, and any observations which the Medical Officer thinks fit to add.

(3) In the case of female prisoners, search and examination shall be carried out by a Lady Medical Subordinate, if any, or by the Matron under the general or special orders of the Medical Officer.

24. Effects of prisoners.—All money or other articles in respect whereof any order of a competent Court has been made and which may with proper authority be brought into the prison by any criminal prisoner or sent to the prison for his use, shall be placed in the custody of the Jailer and the prisoner shall be informed and his signature taken in the prescribed register.

25. Removal and discharge of prisoners.—(1) All prisoners, previously to being removed to any other prison shall be examined by the Medical Officer.

(2) No person shall be removed from one prison to another unless the Medical Officer certifies that the prisoner is free from any illness rendering him unfit for removal.

(3) No prisoner shall be discharged against his will from prison, if labouring under any acute or dangerous distemper, nor until, in the opinion of the Medical Officer, such discharge is safe.

CHAPTER V

DISCIPLINE OF PRISONERS

26. Separation of prisoners.—The requisitions of this Act with respect to the separation of prisoners are as follows:—

(1) in a prison containing women as well as men prisoners, the women shall be imprisoned in separate buildings or separate parts of the same building, in such manner as to prevent their seeing or conversing or holding any intercourse with the men prisoners;

(2) in a prison where men prisoners under the age of twenty-one years are confined means should be provided for separating them altogether from the other prisoners and for separating those of them who have arrived at the age of puberty from those who have not;

(3) unconvicted criminal prisoners shall be kept apart from convicted criminal prisoners; and

(4) civil prisoners shall be kept apart from criminal prisoners.

27. Association and segregation of prisoners.—Subject to the provisions of section 26, convicted criminal prisoners may be confined either in association or individually in cells, or partly in one way and partly in the other.

28. Solitary confinement.—No cell shall be used for solitary confinement unless it is furnished with the means of enabling the prisoner to communicate at any time with an officer of the Prison and every prisoner so confined in a cell for more than twenty-four hours, whether as a punishment or otherwise, shall be visited at least once a day by the Medical Officer or Medical Subordinate.

29. Prisoners under sentence of death.—(1) Every person under sentence of death shall immediately on his arrival in the prison after sentence, be searched by, or by order of, the Jailer, and all articles shall be taken from him, which the Jailer deems it to be dangerous or inexpedient to leave in his possession.

(2) Every such prisoner shall be confined in a cell apart from all other prisoners and shall be placed by day and by night under the charge of a guard.

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

30. Maintenance of certain prisoners from private sources.—A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours food, clothing, bedding or writing materials, books, newspapers or other necessaries, subject to examination and to such regulations as may be approved by the Inspector-General.

31. Restrictions on transfer of food and clothing between certain prisoners.—No part of any food, clothing, bedding or other necessaries belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

32. Supply of clothing and bedding to civil and unconvicted criminal prisoners.—(1) Every civil prisoner and unconvicted criminal prisoner unable to provide himself with sufficient clothing and bedding, shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When a civil prisoner has been committed to prison by a Court in execution of any decree or order in favour of a private person, such person shall immediately deposit or cause to be deposited in Court, to meet the cost of the prisoner's clothing and bedding, such amount as may be fixed by the Court in accordance with the rules, if any, made by the State Government in that behalf; and in default of such deposit, the prisoner may be released.

CHAPTER VII

EMPLOYMENT OF PRISONERS

33. Employment of civil prisoners.—(1) Civil prisoners may, with the permission of the Superintendent, work and follow any trade or profession.

(2) Civil prisoners finding their own implements and not maintained at the expense of the prison, shall be allowed to receive the whole of their earnings; but the earnings of such as are furnished with implements or are maintained at the expense of the prison, shall be subject to a deduction to be determined by the Superintendent, for use of implements and the cost of maintenance.

34. Employment of criminal prisoners.—(1) No criminal prisoner sentenced to labour or employed on labour at his own desire, shall, except on an emergency, with the sanction in writing of the Superintendent, be kept to labour for more than eight hours in any one day.

(2) The Medical Officer shall from time to time examine the labouring prisoners while they are employed and shall at least once in every fortnight, cause to be recorded upon the history ticket of each prisoner, employed on labour, the weight and general health of such prisoner at the time.

(3) When the Medical Officer is of opinion that the health of any prisoner suffers from employment of any kind or class of labour, such prisoner shall not be employed on that labour but shall be placed on such other kind or class of labour as the Medical Officer considers suited for him.

35. Employment of criminal prisoners sentenced to simple imprisonment.— The Superintendent shall make provision for the employment of all criminal prisoners sentenced to simple imprisonment if and as long as they so desire:

Provided that no prisoner not sentenced to rigorous imprisonment shall be punished for neglect of work but such prisoner may be punished in cases of neglect of work by such alterations in the scale of diet as may be prescribed.

CHAPTER VIII

HEALTH OF PRISONERS

36. Sick prisoners.—(1) The names of prisoners desiring to see the Medical Officer or the Medical Subordinate or appearing out of health in mind or body, shall without delay, be reported by the officer in immediate charge of such prisoners, to the Jailer.

(2) The Jailer shall, without delay, call the attention of the Medical Officer or the Medical Subordinate to any prisoners desiring to see him, or who is ill or whose state of mind or body appears to require attention and shall carry into effect all written directions given by the Medical Officer or the Medical Subordinate respecting alterations of the discipline or treatment or any such prisoner.

37. Record of directions of Medical Officers.—All directions given by the Medical Officer or the Medical Subordinate in relation to any prisoner, with the exception of orders for the supply of medicines or directions relating to such other matters as are carried into effect by the Medical Officer himself or under his superintendence, shall be entered day by day in the prisoner's history ticket or in such other records as may be prescribed; and the Jailer shall make an entry in its proper place, stating in respect of each direction, the fact of its having been or not having been complied with, accompanied by such observations, if any, as the Jailer thinks fit to make and the date of the entry.

38. Hospital.—In every prison a hospital or proper place for the reception of sick prisoners shall be provided.

39. Power of Superintendent to send a prisoner to hospital or asylum for special treatment.—(1) The Superintendent may, if, in his opinion, a prisoner requires special treatment in a hospital outside the prison or in a mental hospital or asylum as defined in the Indian Lunacy Act, 1912 (Central Act IV of 1912), send him to such hospital or asylum, subject to the prisoner or any relative or friend of the prisoner executing such bond and abiding by such conditions, if any, as the State Government may by rule or order prescribe. Any period during which the prisoner is undergoing treatment in such hospital or asylum or spent by him in going thereto, or returning therefrom shall be deemed to be part of the period of his detention in the prison.

Explanation 1.—Nothing contained in this section shall be deemed to affect the operation of section 11 of the ¹ [Karnataka] ¹ Prisoners Act, 1963, in cases in which that section applies.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 dated 1.11.1973

Explanation 2.—In this section “prisoner” means a convicted criminal prisoner.

(2) If any prisoner dealt with under sub-section (1) escapes or attempts to escape from the hospital or asylum to which he has been sent or when going thereto or returning therefrom, he shall be punished with imprisonment for a term which may extend to two years or with fine or with both; and such punishment shall be in addition to the punishment for which the prisoner was liable for the offence of which he was already convicted.

(3) The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, in so far as may be, apply to the bonds referred to in sub-section (1).

CHAPTER IX

VISITORS TO PRISONERS

40. Visitors to civil and unconvicted criminal prisoners.—Due provision shall be made for the admission, at proper times and under proper restrictions, into every prison, of persons with whom civil or unconvicted criminal prisoners may desire to communicate, care being taken that, so far as may be consistent with the interest of justice, civil prisoners or prisoners under trial or prisoners intending to prefer an appeal or petition against their conviction, may see their duly qualified legal advisers, without the presence of any other person.

41. Search of visitors.—(1) The Jailer may demand the name and address of any visitor to a prisoner and when the Jailer has any ground for suspicion, may search any visitor, or cause him to be searched; but the search shall not be made in the presence of any prisoner or another visitor.

(2) In the case of any such visitor refusing to permit himself to be searched, the Jailer may deny him admission; and the grounds of such proceeding with the particulars thereof, shall be entered in such record as the State Government may direct.

CHAPTER X

OFFENCES IN RELATION TO PRISONS

42. Penalty for introduction or removal of prohibited articles, into or from prisons and communication with prisoners.—Whoever, contrary to any rule under this Act, introduces or removes or attempts by any means whatever, to introduce or remove, into or from any prison, or supplies or attempts to supply to any prisoner outside the limits of a prison, any prohibited article, ¹[mobile or any instrument of communication]¹ and every officer of a prison who, contrary to any such rule knowingly suffers any such article to be introduced into or removed from any prison, to be possessed by any prisoner or to be supplied to any prisoner outside the limits of a prison, and whoever, contrary to any such rule, communicates or attempts to communicate with any prisoner, and whoever abets any offence made punishable by this section, shall, on conviction, be punished with imprisonment for a term ²[not less than three years but which may extend to five years and fine]².

1. Inserted by Act 21 of 2022 w.e.f.05.04.2022.

2. Substituted by Act 21 of 2022 w.e.f. 05.04.2022.

43. Power to arrest for offence under section 42.—When any person, in the presence of an officer of a prison commits any offence specified in section 42 and refuses on demand of such officer to state his name and residence or gives his name or residence which such officer knows or has reason to believe to be false, such officer may arrest him and shall, without unnecessary delay, make him over to a Police Officer and thereupon such Police Officer shall proceed as if the offence had been committed in his presence.

44. Publication of penalties.—The Superintendent shall cause to be affixed in a conspicuous place outside the prison a notice in English and in the languages of the locality in which the prison is situated setting forth the acts prohibited under section 42 and the penalties incurred by their commission.

CHAPTER XI

PRISON OFFENCES

45. Prison offences.—The following acts are declared to be prison offences when committed by a prisoner:—

- (1) such wilful disobedience to any regulation of the prison as shall have been declared by rules made under this Act to be a prison offence;
- (2) any assault or use of criminal force;
- (3) the use of insulting or threatening language;
- (4) immoral or indecent or disorderly behaviour;
- (5) wilfully disabling himself from labour;
- (6) contumaciously refusing to work;
- (7) filing, cutting, altering or removing hand-cuffs, fetters or bars without due authority;
- (8) wilful idleness or negligence at work by any prisoner sentenced to rigorous imprisonment;
- (9) wilful mismanagement of work by any prisoner sentenced to rigorous imprisonment;
- (10) wilful damage to prison property;
- (11) tampering with or defacing history ticket, records or documents;
- (12) receiving, possessing or transferring any prohibited article;
- (13) feigning illness;
- (14) wilfully bringing a false accusation against any officer or prisoner;
- (15) omitting or refusing to report as soon as it comes to his knowledge the occurrence of any fire, any plot or conspiracy, any escape, attempt or preparation to escape, and any attack or preparation for attack upon any prisoner or prison official; and
- (16) conspiring to escape or to assist in escaping or to commit any other of the offences aforesaid.

46. Punishment of offences under section 45.—The Superintendent may examine any person touching any offence declared to be a prison offence under section 45, and determine thereupon and punish such offence by,—

- (1) a formal warning;

Explanation.—A formal warning shall mean a warning personally addressed to a prisoner by the Superintendent and recorded in the punishment book and on the prisoner's history-ticket.

(2) change of labour to some more irksome or severe form for such period as may be prescribed;

(3) hard labour for a period not exceeding seven days in case of convicted criminal prisoners not sentenced to rigorous imprisonment;

(4) such loss of privileges admissible under the remission or furlough system for the time being in force as may be prescribed;

(5) separate confinement for any period not exceeding two months:

Provided that while executing punishment of separate confinement, no prisoner shall be kept in separate confinement continuously for more than a fortnight at one time and the interval between one period of confinement and the next will be at least a week.

Explanation.—“Separate confinement” means such confinement with or without labour as entirely secludes a prisoner from communication with, but not from sight of, other prisoners.

47. Plurality of punishment under section 46.—(1) Any two of the punishments enumerated in section 46 may be awarded for combination of offences declared to be prison offences under section 45, subject to the following exceptions, namely:—

(i) formal warning shall not be combined with any other punishment, except loss of privileges under clause (4) of section 46;

(ii) cellular confinement shall not be combined with separate confinement, so as to prolong the total period of seclusion to which the prisoner shall be liable.

(2) No punishment will be combined with any other punishment in contravention of the rules made under this Act.

(3) No punishment shall be awarded for an offence under section 45, so as to combine, with the punishment awarded for any other such offence, two of the punishments which may not be awarded in combination for any such offence.

48. Award for punishment under section 46 and section 47.—(1) The Superintendent shall have power to award any of the punishments enumerated in section 46 and section 47, subject, in the case of separate confinement for a period exceeding one month, to the previous confirmation of the Inspector-General.

(2) No officer subordinate to the Superintendent shall have power to award any punishment whatever.

49. Punishment for breach of conditions of suspension of sentence, etc.—If any prisoner fails without sufficient cause to observe any of the conditions on which his sentence was suspended or remitted or furlough was granted to him, he shall be deemed to have committed a prison offence and the Superintendent may, after obtaining his explanation, punish such prisoner by,—

(i) a formal warning as provided in clause (1) of section 46;

(ii) reduction in grade if such prisoner has been appointed an officer of prison;

(iii) loss of privileges admissible under the remission or furlough system; or

(iv) loss of such other privileges as the State Government may by a general or special order, direct.

50. Punishment to be in accordance with the foregoing except by order of a competent court.—Except by order of a competent court no punishment other than the punishment specified in section 46, section 47, section 48 or section 49 shall be inflicted on any prisoner and no punishment shall be inflicted on any prisoner otherwise than in accordance with the provisions of those sections.

51. Medical Officer to certify to fitness of prisoner for punishment.—(1) No punishment of change of labour under clause (2) of section 46 shall be executed until the prisoner to whom such punishment has been awarded has been examined by the

Medical Officer, who, if he considers the prisoner fit to undergo the punishment, shall certify accordingly in the appropriate column of the punishment book prescribed in section 11.

(2) If he considers the prisoner unfit to undergo the punishment, he shall in like manner record his opinion in writing and shall state whether the prisoner is absolutely unfit for punishment of the kind awarded, or whether he considers any modification necessary.

(3) If he considers any modification necessary he shall state what extent of punishment he thinks the prisoner can undergo without injury to his health.

52. Entries in punishment books.—(1) In the punishment-book prescribed in section 11, there shall be recorded in respect of every punishment inflicted, the prisoner's name, register number and the class (whether habitual or not) to which he belongs, the prison offence of which he was guilty, the date on which such prison offence was committed, the number of previous prison offences recorded against the prisoner, and the date of his last prison offence, the punishment awarded and the date of infliction.

(2) In the case of every serious prison offence names of the witnesses proving the offence shall be recorded.

(3) Against the entries relating to each punishment, the Jailer and the Superintendent shall affix their initials as evidence of the correctness of the entries.

53. Procedure on committal of heinous offence.—If any prisoner is guilty of any offence against any prison discipline which, by reason of his having frequently committed such offences, or otherwise, in the opinion of the Superintendent is not adequately punishable by the infliction of any punishment which he has power under this Act to award, the Superintendent may forward such prisoner to any Magistrate of the First Class having jurisdiction together with a statement of the circumstances, and such Magistrate shall thereupon inquire into and try the charge so brought against the prisoner, and, upon conviction, may sentence him to imprisonment which may extend to one year, such term to be in addition to any term for which such prisoner was undergoing imprisonment when he committed such offence, or may sentence him to any of the punishments to which he is liable under section 46:

Provided that no person shall be punished twice for the same offence.

54. Offences by prison subordinates.—(1) Every Jailer or officer of a prison subordinate to him,—

- (a) who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation, or lawful order made by competent authority; or
- (b) who shall withdraw from the duties of his office without permission or without having given previous notice in writing of his intention for the period of two months; or
- (c) who shall wilfully overstay any leave granted to him; or
- (d) who shall engage without authority in any employment other than his prison duty; or
- (e) who shall be guilty of cowardice;

shall, on conviction, be punished with fine not exceeding two hundred rupees, or with imprisonment for a period not exceeding three months, or with both.

(2) No person shall under this section be punished twice for the same offence.

CHAPTER XII

TEMPORARY RELEASE OF PRISONERS

55. Power to release certain prisoners temporarily.—(1) The State Government or any authority to which the State Government may delegate its power in this behalf may, subject to such conditions as may be prescribed, release temporarily for a period not exceeding ten days in a year (excluding the time required for journeys and the days of departure from and the arrival at prison) any prisoner who has been sentenced to a term of imprisonment of not less than three years.

(2) The provisions of sub-section (1) shall not apply to a prisoner who has been classified as habitual criminal for the purposes of this Act and who has had more than three convictions.

(3) No person shall be released under sub-section (1) unless,—

(a) he has at the time of his release served one half of his sentence including remission or a period not less than two years of sentence including remission, whichever is less;

(b) his conduct in prison has been good;

(c) twelve months have elapsed from the date of the expiry of the period of his previous release, if any, under this section.

(4) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

56. Release on parole.—(1) The State Government or any authority to which the State Government may delegate its power in this behalf, may, subject to such conditions as may be prescribed, release on parole for such period as it may deem necessary, any prisoner in case of any serious illness or death of any member of the prisoner's family or of any of his nearest relatives or for any other sufficient cause.

(2) The period of release of a prisoner under sub-section (1) shall not count towards the total period of his sentence.

57. Prisoner to surrender himself on the expiration of the period otherwise liable to be arrested.—(1) On the expiry of the period for which a prisoner was released temporarily under sub-section (1) of section 55, or on parole under sub-section (1) of section 56, he shall surrender himself to the officer in charge of the prison from which he was released.

¹[Provided that, notwithstanding anything contained in any other law for time being in force, if the prisoner who fails to surrender on expiration of the parole, shall be deemed to be a proclaimed offender. Further, the bonds executed by the prisoner and the surety of him, shall be liable to be forfeited to the state and forfeited bond amount shall be recovered as arrears of land revenue.]¹

1. Inserted by Act 21 of 2022 w.e.f. 05.04.2022.

(3) If a prisoner fails to surrender himself as required by sub-section (1), he may be arrested by any Police Officer without a warrant and produced ¹[before a Judicial Magistrate]¹ who shall remand him to undergo the unexpired portion of the sentence.

1. Substituted by Act 13 of 1965 w.e.f. 1.10.1965.

¹[**58. Penalty for failure to surrender.**—Any prisoner who fails to surrender himself as required by sub-section (1) of section 57 shall on conviction, be punished with imprisonment for a term of not less than three years but which may extend to five years and with fine. The person who stood surety to the prisoner, who failed to surrender himself, as

required by sub section (1) of section 57 shall on conviction, be punished with imprisonment for a term of not less than six months but which may extend to one year and with fine.]¹

1. Substituted by Act 21 of 2022 w.e.f.05.04.2022.

¹[**58A. Offences to be Cognizable.**- (1)The Offences punishable under section 42 and 58 shall be cognizable.

(2) The punishment awarded under this Act shall operate on completion of the sufferance of the sentences or punishment awarded in any other cases in which is convicted.]¹

1. Inserted by Act 21 of 2022 w.e.f.05.04.2022.

CHAPTER XIII

MISCELLANEOUS

59. Extra mural custody, control and employment of prisoners.—A prisoner, when being taken to or from any prison in which he may be lawfully confined or whenever he is working outside or is otherwise beyond the limits of any such prison, in or under the lawful custody or control of a prison officer belonging to such prison, shall be deemed to be in prison and shall be subject to all the same incidents as if he was actually in prison.

60. Confinement in irons.—Whenever the Superintendent considers it necessary (with reference either to the state of the prison or the character of the prisoners) for the safe custody of any prisoners that they should be confined in irons he may, subject to such regulations and instructions as may be laid down by the Inspector- General with the sanction of the State Government, so confine them.

61. Confinement in irons of prisoners under sentence of imprisonment for life.—
(1) Prisoners under sentence of imprisonment for life may, subject to such conditions as may be prescribed, be confined, in fetters for the first three months after admission to prison.

(2) Should the Superintendent consider it necessary either for the safe custody of the prisoner himself or for any other reason that fetters should be retained on any such prisoner for more than three months, he shall apply to the Inspector-General for sanction to their retention for such period as may be necessary, and the Inspector- General may sanction such retention accordingly.

62. Prisoners not to be put in irons by Jailer except under necessity.—(1) No prisoner shall be put in irons or under any mechanical restraint by the Jailer on his own authority, except in cases of urgent necessity.

(2) Whenever the Jailer on his own authority puts a prisoner in irons, a report thereof shall forthwith be sent to the Superintendent.

63. Power to make rules.—(1) The State Government may after previous publication by notification make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may be made for,—

- (a) defining the acts which shall constitute prison offences;
- (b) determining classification of prison offences into serious and minor offences;
- (c) fixing the punishments admissible under this Act, which may be awarded for

commission of prison offences or classes thereof;

(d) declaring the circumstances in which acts constituting both a prison offence and an offence under the Indian Penal Code may or may not be dealt with as a prison offence;

(e) the award of marks, granting remission or furlough, determining the conditions on which and the authority by which such remission or furlough may be granted and the consequent shortening of the sentences;

(f) regulating the use of arms against any prisoner or batch of prisoners in case of an outbreak or attempt to escape;

(g) defining the circumstances and regulating the conditions under which prisoners in danger of death may be released;

(h) the classification of prisons and description and construction of wards as well as other places of detention;

(i) the regulation by numbers, length or character of sentences or otherwise, of the prisoners to be confined in each class of prisons;

(j) the governance of prisons and the appointment of all officers appointed under this Act;

(k) providing food, bedding and clothing of criminal prisoners and of civil prisoners maintained otherwise than at their own cost;

(l) the employment, instruction and control of convicts within or without prisons;

(m) defining the articles, the introduction or removal of which into or out of the prisons without due authority is prohibited;

(n) classifying and prescribing the forms of labour and regulating the periods of rest from labour;

(o) regulating the disposal of the proceeds of employment of prisoners;

(p) regulating the confinement in fetters of prisoners sentenced to imprisonment for life;

(q) classification and separation of prisoners;

(r) regulating the confinement of convict criminal prisoners under section 27;

(s) the preparation and maintenance of history tickets;

(t) the selection and appointments of prisoners as officers of prisons;

(u) rewards for good conduct;

(v) regulating the transfers of prisoners whose term of imprisonment is about to expire subject to the consent of the Government of any other State to which the prisoner is to be transferred;

(w) the treatment of prisoners and the disposal of criminal lunatics or recovered criminal lunatics confined in prisons;

(x) regulating the transmission of appeals and petitions from prisoners and their communications with their friends and relatives;

(y) the appointment and guidance of visitors of prisons;

(z) extending any or all the provisions of this Act and of the rules thereunder to subsidiary jails; or special places of confinement appointed under section 541 of the Code of Criminal Procedure, 1898, and to the officers employed and the prisoners confined therein;

(aa) the admission, custody, employment, diet, treatment and release of prisoners; and

(bb) generally for anything prescribed under this Act.

64. Rules and notifications to be laid before the State Legislature.—Every rule made under this Act and every notification issued under section 68, shall be laid as soon as may be after it is made or issued, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or the notification or both Houses agree that the rule or the notification should not be made or issued, the rule or the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

65. Exhibition of copies of Rules.—Copies of rules made under section 63 shall, so far as they affect the governance of prisons be exhibited both in English and in the regional language in some conspicuous place to which all persons employed within a prison have access.

66. Exercise of powers of Superintendent and Medical officers.—All or any of the powers and duties conferred or imposed by this Act on a Superintendent or a Medical officer may, in his absence, be exercised and performed by such other officer as the State Government may appoint in this behalf, either by name or by his official designation.

67. Repeal and savings.—The enactments specified in the Schedule to this Act are hereby repealed:

Provided that section 6 of the '[Karnataka]' General Clauses Act, 1899 '[Karnataka]' Act III of 1899), shall be applicable in respect of such repeal and section 8 and section 24 of the said Act shall be applicable as if the said enactments are enactments within the meaning of the said Act and had been repealed and re-enacted by this Act.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 dated 1.11.1973

68. Removal of difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the corresponding provisions of the Acts in force therein immediately before the commencement of this Act, the State Government may, by notification in the official Gazette make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from the provisions of the corresponding Acts in force before the commencement of this Act) the State Government may, by notification, make such provisions not inconsistent with the purposes of this Act as appear to it to be necessary or expedient for removing the difficulty.

SCHEDULE

(See section 67)

1. The Mysore Prisons Act, 1943 (Mysore Act XLIV of 1943) as in force in the ¹[Mysore Area]¹;
2. The Hyderabad Prisons Act, 1954 (Hyderabad Act XXIX of 1954) as in force in the ¹[Gulbarga Area]¹;
3. The Prisons Act, 1894, (Central Act No. IX of 1894) as in force respectively in the

¹[Belgaum Area]¹, ¹[Mangalore and Kollegal Area]¹ and the Coorg District.

1. Adapted by the Karnataka Adaptations of Laws Order 1973 dated 1.11.1973

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NOTIFICATIONS

I

Bangalore, dated 25th July, 1974 [No. HD 124 PRM 68]

G.S.R. 212.- In exercise of the powers conferred by sub-section (3) of section 1 of the Karnataka Prisons Act, 1963 (Karnataka Act 33 of 1963) the Government of Karnataka hereby appoints the 25th day of July 1974 as the date on which the said Act shall come into force.

By Order and in the name of
the Governor of Karnataka,

(K.S.L. SASTRY)
Under Secretary to Government,
Home Department.

(Published in the Karnataka Gazette, Part IV-2C (i), dated 25th July 1974 at page 757)

II

Bangalore, dated 16th September, 1965 [No. HD 15 PCR 65]

S.O. 3164.- In exercise of the powers conferred by sub-section (3) of section 1 of the Code of Criminal Procedure (Mysore Amendment) Act, 1965 (Mysore Act 13 of 1965), the Government of Karnataka hereby appoints the First day of October 1965 as the date on which the said Act shall come into force.

By Order and in the name of
the Governor of Karnataka,

(R. SRINIVASAN)
Under Secretary ,

(Published in the Karnataka Gazette, Part IV-2C (ii), dated 23rd September 1965.)

* * * *

KARNATAKA ACT NO.21 OF 2022

(First Published in the Karnataka Gazette Extra-ordinary on the 5th day of April, 2022)

THE KARNATAKA PRISONS (AMENDMENT) ACT, 2022

(Received the assent of the Governor on the 4th day of April, 2022)

An Act further to amend the Karnataka Prisons Act, 1963.

Whereas it is expedient further to amend the Karnataka Prisons Act, 1963 (Karnataka Act 33 of 1963), for the purpose hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Seventy Third year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Prisons (Amendment) Act, 2022.

(2) It shall come into force at once.

2. Amendment of section 42.-In section 42 of the Karnataka Prisons Act, 1963 (Karnataka Act 33 of 1963) (here in after referred to as the Principal Act),-

(i) after the words "any prohibited article", the words "mobile or any instrument of communication" shall be inserted.

(ii) for the words "not exceeding six months, or with fine not exceeding two hundred rupees, or with both" the words "not less than three years but which may extend to five years and fine" shall be substituted.

3. Amendment of section 57.- In section 57 of the Principal Act, after sub-section (1) the following shall be inserted, namely:-

"Provided that, notwithstanding anything contained in any other law for time being in force, if the prisoner who fails to surrender on expiration of the parole, shall be deemed to be a proclaimed offender. Further, the bonds executed by the prisoner and the surety of him, shall be liable to be forfeited to the state and forfeited bond amount shall be recovered as arrears of land revenue".

4. Amendment of section 58.-For section 58 of the Principal Act, the following shall be substituted, namely:-

"58. Penalty for failure to surrender.-Any prisoner who fails to surrender himself as required by sub-section (1) of section 57 shall on conviction, be punished with imprisonment for a term of not less than three years but which may extend to five years and with fine. The person who stood surety to the prisoner, who failed to surrender himself, as required by sub section (1) of section 57 shall on conviction, be punished with imprisonment for a term of not less than six months but which may extend to one year and with fine."

5. Insertion of Section 58A.-After section 58 of the Principal Act,the following shall be inserted, namely:-

“58A. Offences to be Cognizable.- (1)The Offences punishable under section 42 and 58 shall be cognizable.

(2) The punishment awarded under this Act shall operate on completion of the sufferance of the sentences orpunishment awarded in any other cases in which is convicted”.

By Order and in the name of
the Governor of Karnataka,

G. SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation