

## Home and Transport Secretariat

### Notification

#### No.HD/10/PRA/99, Bangalore, Dated 20<sup>th</sup> February, 2004

Whereas the draft of the following Rules to amend the Karnataka Prison Rules 1974 was published as required by Section 63 of the Karnataka Prisons Act, 1963 (Karnataka Act 33 of 1963) in Notification No.HD 10 PRA 99 dated 30.09.2002 in Part IV-A of the Karnataka Gazette Extraordinary dated 7-10-2002 inviting objections and suggestions from all persons likely to be affected within thirty days from the date of its publications in the official gazette.

And, whereas the said Gazette was made available to the public on 7.10.2002.

And, whereas the objections and suggestions received in respect of the said draft have been considered by the State Government

Now, therefore, in exercise of the powers conferred by section 63 of the Karnataka prisons Act, 1963 (Karnataka Act 33 of 1963) the Government of Karnataka hereby makes the following Rules namely;

#### RULES

**1. Title and Commencement:-** (1) These rules may be called the Karnataka Prison (Amendment) Rules, 2000.

(2) They shall come into force on the date of their publication in the official Gazette.

**2. Substitution of rule 191:-** for rule 191 of the Karnataka Prison Rules 1974, (herein after referred to as the said rules), the following shall be substituted, namely:-

**“191. Release under section 56:-** (1) A prisoner may be released under section 56, either on ordinary parole or emergency parole, subject to the conditions specified below for such period as the authority releasing him may deem necessary.

(2) (a) The inspector General of prisons may release any prisoner on ordinary parole under this rule initially for a period not exceeding thirty days which may be extended for such period not exceeding thirty days at a time as the inspector General deems fit;

Provided that the total period of release at a stretch shall not exceed ninety days.

(b) A prisoner who desires to be released on ordinary parole shall submit his application in triplicate in form No.IX to the Superintendent, who shall forward the same along with his remarks to the inspector General along with nominal roll of the prisoner and such other information as may be required.

(c) The prisoner shall execute before the Superintendent a bond for rupees three thousand in form No.X with two satisfactory sureties for a sum of rupees three thousand each or in lieu of such sureties he shall deposit an amount of rupees three thousand in case giving an undertaking that he will return to the prison before the expiry of the period of his temporary release and that he will maintain good conduct during the period and that he shall not associate with bad elements or commit any offence punishable by any law. He shall also notify the place where he intends to reside during the period of temporary release.

(d) The Superintendent shall ascertain from the Executive Magistrate of the concerned Taluk and the police concerned particulars of the sureties before accepting them and the genuineness or otherwise of the purpose for which the prisoner has applied for grant of ordinary parole. The Executive Magistrate and the police concerned shall within fifteen days after the receipt of such reference, forward their report to the Superintendent without fall. If no adverse report is received within such period, it shall be presumed that the concerned police or the Taluk Executive Magistrate have noting adverse to report against the prisoner

regarding the request made by the prisoner. The Superintendent shall thereafter make his recommendation to the inspector General of Prisons, who shall examine and pass suitable orders for release of prisoner on such parole subject to the conditions specified in clause (c).

(e) The expenses of the journey to and for shall be borne by the prisoner concerned.

(f) If a prisoner fails to surrender within the stipulated period of ordinary parole or fails to abide by the conditions laid down in the bond executed by him proceedings may be initiated against the prisoner and also against his sureties under sections 446 and 447 of the Code of Criminal Procedure 1973, as if it is a bond executed by the said prisoner and sureties before a court under the said code.

(g) The release and surrender reports shall at once be submitted by the Superintendent of Police concerned.

(h) The period spent on ordinary or emergency parole shall not count towards sentence undergone as it is a temporary suspension of sentence.

(i) Both ordinary and emergency parole cannot be claimed as a right but it is a concession granted to the convicts sentenced to long term imprisonment. This concession is subject to cancellation by the authority competent to grant parole.

(j) The following shall be the eligibility conditions for release of prisoners on ordinary parole:-

(i) A prisoner who has been classified as habitual criminal for the purpose of these rules and who has had more than three convictions or against whom cases are pending before courts (for offences punishable with death or imprisonment for more than 7 years) shall not be eligible for parole.

(ii) At the time of release the prisoner must have served one half of his sentence including remission, or a period of not less than two years of sentence including remission, whichever is less and there should be a gap of six months between two paroles.

(iii) His conduct in prison has been good.

(3) (a) A prisoner may be released on emergency parole for such period not exceeding fifteen days, at a time as the authority releasing him deems fit for attending the last rites in case of death or in the event of terminal illness of father, mother, spouse, son, daughter or own brother or own sister.

(b) Emergency parole may be granted to a prisoner subject to the following conditions namely:

(i) he has been sentenced by a Court to imprisonment for a term or imprisonment for life for an offence under any law other than a law relating to a matter to which executive power of the Union Government extends;

(ii) his conduct in prison has been satisfactory;

(iii) if the prisoner in question is a habitual criminal or if he was convicted for an offence of dacoity, robbery, rape or for offences under Chapters VI, VII or XV of the Indian Penal Code, the Superintendent may release him from prison under adequate escort to attend to the emergencies cited at clause 3(a) subject to the condition that such release is limited to the barest minimum period.

(iv) The number of releases allowed for visiting an ailing next of kin shall be limited to one in respect of the same next of kin.

(c) Every application for grant of emergency parole shall be submitted in Form No.XI to the Superintendent by the prisoner.

(d) Every such application shall be accompanied by a certificate issued by the Station House Officer of the concerned jurisdictional police station or the concerned village accountant or the Head Master of teacher of the local Government school or any elected representative of the Grama Panchayat concerned confirming the death or terminal illness or marriage and the type of relationship of the deceased with the prisoner.

(e) The Superintendent of prison shall grant emergency parole to a prisoner subject to other conditions laid down in clause(c) of sub-rule (2) of rule 191.

(f) The Superintendent of prison may at his discretion, verify the genuineness of the certificates produced by the prisoner by contacting the Station House Officer of the concerned Police station by wireless or phone or

by any other means, in order to satisfy himself regarding the truth or otherwise of the grounds made out by a prisoner for his release on emergency parole.

(g) Expenses of the journey to and fro shall be borne by the prisoner

**3. Amendment of Form VII:-** In Form VII of the said rules:-

(i) the word and figures "and 191" shall be omitted;

(ii) in the first paragraph, the word "parole" shall be omitted;

(iii) in the second paragraph, for the word "parole" in two places where it occurs, the word "furlough" shall be substituted.

**4. Amendment of Form VIII:-** In form VIII of the said rules, the words and figures "and 191" shall be omitted.

**5. Amendment of Form IX:-** in Form IX of the said rules, the words and figures "to deposit cash of Rs.6000 as security" shall be omitted.

**6. Insertion of new Forms X and XI:-** After Form IX of the said rules, the following forms shall be inserted, namely:-

**GOVERNMENT OF KARNATAKA**  
**Form No.X**  
**(See rule 191(2)(c))**  
**BOND**

Whereas I, prisoner No..... S/o..... resident of ..... village..... District have been sentenced to undergo imprisonment for a term of .... years and where as the inspector General of Prisons, Karnataka State has been pleased to release me on parole for a term of..... commencing from ..... and ending on .....on condition of my executing a bond with two sureties undertaking that I will return to the prison before the expiry of the period of my temporary release, and that I will maintain good conduct and will not associate with any bad element or commit any offence punishable by any law during that period.

I hereby agree and bind myself to comply with all the aforesaid conditions during the period or extended period of parole and in case of my making default therein, I bind myself to forfeit to the Government a sum of Rs..... and I agree that the Government may without prejudice to any other rights or remedies recover the said sum from me as arrears of land revenue.

Dated this .....day.....of.....20.....

Before me

Superintendent of  
.....Prison

Signature of Prisoner

We 1) .....son of resident of .....village.....taluk.....District and  
2) .....son of .....resident ourselves sureties for the above said prisoner No..... confined at the prison and give the guarantee that he will return to the prison before the expiry of the period of his temporary release, and that he will maintain good conduct and will not associate with bad element or commit any offence punishable by any law during that period or the extended period of his temporary release, and in case of his making default therein we hereby bind ourselves to pay to the Government of Karnataka the sum of Rs..... (in words also)..... and we agree that the Government of Karnataka may without prejudice to any other rights or remedies open recover from us the said sum as arrears of land revenue.

Dated this..... day of .....20.....

1)

2)

Signed by the above named.....  
Sureties in the presence of:

(Signature of sureties)

- 1.
- 2.

Before me  
Superintendent of

..... Prison

**GOVERNMENT OF KARNATAKA**

(Form No.XI)

(Rule 191 (3)(c))

**Prisons Department**

To,

The Superintendent of Prisons,

.....

Sir,

I Prisoner No.....S/o ..... Permanent resident of.....village.....Taluka.....

.....District.....confined in.....

jail ..... hereby apply for grant of emergency parole for.....days to go to ..... village.....

.....Taluka.....District..... for attending the last rites of..... who is my

...../for visiting.....who is my.....

and who is terminally ill (on account of disease, accident or other reasons)/ for attending the marriage of ..... who is my .....

I have served..... years of sentence.

I shall go at my own cost.

I am not a habitual prisoner.

I am agreeable to deposit cash of Rs.6,000/- as security or to furnish two sureties for a sum of Rs.3000/- each. My sureties are:

1.....

Yours faithfully,

.....

2.....

(Signature of the prisoner)

.....

Before me,

.....

Superintendent,

..... Jail

By Order and in the name of the Governor of Karnataka

G.K.GURANI

Under Secretary to Government,

Home & Transport Department,

(Prisons and Cinema)