CHAPTER-II

ORGANISATIONAL ASPECTS OF PRISONS AND JAILS IN KARNATAKA AND ATTEMPTS AT REFORMS.

The Prisons and Jails in Karnataka State are constituted under the Karnataka Prisons Act 1963 (Karnataka Act 33 of 1963). The Inspector General of Prisons is appointed under section 3 of the said Act and he shall exercise subject to the orders of State Government, general control and superintendence over all Prisons, Jails, the Borstal School and the Training Institute in the Karnataka State. The Inspector General of Prisons shall be in the immediate charge of the Office of the Inspector General of Prisons in all its branches and shall conduct all routine work. All Prisons situated in Karnataka State fall under the following classes, viz.:

(i) Central Prisons
(ii) District Prisons Class I
(iii) District Prisons Class II
(iv) District Headquarters Sub-jails and Special Sub Jails
(v) Taluk Sub-jails
(vi) Juvenile Jails.
(vii) Special Prisons.
(viii) Open Air Jails.
(ix) Borstal School

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The names of various prisons under the different classes of Prisons shall be as follows:- The following are the Central Prisons; Belgaum Central Prison, Bangalore Central Prison, Bellary Central Prison.

The following kind of prisoners may ordinarily confined in Central Prisons: Prisoners sentenced to death, Prisoners sentenced to life imprisonment of classes, Prisoners sentenced to a term of imprisonment exceeding 10 years of all classes, Civil Prisoners, Prisoners awaiting trial in local Courts, Female Prisoners, Military Prisoners and Juvenile Prisoners.

A Central Prison shall also serve as the District Prison of the District in which it is situated and of the adjoining Districts where there are no District Prisons. The following are the District Prisons Class I am District Prisons Class II:

District Prisons Class I: District Prison, Bijapur, District Prison, Mysore

District Prisons Class II: District Prison, Raichur
District Prison, Bidar District Prison, Mercara District Prison, Mangalore District Prison, Shimoga District Prison, Karwar
The following kinds of Prisoners may ordinarily be confined in District Prison Class I: i) Prisoners of all classes sentenced to a term of imprisonment not exceeding 10 years ii) Female Prisoners, iii) Civil Prisoners. iv) Prisoners awaiting trial before the local courts v) Military Prisoners and vi) Juvenile Prisoners.

The following kinds of Prisoners may ordinarily be confined at District Prison, Class II--: I) Prisoners of all the classes sentenced to a term of imprisonment not exceeding or un-expired portion of sentence not exceeding 6 months ii) Female Prisoners. B iii) Civil Prisoners. iv) Prisoners awaiting trial before local courts. V) Military Prisoners. vi) Juvenile Prisoners.

The District Headquarters Sub-jails and Special Sub-jails and Taluk Sub-jails which are as per Annexure I. Of the Manual.

The following classes of prisoners may ordinarily be confined in District Headquarters Sub-Jails. Special Sub Jails and Taluk Sub-Jails. i) Prisoners sentenced to a term of imprisonment up to 3 months in case of headquarters sub-jails and upto 15 days in case of Taluk sub-jails. ii) Female Prisoners. iii) Prisons awaiting trial before the local courts, and iv) Civil Prisoners.
Prisoners sentenced to death or life imprisonment or for a term exceeding 10 years by courts stated in District specified in column Table-I Table showing the jails and their specified location.

Table-I

<table>
<thead>
<tr>
<th>Courts situated in the District</th>
<th>Jails</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>(1) Bangalore  Mysore  Mercara</td>
<td>Central Prison,</td>
</tr>
<tr>
<td>Mangalore  Hassan  Mandya</td>
<td>Bangalore</td>
</tr>
<tr>
<td>Chickmagalur  Shimoga  Tumkur</td>
<td></td>
</tr>
<tr>
<td>Kolar</td>
<td></td>
</tr>
<tr>
<td>(2) Bellary  Chitradurga</td>
<td>Central Prison,</td>
</tr>
<tr>
<td></td>
<td>Bellary</td>
</tr>
<tr>
<td>(3) Raichur  Gulbarga  Bidar</td>
<td>Central Prison,</td>
</tr>
<tr>
<td></td>
<td>Gulbarga</td>
</tr>
<tr>
<td>(4) Bijapur  Dharwad  Belgaum</td>
<td>Central Prison,</td>
</tr>
<tr>
<td>Karwar</td>
<td>Belgaum</td>
</tr>
</tbody>
</table>

F.N. Ibid,
All Juvenile Prisoners convicted by the Courts in the State whose term of imprisonment exceed 3 months shall be confined at the Juvenile Jail, Dharwad. Habitual Prisoners sentenced to imprisonment for more than 3 months may be confined at Central Prison, Bellary.

Open Air Prison Koramangala: This Institution has been established with two fold objectives viz. (i) imparting training to the inmates in Agriculture and Horticulture as a reformatory measure with no heavy guards. To rehabilitate them in their original Profession of Agriculture with training in modern methods. Only well behaved long term prisoners are kept in this Institution.

Prison Training Institute, Mysore: This Institution imparts training to the Head Wardens and Wardens of the Department in correctional administration.
Classification of Prisons:

Table-II

Prisons in the Karnataka state are classified as under

<table>
<thead>
<tr>
<th>SI No</th>
<th>Prison type</th>
<th>No.of Prisons</th>
<th>Authd.Accommodation</th>
<th>Place</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Central Prison</td>
<td>6</td>
<td>5211</td>
<td>Bangalore, Belgaum, Bellary, Bijapur, Gulbarga, Mysore</td>
</tr>
<tr>
<td>2</td>
<td>District Prison</td>
<td>6</td>
<td>820</td>
<td>Bidar, Karwar Madikeri, Mangalore, Raichur, Shimoga</td>
</tr>
<tr>
<td>3</td>
<td>District Head Quarter Sub Jails</td>
<td>7</td>
<td>543</td>
<td>Chickmagalur, Chitradurga, Dharwad, Masndya, Kolar, Hassan, Tumkur</td>
</tr>
<tr>
<td>4</td>
<td>Special Sub Jails</td>
<td>2</td>
<td>111</td>
<td>Davangere, KGF</td>
</tr>
<tr>
<td>5</td>
<td>Taluk Sub Jails with Dept. Staff</td>
<td>29</td>
<td>1243</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Taluk Sub Jails under Revenue Depart. Control</td>
<td>43</td>
<td>750</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Open Air Jail</td>
<td>1</td>
<td>80</td>
<td>Koramangala, Bangalore Rural Dist.</td>
</tr>
<tr>
<td>8</td>
<td>Juvenile jail</td>
<td>1</td>
<td>250</td>
<td>Dharwad</td>
</tr>
<tr>
<td>9</td>
<td>Borstal School</td>
<td>1</td>
<td>183</td>
<td>Dharwad</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>96</strong></td>
<td><strong>9191</strong></td>
<td></td>
</tr>
</tbody>
</table>
The following Acts and Rules are in force:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Karnataka Prisoners Act, 1963</td>
<td>Borstal School Rules, 1969</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Borstal School Act, 1963</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Following are some of the statistics that give an insight into the prisoners in Karnataka today.

### Table-IV

**STAFF STRENGTH:**

In the Prison Department there are in all 2857 posts existing in different cadres as on 31.12.2002. Out of which 2030 posts are filled and 844 posts are vacant.

<table>
<thead>
<tr>
<th>Group</th>
<th>Sanctioned Strength</th>
<th>Working Strength</th>
<th>Vacant</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Group</td>
<td>35</td>
<td>22</td>
<td>13</td>
</tr>
<tr>
<td>B Group</td>
<td>37</td>
<td>24</td>
<td>13</td>
</tr>
<tr>
<td>C Group</td>
<td>1739</td>
<td>1459</td>
<td>280</td>
</tr>
<tr>
<td>D Group</td>
<td>99</td>
<td>80</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td>1910</td>
<td>1585</td>
<td>325</td>
</tr>
</tbody>
</table>
Table-V

BUDGET AND RELATED MATTERS:

The following are the budgetary provisions made for the year 2002-03 of the Department.

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Head of Account</th>
<th>Non Plan Allotment during the year 2002-03 (Rs. in lakhs)</th>
<th>Expenditure upto Dec’ 02 under non plan (Rs. in lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Direction and Administration</td>
<td>100.20</td>
<td>58.76</td>
</tr>
<tr>
<td>2</td>
<td>Jails</td>
<td>2665.14</td>
<td>1890.15</td>
</tr>
<tr>
<td>3</td>
<td>Jail manufacture</td>
<td>84.15</td>
<td>51.92</td>
</tr>
<tr>
<td>4</td>
<td>Other Expenditure</td>
<td>132.11</td>
<td>53.56</td>
</tr>
<tr>
<td>5</td>
<td>Borstal School</td>
<td>82.66</td>
<td>58.82</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>3064.26</td>
<td>2113.21</td>
</tr>
</tbody>
</table>

Population of the prison is on the increase. Thereby the expenditure towards diet, medicines etc., are proportionately on the increase.
Table-VI

**PRISON POPULATION AND AVERAGE COST:**

The daily average jail population during the past 3 years and average cost per prisoner are as under:

<table>
<thead>
<tr>
<th>Years</th>
<th>Convicts</th>
<th>Under trials</th>
<th>Avarage cost per anum</th>
<th>Avg.Adm. cost per prisoner per day</th>
<th>Avg cost for food per day per prisoner</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-21</td>
<td>1623</td>
<td>7787</td>
<td>24399.25</td>
<td>66.84</td>
<td>19.37</td>
</tr>
<tr>
<td>2001-02</td>
<td>1782</td>
<td>7846</td>
<td>26546.25</td>
<td>72.72</td>
<td>18.21</td>
</tr>
<tr>
<td>2002-03 (upto Dec 02)</td>
<td>2136</td>
<td>8253</td>
<td>20207.19</td>
<td>5536</td>
<td>15.13</td>
</tr>
</tbody>
</table>
REFORMATIVE MEASURES:

Following are the measures incorporated in the jail daily routine to facilitate the inmates to correct, reform and thereafter rehabilitate themselves as good citizens on their release.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Vocational Training in various crafts of their choice.</td>
</tr>
<tr>
<td>2</td>
<td>Training in modern techniques of Agriculture, Horticulture and</td>
</tr>
<tr>
<td></td>
<td>Sericulture, Sheep rearing, Dairy farming</td>
</tr>
<tr>
<td>3</td>
<td>Wage earning scheme</td>
</tr>
<tr>
<td>4</td>
<td>Sports, games and cultural facilities</td>
</tr>
<tr>
<td>5</td>
<td>Reading room and library facilities</td>
</tr>
<tr>
<td>6</td>
<td>Interview, letter correspondence and remission system</td>
</tr>
<tr>
<td>7</td>
<td>Canteen facilities</td>
</tr>
<tr>
<td>8</td>
<td>Panchayat system</td>
</tr>
<tr>
<td>9</td>
<td>Temporary release facilities on parole and furlough</td>
</tr>
<tr>
<td>10</td>
<td>Premature release</td>
</tr>
</tbody>
</table>
VOCATIONAL TRAINING:

For imparting training, the following industries are functioning.

<table>
<thead>
<tr>
<th></th>
<th>Industry</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Power loom and handlooms</td>
</tr>
<tr>
<td>2</td>
<td>Tailoring</td>
</tr>
<tr>
<td>3</td>
<td>Carpentry</td>
</tr>
<tr>
<td>4</td>
<td>Cane works</td>
</tr>
<tr>
<td>5</td>
<td>Carpet making</td>
</tr>
<tr>
<td>6</td>
<td>Printing</td>
</tr>
<tr>
<td>7</td>
<td>Foot wear making</td>
</tr>
<tr>
<td>8</td>
<td>Tent making</td>
</tr>
<tr>
<td>9</td>
<td>Soap and phenyl manufacture</td>
</tr>
<tr>
<td>10</td>
<td>Black smithy and steel furniture making</td>
</tr>
<tr>
<td>11</td>
<td>Laundry</td>
</tr>
<tr>
<td>12</td>
<td>Two Wheelers service and repair</td>
</tr>
</tbody>
</table>

Table-IX

The Production in the jail industries during the past 3 years is as under

<table>
<thead>
<tr>
<th>Year</th>
<th>Production (Rs. In lakhs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2000-01</td>
<td>38.47</td>
</tr>
<tr>
<td>2001-02</td>
<td>57.81</td>
</tr>
<tr>
<td>2002-03 (upto Dec 2002)</td>
<td></td>
</tr>
</tbody>
</table>
The Prisoners in Karnataka are Treated Separately as under;  
1) Female Prisoners shall be so separate as to prevent their seeing, conversing or holding any intercourse with male prisoners.  
2) Male prisoners under 21 years of age shall be separated from male prisoners above that age,  
3) Among male prisoners under 21 years of age, those who have reached the age of puberty shall be separated from those who have not attained puberty,  
4) Convicts shall be kept apart from unconvicted prisoners and under section 27 convicted criminal prisoners may be confined either in association or individually in cells or partly in one way and partly in the other. 

Definition as per article 174 are:

(In these rules unless a different intention appears from the subject or context the expression:) 
a) “Casual Prisoners” means any convicted prisoners who is not a habitual as hereinafter defined, 
b) “convict” means a convicted Criminal Prisoners, 
c) “Child” means a person under the age of 16 

* Statutory Provisions as fond chapter X of the Manual ( Under Section 26 of the Karnataka Prisons Act, 963 the following separation of prisoners is required viz.)
year an when used with reference to a child sent to a certificate school, applying to that child during the whole period of his detention, notwithstanding that the child might have attained the age of sixteen years, d) "Youthful offender" means any child who has been found to have committed an offence e) "Adolescent Offender" means a person who is 16 years old and more but less than 23 years; f) "Under trial" and "Awaiting Trial" are synonymous terms and refers to persons committed to prison while the charge against them are under judicial investigation; g) Habitual prisoners is a person falling under definition of Habitual offender under section 2 of the Karnataka Habitual Offenders Act, 1961.

*Classes of Prisoners as per article 174* (A Prisoners confined in a prison may be:) (1) a criminal prisoners which term includes: (a) a convicted prisoner, including a prisoner committed to or detained in a prison under section 123 of the Code of Criminal Procedure on his failure to give security who ordered to do so under section 117 of the said code. (b) An unconvicted or under trail prisoners. (2) a detenu or a prisoner to be detained in prisoner without trail under any law relating to preventive detention and

1) a Civil Prisoner. F.N

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Note: Lunatics may also be temporarily detained in Jail under the order of the Magistrate.
Detention of Civil Prisoner as per article 176 (The term Civil Prisoner included: a judgement debtor confined under a warrant in execution of a decree of a civil court. An income tax defaulter detained in custody under Rules in the II Schedule to the Income Tax Act, 1961. Generally any prisoner other than a Criminal Prisoner or a detenu. Similarly Short Termers as per artical 177. Will include (For the purpose of treatment in Jails, prisoners shall be grouped as short tamers (having sentence of less than three months) and long tamers (having sentence of three months and above.) Classification of Habitual Prisoners as per article 178. (1) The manual include classification of a convicted person as “Habitual” shall ordinarily be made by the convicting court, but if the convicting Court omits to do so, such classification may be made by the District Magistrate or in the absence of an order by the convicting court of District Magistrate and pending the result of a reference to the District Magistrate, by the Officer in charge of the Jail where such convicted person is confined.

Provided that any person classified as a habitual criminal may apply for revision of order to the District Magistrate or the authority by which the classification has
been made. Convicting Courts or District Magistrates as the case may be, may revise the classification made by them, and the District Magistrate may alter any classification of a convict including a person committed to or detained in prison for failure to furnish security, made by a convicting Court, provided that the alternation is made on the basis to facts, which were not before such court at the time when such classification was made. Duty of Superintendent with regard to Classification is specified in article 179. This includes In order to facilitate the identification of habitual prisoners, special are shall be taken in filling up the columns relating to character in the convict Register. The letter "H" shall be written in red ink against the names of Habitual Criminals in all registers and forms.

The Superintendent and Jailor, on receipt of a prisoners, shall endeavour to ascertain from Jail subordinate and long term convicts as well as from Jail records. Whether he has more convictions than one recorded against him in the warrant.

Note:-- The expression District Magistrate means the District Magistrate of the District in which the Criminal was convicted or detained.
In case in which there is room for doubt whether a prisoners should be classified as Habitual or not, the Superintendent may refer the case for the orders of the convicting Court or of the District Magistrate.

When the Superintendent discovers that a prisoner has a previous conviction against him which has not been recorded, he shall immediately communicate the fact to the Court which convicted the prisoner and to the Superintendent of Police concerned.

If a prisoner was previously classified as habitual prisoner by as habitual prisoner whatever be the nature of offence for which he is later convicted.

Further, Separation of Habituals under article 180 Specifies: (1) Habitual convicts shall as far as possible, be separated from others. If it is impossible to separate the class entirely during work, Superintendents should do as much as can be done in this direction by locating habitual convicts in a definite part of the several worksheds or otherwise.
The Inspector General may transfer to the Habitual section of an ordinary Jail any prisoner not being a Habitual Criminal whom for reasons to be recorded in writing, he believes to be of so vicious or deprived a character and to exercise or to be likely to exercise so evil an influence on his fellow prisoners, that he ought not to be confined with other non-habitual prisoners. A Prisoners so transferred shall not otherwise be subject to the special rules affecting habitual convicts similarly.

*Military Prisoners under article 181. Include;* (i) Military Prisoners are usually not real Criminals and those of them who have been sentenced for purely Military offences should be kept as far as possible entirely apart from ordinary convicts. In the case of Military Prisoners, application for higher classification may be made to the concerned Court Martial which sentenced the prisoners.

Ex. Military Prisoners belonging to Karnataka State convicted by Court Martial and admitted to Jails may be transferred to the following Jails.

Central Prison, Bangalore- Long and short term Ex. Military Prisoners belonging to Hassan, Chickmagalur, Bangalore, Mysore, Tumkur, Mercara, Mangalore, Mandya, Chitradurga and Kolar District.
Central Prison, Belgaum—Long and short term Ex. Military Prisoners belonging to Belgaum, Karwar, Dharwad and Bijapur District.


Central Prison, Bellary—Long and short term prisoner belonging to Bellary District.

Short term Ex. Military Prisoners may also be confined in District Prison, Bujapur and District Prison, Mysore.

Ex. Military Prisoners confined in Jails of other States shall be transferred on reciprocal basis to the Jails as shown above.

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(Government letter No. HD 19 PRA 76, dated 23rd March 1976)
Admission of Prisoners - there are different Statutory Provisions. These are as follows:

Under Section 3 of the Karnataka Prisoners Act, 1963, the officer incharge of a Prison shall received and detain all persons duly committed to his custody under the said Act or otherwise by a Court, according to the exigency of any writ, warrant or order by which such person has been committed until such person is discharged or removed in due course of law.

Under Section 4 of the said Act officer incharge of Prison after the execution of every such warrant or order, shall return such writ to the Court by which the same was issued indicating how the same has been executed.

Under Section 5 of the Act Officer incharge of a Prison in the State may give effect to any sentence or warrant or order for the detention of any person passed or issued by any court or tribunal acting within or without the State under the general or special authority of the State or Central Government.
Under section 6 of the said Act a warrant under the official signature of an officer of such court as referred to above shall be sufficient authority for holding any person in confinement or for sending any person for imprisonment for life.

Under section 7 where an officer of a Prison doubts the legality of a warrant or order sent to him for execution or the competency of the person whose official seal or signature is affixed, to pass the sentence and issue the Warrant or Order, he shall refer the matter to the State Government and the Prisoner shall be dealt with in accordance with such order as the Government may make. Pending orders the Prisoners shall detained in such manner as is contemplated in such manner as is contemplated in the warrant of order.

Under Sections 23 and 24 of the Prisons Act, 1963 a Prisoner on admission shall be searched and all weapons and prohibited articles taken from him. A female Prisoner shall be searched by Matron or Woman Warder. Every Prisoner on admission as soon as possible shall be examined by the Medical Officer and a note record. All money and other articles belonging to the Prisoners shall be placed in the
custody of the Jailor and the signature of the Prisoner taken. History Ticket is defined in Section 2 (3) of the Prisons Act, 1963 and means a ticket exhibiting such information about a Prisoner as is required in the Act or in the Rules made thereunder.

In the case of a Prisoner sentenced to imprisonment in default of fine, the period of imprisonment should be reckoned from the day on which he was re-arrested for failing to pay the fine imposed.

Sentence of imprisonment passed by a Criminal Court may be concurrent or consecutive. In the absence of any direction on the warrant as to the manner in which such sentences shall be carried out it should be assumed that they are consecutive.

Sentence imposed in default of payment of fine cannot run concurrently.

However as per provisions under art 184. (i) The Officer incharge of a Prison shall receive and detain all persons duly committed to his custody by any court according to directions contained in nay writ, warrant, or order by which
such person has been committed. No prisoner shall be admitted into prison except on a warrant signed by a competent authority. Separate warrant shall be received for every prisoner even though two or more prisoners have been jointly charged and convicted. Before admitting a prisoner the Jailor shall examine the warrant and by questioning the prisoner as to his name and other particulars and shall satisfy himself that he is the person referred to in the warrant. An escaped prisoner who is recaptured may be received into the prison on the original warrant.

Prisoners shall be admitted at any time after the opening of the Prison and before it is locked up, provided that prisoners who have gone to appear before the Sessions Court or those who come from long distance by rail from other prison may be admitted at any time. On admission of a prisoner the Jailor shall furnish the officer in charge of the police escort with a receipt. Civil debtors shall be admitted to the Jail at any hour at which they are brought by the Officer of the Court;

Prisoners received in a prison after it has been locked up shall be confined in a separate cell or yard for the night, barracks shall not be opened at night for this Purpose.
Procedure if warrant is irregular

As soon as possible after a prisoner is admitted, his warrant shall be examined by the Superintendent. If a warrant is incorrect or incomplete and if there is any clerical mistake it may be returned for correction to the court which issued it and a copy of warrant shall be retained till the original is returned duly corrected. In other cases, the Superintendent shall make a reference to the Government through Inspector General. Every reference under this rule shall be accompanied by a copy of the warrant referred to any by a Nominal Roll of the prisoners.

Explanation

Warrants, wrongly stating the name of the prisoner, or without the seal of the court, undated warrants, warrants without date on which an under trial prisoners is to be produced before the court, warrants without the signature of the competent authority or without the term of sentence or nature of sentence or without particulars shall be returned for correction;
Warrants awarding sentence beyond the competence of the awarding court, warrants awarding sentence more than what is presented by law, warrants issued contrary to the provisions of law, shall be referred to the Government through the Inspector General.

Warrants not containing particulars of fine

If at the time of commitment, the warrant of a prisoner sentenced to pay fine contains no information as to whether the fine or any part of it has been paid, a reference shall be made to the Court and the purport of the reply noted on the warrant.

Information received from a Court or Magistrate subsequent to the admissions of the prisoner that fine has been paid in part or whole on his behalf shall be endorsed on the warrant in red ink and acknowledgment sent to the court concerned.

Method of calculating sentence

The duration of a sentence shall be calculated by the calendar year or month unless stated in terms of weeks or days.
When a prisoner's sentence contains a fraction of a month. The date of release shall be calculated by reducing the fraction to day, a whole month being for this purposes, taken to consist of thirty days.

Illustration

A Prisoner is sentenced to one and half months imprisonment on 2\textsuperscript{nd} February, the date of release will be 16\textsuperscript{th} March.

Commencement of and break in imprisonment how reckoned

In calculating the date of expiry of sentence of imprisonment in a criminal case, the day on which the sentence was passed and the day of release shall both be included as days of imprisonment. Similarly if a prisoner is released on bail pending appeal or if he escapes, the day on which he was released or escaped and the day on which he was readmitted or recaptured shall both be counted as days of imprisonment.
If the month in which the sentence of a prisoner expires has no date corresponding to the date of sentence the last day of the said month shall be taken as the date of expiry of sentence.

Illustrations

A prisoner sentenced to one day imprisonment shall be released on the same day—but if he is sentenced to imprisonment for 24 (Twenty four) hours he should be kept in confinement for that period;

A prisoner sentenced on 1st January to one month's imprisonment shall be released on 31st of January and not on 1st day of February;

A Prisoner sentenced to one year's imprisonment on the 15th January of a year shall be released on the 14th January of the next year unless he earns remission by which the number of days will be reduced;

A prisoner sentenced on 28th February to one month's imprisonment shall be released on 27th March;

A prisoner sentenced on the 29th, 30th on 31st of January to a month's imprisonment shall be released on the last day of February;
A prisoner sentenced on 1st January to one month's imprisonment escapes on 15th January and is recaptured on the 16th, he shall be released on the original warrant on 31st January unless he is convicted under section 224 of I.P.C.

The period of imprisonment shall be reckoned from the date on which the sentence is passed except in cases which fall under section 31 (1), 426 and 427 of the code of Criminal Procedure in which case the Direction of the Court shall be followed.

Note:- In the case of a prisoner sentenced to imprisonment in default of fine the period of imprisonment shall be reckoned from the day on which he was re-arrested for failing to pay the fine imposed.

*Imprisonment in default of giving security*

When a person in respect of whom an order requiring Security is made under Sections 106 or 117 of the code is, at the time such order is made, sentenced to or undergoing a sentence of imprisonment, the period for which security is required shall commence on the expiry of such sentence.
In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason fixes a later date.

If such a person fails to give security on or before the date of expiry of his substantive sentence, he shall be detained in prison until the expiry of the period for which security is required to be furnished or until the required security is given whichever is earlier. In such cases it shall not be necessary to issue a warrant for the detention of such person in the Prison after the expiry of the substantive sentence.

Illustration

A prisoner while undergoing three months imprisonment is ordered by a competent court to execute a bond under section 106 of the Code for keeping peace for a term of six months for a sum of Twenty five rupees and one surety for a like amount fails to give security on or before the date on which the substantive sentence expires shall be detained in prison until he furnished required security or until the term for which such security is to be given is completed but no formal warrant is necessary for such detention.
If a person while undergoing imprisonment under an order under section 122 of the Code in default of furnishing security is convicted of an offence committed prior to the making of the order and is sentenced to imprisonment, such sentence shall commence from the date on which it was passed and if such sentence should expire before the period for which the person is undergoing imprisonment in default of giving security, he shall be detained for the remainder of such period. If, however, a person while undergoing sentence in default of furnishing security is convicted of an offence committed after the making of the order under section 122 of the Code and is sentenced to imprisonment, such sentence shall commence at the expiration of the imprisonment for failure to furnish security unless the court directs that such sentence shall run concurrently with the imprisonment for failure to furnish security.

An accused person falling under section 122 (2) of Code must be treated as an under trial prisoner until his Case has been decided by the Sessions Court or the High Court. During this period he shall neither earn remission nor be compelled to labour.
Date of release when two or more sentences run consecutively

The sentence of all prisoners sentenced to imprisonment for life or to more than twenty years imprisonment in the Aggregate, shall, for the Administrative purpose of calculation of the normal date of release, be deemed to be sentence to imprisonment for twenty years.

When a prisoner is sentenced to two or more periods of imprisonment to be served consecutively, the date of release shall be calculated as though the sum total of the terms was awarded in one sentence.

Illustrations

A prisoner sentenced on 21st November 1970 to two substantive terms of imprisonment of one year each should be released on 20th and not 19th November 1972.

A prisoners is sentenced on 1st January to two months imprisonment and a fine of twenty rupees or in default to one month's imprisonment. If the fine is not paid, he shall be released on 31st March but if the fine is paid on 28th February.
Effect of Annulling the First of two Sentences

When a prisoner is undergoing more than one sentence and the first sentence is annulled on appeal the second sentence shall take effect from its own date.

Illustrations

A prisoner is sentenced on 1st July to two periods of six months imprisonment for two offences. On appeal, the first sentence is quashed on 31st August. The prisoner is entitled to release on 31st December.

A prisoner is sentenced on 18th July to six months imprisonment and on 1st August to another period of six months imprisonment on appeal the first sentence is quashed on 31st August. The prisoner is entitled to release on 31st January.

Calculation of date of release in certain cases

The following method shall be adopted in calculating the date of release of a prisoner who after conviction was released on bail but afterwards recommitted to prison to
serve his sentence or who escapes and is subsequently recaptured. To the term of his sentence the number of days the prisoner was on bail or at large exclusive of the day of release and re-arrest or of escape and recapture shall be added and the date on which the sum of these periods shall elapse counting from the date of conviction shall be the date of expiry of sentence.

*Time spent in another State for Trial etc.,*

If a prisoner undergoing imprisonment in a prison is transferred to another State in India for purpose of trial in cases in that State and afterwards retransfer to this State the number of days between the date of transfer and the date of retransfer shall be counted as sentence undergone in the case in which he was undergoing the sentence prior to his transfer.

*Date of Release of Prisoner sentenced for Escape*

If a prisoner received a sentence for escape, the date of release shall be recalculated in accordance with Section 426 of the Code and entered in the register in place of original date of release.
Date Release from Imprisonment in Default of Payment of Fine

If a prisoner is sentenced to imprisonment of which the whole or any portion is in default of payment of fine and if the fine is not immediately paid, the date of release shall be calculated and entered in the Prisoners warrant, history ticket and in the registers so as to correspond both the payment and the non-payment of fine.

If a prisoner who is sentenced to a fine and in default to imprisonment pays and portion of the fine, the date of release shall be proportionately altered. If the imprisonment in default of payment of fine is expressed in calendar month, the reduction of imprisonment to be made in consequence of such payment shall be calculated in calendar months and not in days. Any fraction of a month obtained by such calculation shall be reduced to days. When the fraction thus obtained is not exactly equal to any number of days or less than a single day, the portion of a day which result shall be considered and treated as being equal to a full day.

Illustration

(1) If a prisoner is sentenced on 1st January to six months imprisonment and to a fine of three hundred repees in default of payment of fine for a further period of six months,
then if the prisoner pays immediately on conviction Rs. 100 the date of release shall be 31st October viz., six months and four months equivalent of the fine not paid; if he afterwards pays another Rs. 100 the date will be changed to 31st August and on his paying the whole amount to 30th June.

A prisoner is sentenced on 1st January to a fine of Rs. 300 or in default to six months imprisonment. If no part of the fine is realized except a sum of 75 paise he shall be released on 29th June though the amount released is less than the full amount due for a single day.

Calculation of Sentence Awarded to Prisoners Undergoing Imprisonment in Default.

If a prisoner sentenced to imprisonment in default of payment of fine received another sentence while undergoing such imprisonment, the second sentence shall begin from the date on which the first sentence expires or if the fine is paid, from the date of payment.

Illustration

A prisoner is sentenced on the 31st January to a fine of thirty rupees or in default to two months imprisonment and on the 12th February of the same year he is sentenced on
another count to additional imprisonment for four months. The fine is paid in full on 28th February. Then the sentence for 4 months should begin from the 28th February and not on 31st January.

Calculation of sentence modified on appeal

When an appellate court simply modifies a sentence passed by a lower court without change of section or when an appellate court passes a new sentence by changing the conviction section or the punishment section or otherwise specially directed, from the first day of imprisonment under the original sentence. In cases in which sentence of death is commuted to life imprisonment or imprisonment for any other period, the period of imprisonment shall be counted from the date of original sentence.

Procedure when sentence is suspended

When an appellate court directs that the execution of a sentence or order appealed against be suspended the appellant, shall if detained in prison pending further orders of such appellate court be treated in all respects as an unconvicted prisoner.
If the appellant is ultimately sentenced to imprisonment or imprisonment for life, the period during which the original sentence was suspended shall

a) if spent in prison be included; and
b) if spent out of prison be excluded in computing the term for which he is sentenced by the appellate court.

When a default sentence is to begin

Sentence of imprisonment in lieu of fine shall always be carried out on the expiration of substantive sentences whether the latter are Annexed to the fine sentence or not.

Prisoners to wash themselves and their clothing

On admission to Jail every Prisoner shall be required to wash his person and his clothing thoroughly. If epidemic disease exists in the neighborhood from which he comes, his clothing shall also be disinfected by soaking in a Solution of corrosive sublimate or by being Boiled. In such cases Special Care shall be taken to cleanse the Prisoners person Especially his Hair.
Removal of articles from Prisoners

At the search every article whether clothing, bedding, Jewellery, documents or otherwise shall be taken away from prisoners sentenced to rigorous imprisonment or imprisonment for life to whom an issue of Jail clothing and bedding in accordance with following rules shall be made. From prisoners sentenced to simple imprisonment every article shall be taken away except personal clothing, from under trial prisoners money and properly other than clothes, bedding, personal ornaments, paper and letters shall be taken, while from Civil Prisoners only dangerous weapons, articles calculated to facilitate Escape and such prohibited articles like spirits, drugs and immoral books shall be taken. The caste thread of Brahmins, or other thread wearing castes, and the tali or wedding ring from a woman shall in no case be removed. All articles removed from a prisoner under this rule shall be dealt with under rules regarding prisoners property. A Sikh prisoner may be allowed to wear iron bangle and Kirpan.

Quarantine on Admission

Every newly Admitted Prisoner shall be subjected to such period of quarantine as the Superintendent on the advise of the Medical Officer, shall direct which shall be at
least 10 days. During the period of quarantine the prisoner shall be strictly separated by day and by night from all prisoners not undergoing quarantine. If any epidemic disease appears in the quarantine ward no resident of the ward shall be taken into the Jail until the expiry of 14 days from the date of disappearance of the last case of disease. Elementary orientation should be given to the prisoners during the quarantine period.

The prisoners should be explained by the Jail staff including Medical Officer, simple rules of Jail discipline of personal and communal hygiene, or their behavior towards Jail officials and towards other prisoners, the new outlook in regard to the treatment of prisoners, the concession and liabilities of prisoners, the necessity of utilizing the period of his Jail life in preparing himself for rehabilitation after his release.

*Admission Register*

As soon as possible after admission every prisoner shall be brought before the Chief Jailor and shall have his descriptive roll carefully written out in the appropriate columns of the admission register and at the same time his
property shall be entered in the property register. The latter entry should be read out to the prisoners and signed by him and the Chief Jailor in Proof of its correctness. Valuable articles of jewellery should be put into a packet in the presence of the Prisoner Concerned and carefully closed and sealed. A paper cross band should be stuck all round the packet and the prisoners should be stuck all round the packet and the prisoner should be allowed to put his signature or thumb impression on the band so pasted.

At least three distinctive identification marks should be recorded in the column provided for in the register.

Provision of History Ticket, Medical sheet and weighment Charts

Every convict shall be provided with: a History ticket in prescribed from in which all occurrence of importance in his Jail life shall be recorded at the time including letters and interviews issued and also issue of clothing and bedding a Medical sheet in prescribed from for registering the entries in the like manner all important events in his health history; and a weighment chart in prescribed form in which all fortnightly weighments shall be noted.
As soon as possible, but within one week after a prisoner’s admission, he shall be brought before the Medical Officer for making necessary entries in the convict register and then for verification by the Superintendent of the other entries already made in that register. The Superintendent shall be personally responsible that no undue delay is allowed to occur in this matter.

The descriptive entries at the head of the ticket shall be made by the remission clerk from the convict register, also relating to appeals and petitions as they occur. Offences and punishments shall similarly be copied from the punishment book. Remission shall be entered and the progressive totals noted monthly or periodically as the case may be against each award. Other entries such as receipt of intimation of payment of fine, judicial solitary confinement undergone, diet on which placed, fact of verification under sub rule 2, promotions in the class, grade, issue of clothing, nature of labour, ordinary changes therein extra mural appointment, suspension of sentence, letter writing and interviews, attendance in Court, Service of civil Court Process, imposition and removal of fetters, Escapes and Recaptures, transfer death, release or other mode of disposals, parole,
leave etc., shall be made as occasion requires by the remission clerk from the registers and other records and the Superintendent's initials obtained. As far as possible the Superintendent shall make all important entries in his own hand.

The Medical entries of age, weight, height, health and class of labour in the convict register shall be copied into the Medical Sheet by the Medical Officer and into the History Ticket by the remission clerk. Those concerning any disease or deformity on admission or marks of violence, curative treatment, etc., shall be made by or under the control of the Medical Officers. Observations, recommendations or directions regarding individual prisoners in the Medical Officers journal shall be copied into the sheet by the Medical Officer, other entries such as admission as an out patient, under observation or into Hospital with nature of disease discharge to work or to the convalescent gang or death shall be made as occasion requires from the Hospital Registers and the Medical Officer initials obtained. As far as possible the Medical Officer shall make all important entries in his own hand. All entries in the Medical Sheet which shall be made promptly will be copied without delay into the ticket by the remission clerk, and the sheet thereupon kept in safe custody.
Entries of periodical weighment shall be made at the time of weighment by the weighing Officer in the weighment chart and subsequently copied into the ticket by the remission clerk.

*Custody of History Ticket and weighment chart and Medical Chart.*

History Ticket shall be kept in the Custody of Remission clerk. A box with padlock shall be provided for the ticket. When a prisoner goes to hospital his history ticket shall go with him. Remission Clerk with the help of the Warder shall maintain the History.

Medical Sheet and weighment charts shall also be kept in the custody of the hospital and will be issued to prisoners for fortnightly weighment parade, inspections, attendance at Hospitals etc.

On transfer of a prisoner the Medical sheet and the weighment chart shall be attached to the History ticket so as to form a complete record of the prisoner's history for the information of the receiving Jail.
The name of every convicted prisoner shall be entered in convict register, the entries being serially from 1 to 20,000 and the name of every under trail prisoner shall be entered in the under trail register the entries being similarly numbered. The name of each civil prisoner shall be entered numbered serially from 1 to 1,000.

*Use of Register Number*

The number thus given shall be the means of identifying the prisoner a fresh number being given on every transfer to another Jail. The articles of clothing and bedding of each prisoners sentenced to rigorous imprisonment or imprisonment for life shall be marked with his number and in all official communications the number shall proceed the name e.g., prisoner No. 1736, Muthaswamy, if a prisoner has to under go two or more sentence under different warrants, it is not necessary on the expiry of one sentence to re-enter him in the convict register or to give him another number.

*Record of date of release*

In the case of convicts the date on which the sentence will expire shall be entered in the convict register. If the convict is under sentence of less than three months, an entry of his name and number shall be made in the register of
prisoners to be released under that date, and if the sentence is three months, and over, the probable date shall be calculated by deducting \( \frac{1}{3} \) sentence and his name and number entered on page of that date in release diary and on that date his date of release calculated with reference to remission rules and his name and number re-posted in the release diary and also the date of expiry shall be entered on his remission sheet. At the same time the Prisoners Register Number name sentence date of sentence and date of release shall be endorsed on his warrant and the endorsement signed by the Chief Jailor and the Superintendent after examination and comparison with the body of the warrant and with the entries in the convict register. In case where imprisonment is awarded in default of payment of fine, the alternative dates of release shall both be included in the endorsement on the warrant, in the convict register and in the register of prisoners to be released and remission sheet.

*Superintendent to check entries.*

When the prisoner is produced before him, the Superintendent shall compare the entries in the registers and history ticket, with those in the warrant and initial the convict register in token of its correctness. In the case of under trail and civil prisoners a similar procedure shall be followed as regards the warrants and admission registers.
Superintendent to check alternation of sentence

When the prisoner is produced before him, the Superintendent shall be responsible for seeing that necessary alterations are made in the Registers and Documents when a prisoner's sentence is enhanced or reduced on appeal or realization of fine. The Superintendent and the Chief Jailor shall initial these alterations.

Arrangement and custody of warrants

Prisoners warrants shall be arranged according to dates of release and kept in monthly bundles, the warrants of prisoners to be released in a particular month being placed in one bundle and each bundle being docketed outside with the month and year. They shall be kept in a locked almirah or drawer the key of which shall be in the custody of the Chief Jailor. Copies of Judgments, orders of appellate courts and orders of Government disposing of prisoners petitions together with correspondence relating to payment of fine classification, etc., shall be in a separate file over for each prisoner and kept serially according to their Register Numbers.
Ticket to be worn by convicts

Every Convicted Prisoner shall be given a thick paper ticket nothing his Number, Name, Date of Sentence and date of release. A new ticket shall be issued when the old becomes torn and useless.

Wearing of ankle rings

Ankle ring may not be imposed on any male convict sentenced to regroups imprisonment except for purposes of security. The prisoners going on extra mural gang shall wear Ankle rings invariably. Female Prisoners shall not be imposed ankle rings.

Rules regarding cutting of hair exceptions

Every male convict sentenced to rigorous imprisonment for a larger the larger term than one month or to imprisonment for life, shall on final confirmation of the sentence or expiry of the period of appeal without an appeal having been preferred (provided the unexpired period of sentence at that time exceeds one month) have the hair of his head cut or trimmed only to such an extent and at such times as may be necessary for the purposes of health and
cleanliness, unless he desires that it should be cut shorter provided that prisoners who are:

Sikhs shall not have their hair cut or removed in any way except on purely medical grounds on the written orders of the Medical Officer.

Hindus shall be allowed to retain the Kudumi or Zutu or Top Knot.

Muslims on religious grounds shall be allowed to have their beards and mustaches trimmed to a length of an inch.

Long mustaches shall not be allowed.

Any prisoner who is exempted under the above rule from the liability of having his hair cut may at his own request and with the permission of the Superintendent recorded on his history ticket, have the hair of his head or face cut or shaved.

No prisoner sentenced to rigorous imprisonment for a month or less or to simple imprisonment shall be subjected against his wish to the operation of hair cutting except to get rid of vermin or dirt or when the Medical Officer deems it necessary on the ground of health and cleanliness and then the hair shall not be cut closer than may be necessary for the purposes in view.
Rule Relating to Remission etc., to be Displayed

The Superintendent shall cause to be fixed on the wall of each barrack a copy of the rules relating to appeals, offences and punishments, remission of sentence and rules under which early or premature release of prisoners is allowed in the regional language. The officer in charge of the barrack shall fully explain the Rules to every illiterate.

REMISSION SYSTEM:

Rules made under Section 63 (2) (e) of the Karnataka Prisons Act, 1963 to regularize the shortening of sentence by the grant of remission.

Definition

In the following Rules:- "Prisoner" includes a person committed to prison in default of furnishing security to keep peace or be of good behavior and also person convicted by a Military Court.

"Sentence" means a sentence as finally fixed on appeal, revision or otherwise and includes an aggregate of more sentences than one and order of committee to prison in more sentences than one and order of committal to prison in default of furnishing security to keep the peace, or be of good behavior.
The sentence of all Prisoners sentenced to imprisonment for life or to more than 20 years imprisonment in the aggregate or to imprisonment for life and imprisonment for terms exceeding in the aggregate 20 years, shall for the purposes of these Rules be deemed to be sentence of imprisonment for 20 years.

Remission of Sentence

Remission System means the System of regulating award of marks to and to consequential shortening of sentence of Prisoner in prisons in accordance with the rules for the time being in force.

Remission can be granted to Prisoners by the State Government or Inspector General or Superintendent subject to withdrawal or forfeiture or Revocations. The State Government may debar any Prisoner or Categories of Prisoners from the Concession of Remission.

Remission is an incentive for good behavior and good work and is not the matter of right for any Prisoners.
Remission is of three kinds: - Ordinary Remission; Special Remission; Remission by the State Government.

**Ordinary Remission**

Ordinary remission may be granted at the scale shown below to Prisoners who are eligible for earning remission other than those employed on conservancy work.

- three days per month for good behavior discipline and scrupulous attention to all Prison regulations.
- three days per month for industry and due performance of allotted work at prescribed standard.

Convict Warders shall receive eight days ordinary remission per month and convict night watchman seven days per month.

Prisoners employed on Prison service such as cooks, conservancy etc., who work on Sundays and holidays may be awarded 7 days remission per month.
Any prisoner eligible for ordinary remission under these 
rules, who, for a period of one year reckoned from the first 
day of the month following the date of his sentence, or the 
date on which he was last punished for a prison offence has 
committed no Prison offence thereafter, shall be awarded 
fifteen days ordinary remissions in addition to any other 
remission earned under rules.

Thirty days remission shall be granted to all classes of 
convicts on the following scale for attending literacy cases 
and completing the literacy course or award of certificates by 
the concerned authorities.

The award of ordinary remission shall be made as nearly 
as possible on 1st January, 1st April and 1st July and 1st 
October and the amount of remission recorded in the History 
ticket.

No. Prisoner shall be granted ordinary remission for the 
month in which he is released.

Re-admission of Excluded Prisoner

The Superintendent may with the previous sanction of 
Inspector General re-admit any Prisoner who has been 
removed from remission rules to the remission system and 
such Prisoners shall earn remission under these Rules from 
the commencement of the month following such re-
admission.
Eligibility to Earn Remission

The following Prisoners shall be eligible for earning ordinary remission, namely:

Prisoner having a substantive sentence of 3 months and above

Prisoners sentenced to simple imprisonment for 3 months or more who volunteer to work.

Ordinary remission can be earned throughout a period of imprisonment in lieu of fine which immediately follows and is continued to a substantive sentence of not less than three months.

No ordinary Remission shall be earned

No ordinary remission shall be earned in the following cases namely:

In respect of substantive sentence of imprisonment of less than three months.

In respect of any sentence passed in default of payment of fine which is not annexed to a term of substantive sentence for which Prisoner is otherwise eligible.
If a Prisoner's sentence or total of sentence is reduced on appeal to less than three months he shall cease to be eligible for ordinary remission and any remission that may have been earned Prior to reduction shall be forfeited.

Prisoners in whose cases the Government or the Inspector General has ordered that remission should not be granted.

*Special Remission*

Special remission any be granted on a very selective basis to deserving Prisoners whether entitled to ordinary, remission or not, for special services achievement or conduct, as shown below:

- Saving the life of a Government employee or Prison Visitor or inmate.
- Protecting a Government Employee or Visitor or inmate from attack.
- Preventing or assisting in prevention of escape of a Prisoner or apprehending a Prisoner attempting to escape or intimating attempted escape of a Prisoner to Prison authorities.
Assisting Prison Officers in emergencies such as fire, outbreak of riot, strike etc.

Assisting in preventing or detecting serious breach of Prison discipline.

Successfully teaching handicraft or imparting education.

Special excellence or appreciable out turn of work of good quality.

Outstanding contribution or performance in cultural and other activities.

*Special Remission may be granted*

By the Superintendent to an extent not exceeding 30 days in one year.

By the Inspector General or the State Government to an extent not exceeding 60 days in one year.

Prisoners employed on conservancy work and work on Sundays and holidays may be awarded 20 days special remission for every six months.
Minimum Remission Awardable

The total of ordinary and special remission awarded to a Prisoner under these rules shall not exceed one third of his sentence.

State Remission

State remission is granted by the State Government unconditionally under Section 432 Cr.P.C. and this cannot under any circumstances be forfeited.

Forfeiture of Remission

Remission may be forfeited by the State Government or by the Inspector General or by the Superintendent.

If a Prisoner is convicted of an offence committed after admission to the Prison under Sections 147, 148, 152, 224, 302, 304, 304A, 306, 307, 308, 323, 324, 325, 326, 327, 332, 333, 352, 353 or 377 of the Indian Penal Code or an assault committed after admission to a Prison on a Prison guard or any employee all ordinary and special remission of whatever kind earned by the Prisoner under these rules may be forfeited in part with sanction of the Inspector General.
Procedure on Award

An Officer awarding ordinary remission shall before making the award consult the Prisoner's History Ticket in whichever offence proved against the Prisoner is recorded.

If a Prisoner has not been punished during the period otherwise than a formal warning shall be warded the full ordinary remission for the month admissible;

If a Prisoner has been punished, during the period, otherwise than by a formal warning he shall be granted only industry work remission for the month in which he is punished.

Ex. Military Prisoners shall be granted ordinarily Jail remission for the period they pass in transit or in military custody, before their admission in Prison, on the scale laid down in Karnataka Prisons Rules.

Transfer from Sub-Jail

In the case of a Prisoner transferred from a subsidiary Jail to a Prison while undergoing imprisonment, the period spent by him in the subsidiary Jail excluding the period spent as under trail prisoner shall be computed along with the period spent by him in the Prison for calculation remission.
The remission shall be calculated from the first day of the calendar month next following the date of prisoner’s sentence. Any prisoner who after having been released on bail or because his sentence has been temporarily suspended is afterwards re-admitted to Jail, shall be brought under the remission system on the first day of the calendar month next following his readmission, but shall be credited on his return to Jail with any remission which he may have earned previous to his release on bail, or the suspension of his sentence. Remission shall be calculated from the first day of the next calendar month following the appointment of the prisoner as convict Warder or convict night watchman.

Explanation

Ordinary remission shall not be granted for broken periods of a calendar month.

A prisoner unless sentenced on the first day of a month will not get remission for the month in which he has been sentenced.
How to treat period of Absence from work

A prisoner who is unable to labour through causes beyond his control of reason of being at court in transit from one jail to another, in Hospital, including mental Hospital, on the invalid gang shall be granted ordinary remission under the above rules, on the scale earned by him during the previous month if his conduct prior to and during the period in question has been such as to deserve such grant, if the period does not exceed one month. If the period exceeds one month, he will get remission for conduct only.

Provided that if his absence from works is due to his own misconduct in Jail, no remission shall be awarded for the period of absence.

Provided also, that if he is in Hospital or in invalid gang no remission shall be granted unless the Medical Office certificates that the prisoner's absence from labour is due to the causes beyond his control and is in no way caused by any action of the prisoner himself taken with a view to escaping work or to get into or to remain in Hospital.

No Ordinary Remission shall be earned in the following cases among other vide Rule 37 Karnataka Prisons Rules.
Prisoners who have been removed from the remission system;

In respect of any sentence of simple imprisonment amounting to, exclusion of any sentence passed is default of fine, to less than three months;

In respect of any sentence of simple imprisonment three months and upwards except for continuous period not less than one month during which the prisoner labours voluntarily.

Explanation

If a prisoner is undergoing two consecutive sentences one of which is for a term of three months or upwards he may, if one of the sentence is remitted on appeal and the other sentence is not less than three months, be allowed the benefit of any remission that may be to his credit at the time of reversal of the sentence;

During all out periods which are not reckoned as parts of sentence such as bail, emergency release, escapes and other out periods where specific orders are issued to treat the period as out period prisoners shall not be eligible for earning remission. In such cases prisoners should be considered as eligible to earn remission from the first day of calendar next following the date of admission.
In all such cases the date for eligibility for annual good conduct remission will be postponed.

Eligibility

(a) Special remission may normally be granted any prisoner eligible for earning ordinary remission. In exceptional cases where it is proposed to give to a prisoner not eligible for ordinary remission for Special Services, a report should be submitted to the Inspector General giving justification for the reward of special remission.

Record of Special Remission

An award of special remission shall be entered on the History Ticket of the prisoner as soon as possible after it is made and the reasons for the award shall be recorded.

Method of calculating the release

In calculating the date of release of a prisoner the number of days of remission earned shall be converted as follows:
Months should be first subtracted and then days:

*Set off period to be deducted from the term of sentence under Section 428 Cr. P.C.*

When an accused person has on conviction being sentenced to imprisonment for a term; the period of detention, if any undergone by him during investigation; Inquiry or trail of the same case and before the date of such conviction; shall be set off against the term of imprisonment imposed on such conviction and liability of such person to undergo imprisonment on such conviction shall be restricted to the remainder of any of term of imprisonment imposed on him (under section 428 Criminal Pr. Code 1973).

When a life convict or a prisoner in whose case Government have passed an order for bidding his release without reference to it, has earned such remission as would entitle his release but for the provisions in this rule, the Superintendent shall report accordingly to the Government through the Inspector General in order that his case may be considered with reference to Section 401 of the Code.

*Release in other cases*

Save provided by clause (4) when a prisoner has earned such remission as entitled him to release, the Superintendent shall release him.
Endorsement of remission on warrant

(6) When a prisoner is released under clause (5) the total amount of remission earned by him shall be endorsed on his warrant and the endorsement shall be signed by the Superintendent.

Procedure on Transfer

When a prisoner is transferred to another Jail the total amount of remission earned by him up to the end of the previous month shall be endorsed on his warrant and entered on his History Ticket, these entries being signed by the Superintendent.

The receiving Jail shall be responsible that the above information is duly obtained. Each Jail at which prisoner serves a portion of his sentence shall be held responsible for the correct calculation of remission earned in the Jail.

Preservation of remission sheet

Remission sheets shall be retained in the Office of Jail for a period of one year after the release of the prisoner to whom they relate or his transfer to another Jail.
Record

A remission register shall be maintained in the prescribed form in which all entries about grant and forfeiture of remission if any shall be promptly made and duly attested.

Entries shall be made timely at the end of each quarter.

In case a prisoner is due for release prior to the completion of a quarter, entries shall be made in the register during relevant months and action regarding release taken accordingly.

At the end of each quarter prisoner should be informed about the remission they have earned during the quarter. Except communication as prescribed, remission record shall be treated as Confidential. It shall not be allowed to be handled by the prisoners.

Prisoners Transferred on Reciprocal Basis

A prisoner transferred under the reciprocal arrangements from a Jail in another State will earn ordinary, special and Government remission as laid down, but any other special remission of sentence not provided above or remission of sentence for ordering premature release, shall
have to be sanctioned by the Government of the State where
the prisoner was convicted and in case of conviction for
offence in the Union list by the Central Government.

Temporary Removal Period to be Stated

A prisoner transferred under the reciprocal arrange
removal from the remission register the award of punishment
shall state superficially the period for which the same has
been so removed.

The Superintendent may with the previous sanction of
the Inspector General, readmit to the remission system any
prisoner who has been removed therefrom permanently if his
conduct in Jail demands it subsequently. In the event of a
prisoner being transferred to another prison, after his
permanent removal from the remission register, any
recommendation regarding his restoration to the benefit of
the remission system shall be submitted to the Inspector
General through the Superintendent of the prison in which
the prisoner’s name was removed from the Register. Such a
prisoner shall earn remission under these Rules from the
Commencement of the month, following such admission.
INTERVIEWS AND COMMUNICATION WITH PRISONERS

(Facilities for seeing and communicating with friends and Relatives, etc.)

Every newly admitted prisoner shall be allowed reasonable facilities for seeing or communicating with his relatives, friends or legal advisers with a view to payment of fine etc. He shall also be allowed to have interview with or write often if the Superintendent considers it necessary to enable him to arrange for the management of his property or other family affairs.

Every Prisoner committed to the Prison in default of payment of fine or failure to furnish security shall be allowed to communicate by letter and to have interviews at reasonable time with his relatives or friends for purpose of arranging for payment of fine or for furnishing of security.

Every Prisoner sentenced to death shall be allowed such interview and communications with his relatives, friends and Legal Advisers as the Superintendent thinks reasonable. In such cases the District Magistrate of the District to which the convict belongs may, when desired by the convict, be requested by the Superintendent to communicate to a friend or relative of the convict he desires for an interview.
Every Prisoner under sentence of imprisonment for life shall be allowed to have one interview with his friends and relatives before transfer to the Prison where the sentence is to be executed.

Letters on Transfer from one prison to another

Every Prisoner shall on transfer from one Prison to another be allowed to write special letters to his friends or relatives intimating the change of address. If the Prisoner is for any reason unable to inform his friends or relatives before his transfer from a prison he shall be permitted to do after his arrival in the other prison.

Prisoners allowed to sign a Power of Attorney

Every newly convicted prisoner may be permitted at the discretion of the Superintendent to sign and at least a power of attorney or other statements concerning his properties only in the presence of a Magistrate or a notary public.

Prisoners other than newly admitted prisoners Superintendent but in their case each such transaction shall be treated as one interview with reference to the foregoing rules.
Search before and after interview

Every Prisoner shall be carefully searched before in the presence of or within the sight of the interview.

The Superintendent may refuse to allow any interview to which a Prisoner would ordinarily be entitled to under these rules if in his opinion it is expedient in public interest not to allow any particular person to interview a Prisoner but in every such case, he shall record reasons for such refusal in his diary.

Interview with a legal adviser by under trial Prisoners

Every interview between an under trial Prisoner and his legal adviser shall take place within the sight but out of hearing of Prison Officials.

When a legal adviser desires an interview with an under trial Prisoner he shall apply in writing giving his name and address and profession and satisfy the Superintendent of his bonafides and that he has legitimate business with the Prisoner.
Facilities to be Granted to Unconvicted Criminal Prisoner and Civil Prisoners

Unconvicted Criminal Prisoners and Civil Prisoners shall be granted all reasonable facilities at proper times and under proper restriction for interviewing or otherwise communicating either orally or in writing with the relatives, friends and legal advisers.

Any bona-Fide confidential written communication prepared by the unconvicted criminal Prisoner as instructed by his Legal Advisor may be delivered personally to such Legal Advisor without being previously examined by the Superintendent.

Censorship of Letters

No letter be delivered to or sent by a convicted prisoner until the Superintendent has satisfied himself that its transmission is not objectionable. No letter in cypher shall be allowed. The Superintendent may withhold any letter which seems to him improper or objectionable or may erase any improper or objectionable passages. If a letter is written in a language unknown to the Superintendent or the Officer examining it, he shall take steps to procure its translation before forwarding it. The subject matter of letters shall be
limited to private and domestic matters only and shall not extend to politics. No unnecessary delay shall be allowed to occur in the delivery or dispatch of letters.

*Interview during the Hunger Strike*

When a Prisoner is on hunger strike no interviews shall be granted.

*Letters*

(i) A and B Class Prisoners: to write 4 letters a month out of which two at Government cost and two at his own cost.

(ii) ‘C’ Class Prisoners: To write two letters in a month (One at Government cost and the other at his own cost:

(iii) U.T. Prisoners: (Special Class:- as well as Ordinary Class:

a) Once on admission

b) Four letters in a month our of which two at Government cost and two at his own cost and also letters for legal matters like defence, bail, security etc.
(iv) Interview (a) A,B and C Class Prisoners:- One interview with his/her parents/wife/husband; Sons and Daughters once a fortnight and with others, once a month

b) U.T. Prisoners Special and ordinary Class:- Once a week including legal interview for filing application; Executing powers of attorney and defence of the case etc.

(v) As regards letters received for the above class of Prisoners the same may be issued as and when received duly censored provided that on being censored they are found to be not objectionable.

N.B.- (1) A letter merely arranging an interview shall not be counted as letter for the purpose of this rule.

(1) A Prisoners may with the permission of the Superintendent, substitute a letter with a reply for an interview or vice versa.

(2) A Prisoner cannot be allowed to use his monthly interview for the purpose of transacting business.

(3) All letters issued should be noted in the history tickets.
Interview and Dispatch of Letters in Special Cases:

The Superintendent may at his discretion grant interviews or allow the dispatch or receipt of letters at shorter intervals than provided for in these rules or in spite of the Prisoners misconduct if he considers that special or urgent grounds exist for such a concession, as for example in the event of prisoner being seriously ill as on the occurrence of the death of a near relative or if friends or relatives have come from a distance to see the Prisoner and it would inflict an undue hardship on them to refuse an interview or if the Prisoner is nearing release and wish to secure employment or to make any other arrangement for his rehabilitation society after release or for other sufficient cause.

Matters of importance such as the death of a relative may also be communicated at any time by the friends of a Prisoner to the Superintendent, who will inform the Prisoner of the Substance of the Communication.

In case of Prisoners labouring under dangers illness and in case of extreme urgency the relatives or friends should be called by letter direct.
Petition for Interview

No convicted Prisoner shall be allowed to have an interview or to receive or write a letter except with the permission of the Superintendent;

Application for interviews with Prisoners may be oral or in writing. If the Prisoner is not entitled to an interview, the applicant shall be informed at once.

Interview with Prisoners in the same Jails

When special circumstances exist the Superintendent may permit interviews between Men and Women Prisoners confined in the same Jail and between Men Prisoners in the same Jail.

Time for Interview

The Superintendent shall fix the days and hours at which all interviews shall be allowed and no interviews shall be allowed at any time except with the special permission of the Superintendent. A notice of the interview hours shall be posted outside the Jail.
No interview shall be allowed on any Sunday and Prison Holiday except in case of emergency.

Petition for interviews shall be written on Plain paper. The Superintendent may authorise persons at the gate for writing petition for interviews in case of illiterate persons.

All petitions shall be deposited in a petition box kept in a conspicuous place at the main gate of the Jail. All such applications for interviews shall be submitted for the orders of the Superintendent. No interview shall take place with any convict except with the written orders of the Superintendent; when the Prisoner is not entitled for interview was rules.

Place of Interview

Every interview shall take place in a special part of the Jail provided for the purpose, if possible at or near the main gate.

(i) Interviews with Female Prisoners shall if practicable, take place in the female enclosure.
(ii) If a prisoner is seriously ill, the Superintendent may permit the interview to take place in the Hospital.

(iii) A condemned Prisoner shall ordinarily be interviewed in his cell.

(iv) The Superintendent may for special reasons to be recorded in writing permit an interview to take place in any part of the Jail.

**Supervision of Interview**

Every interview with a prisoner shall take place in the presence of an Officer of the Jail appointed for the purpose, who shall be responsible that no irregularity occurs and who shall be so placed as to be able to see and hear what passes and to prevent any articles being passed between the parties.

Matron or female warder shall be present at interview with Female Prisoners.

**Duration of Interview**

The time allowed for an interview shall not in any case exceed 45 minutes.
Scope of Interview and Termination of Interview

The conversation at the interviews shall be limited to private and domestic matters and there shall be no reference to Jail Administration and Discipline, to other prisoners or to politics.

An interview may be terminated at any moment if the officer present considers that sufficient cause exists. In every such case the reasons for terminating the interview shall be reported at once to the senior officer present in the Jail for the orders.

The Number of persons permitted to be present at an interview shall not ordinarily exceed four but in the case of near relatives of a prisoner, may be extended to six persons viz., husband, wife, father, mother, children, brothers and sisters.

Children below 3 years are excluded from the number.

Civil prisoners may see their friends and relatives at such times and under such restriction as the Superintendent may prescribe and presence of a Jail Officer shall not be necessary. The exercise of his privilege shall be contingent on good conduct in Jail and may be withdrawn or postponed by the Superintendent for bad conduct.
No visitor shall be allowed to take within the Civil Jail any sweet meats or other eatables without the express permission of the Superintendent.

Any interview may be terminated at any moment, if the officer present considers that sufficient cause exists. In every such case, the reasons for terminating the interview shall be reported at once for the orders of the Senior Officer present in the Jail.

In case the friends or relations interviewing a prisoner wish to make over any articles or cash for the use of the prisoner either in jail or on release, they shall deposit them at the main gate with the permission of the officer supervising the interview. Any article or cash so deposited shall be brought to the notice of the Superintendent for his orders. The Prisoner shall be allowed to use while in Jail only such articles as he is allowed to have under rules. The introduction of any articles or cash into Jail except in accordance with this rule or with written sanction of the Superintendent is prohibited and declared to be an offence under Section 45 of the Prisoners Act, 1963.
A convict, may retain any letter which has been delivered to him with due authority unless, the Superintendent otherwise directs, or may ask that it be kept for him. Otherwise ordinarily all letters delivered to prisoners shall be destroyed after a week from the date of delivery.

Writing material including service post cards shall be supplied in reasonable quantities to any prisoners who has permission to write, at Government cost, and all letters shall be written at such time and place as the Superintendent may appoint.

All letters written by or for prisoners, shall be immediately censored, recorded in the History Ticket and posted without delay.

Any prisoner who abuses any privileges relating the holding of an interview, or writing of letters, or other communications with any person outside the Jail, shall be liable to be excluded from such privileges for such time and may be subjected to such further restrictions as the Superintendent may direct.
Interviews in case of emergencies and disciplinary cases

In case of dangerous prisoners or prisoners who present disciplinary or custody risks interviews shall be necessarily granted in a room where appropriate precautionary barriers have been installed.

Prisoners may not be granted interview for reasons of security or discipline or during periods of emergencies.

The discretion of the Superintendent shall prevail in such matters.

Interview with Police Officer

No Police Officer shall be permitted to interview any prisoner except in so far as may be necessary for identification of such prisoner without any orders in writing from the Appropriate Court.

Interview Register

A register should be maintained for recording the entries of interview. The Jailor entrusted with the work of interview shall record all the interviews granted with detailed particulars such as name of prisoner, name of interviewer with other members and their relationship; place residence with address whether eligible etc., each entry should be signed by the Jailor and the Superintendent.
VISITORS TO PRISONS

(Board of Visitors )

There shall be a Board of visitors for each Prison who are appointed as prescribed under Rules 186 and 187 of the Karnataka Prisons Rules 1964. They shall exercise the powers and performance, duties as prescribed under Rule 188 of the said rules.

Meeting of the Board

The Deputy Commissioner of the District shall be the Chairman of the Board of Visitors of each prison:

(i) The Chairman of the Board of Visitors shall arrange a programme for the visit to the Prison during every week of one or the other of the members of the Board and shall give them sufficient notice thereof. Such member may visit the prison one any day during the week allotted for his visit.

(ii) The Chairman shall also arrange for periodical inspection of the female wards by the lady non-official visitors.
iii) The Chairman shall also convene a meeting of the Board on e in each quarter of the year during the months of January, April, July and October. The date of the meeting fixed by the Chairman shall be communicated to all the Superintendents of the Jail.

*Time of Visit:*

Except for special reasons, which shall be recorded in the visitors Book: No visitor shall inspect any prison.

(i) On Sundays and Jail Holiday or  
(ii) Between the hours of 6. P.m. and 6 a.m.

*Visitors List at the Gate*

A list of Visitors, both official and Non-official shall be posted in a conspicuous place near the Main Gate of the Prison.

*Escort to Visitors and their Visit*

(i) Non-official Visitors should also be allowed to visit Prison on any day except Sundays and Prison Holidays between 6 a.m. to 6 p.m. in addition to his or her weekly visit arranged by the Chairman.
(ii) Immediately a Visitor enters the Main Gate of the Jail, the Gate-keeper shall arrange for providing escort to the Visitors. No visitor shall be allowed to proceed further unless such escort is provided.

(iii) Such escort shall consist of (at the Discretion of the Superintendent) one or more Jail guards each armed with a baton provided for his use and shall accompany the visitor throughout his inspection.

Powers and Duties of Visitors

It is the duty of a Visitor to satisfy himself that the law and rules relating to the management of the Prison and prisoners are duly carried out in a Jail.

He/she may:

a) inspect the barracks, cells, wards, worksheds and other buildings of the Prison generally;

b) ascertain--

1) Whether consideration of health, cleanliness and security are attended to;

2) Whether proper management and discipline are maintained in every respect;
3) Whether any person in illegally detained or is detained for an undue length of time in the Prison while awaiting trial.

c) Examine
   1) the registers of convicted and under trail prisoners.
   2) The punishment book.
   3) The other Prison registers.

d) hear and attend to all representations and petitions made by or on behalf of prisoners.

e) He/She may if deemed advisable that any representation or petition presented to them may be forwarded to Government.

f) Record his remarks after his visit in the visitors register noting the date and hours of visit.

   g) Visitors shall not visit prisoners on hunger strike. The shall also not have access to such prisoners as Government may from time to tome specify. In such cases Government may appoint any person or persons as Visitors Government will issue instructions for the guidance of such visitors;
h) No visitor may issue any order or instructions to any subordinate Jail Officer

i) A Visitor shall sign in the Gate Registers on arrival and departure.

j) Any visitor may see and question any prisoner out of hearing but not out of sight of a Jail Officer.

k) The Board of Visiting Committee shall meet at the Jail every quarter at the date and time fixed by the Deputy Commissioner, inspect all buildings and prisoners, hear any complaints and petitions that may be preferred, inspect the prisoners food and see that it is of good quality and properly cooked and examine the punishment book.

l) The Board of Visitors of a Jail may visit the female portion of the Jail collectively.

Proceedings of the Board shall be recorded in the Visitors Book.

Disposal of Record made by Visitors

(i) A copy of tpeiy entry made in the Visitors Book whether at a quarterly meeting or at other visit, by any visitor
shall, be forwarded to the Inspector General by the Superintendent with such remarks as he may desire to offer in explanation or otherwise.

(ii) The Inspector General shall pass such orders as he thinks necessary on the remarks made in the visitors Book and shall communicate the same to the Superintendent for entry in the relevant column of the Visitors Book and for communication to the visitor or Chairman if necessary.

Admission of police Officers and the Interrogation of Prisoners by them

Any Police Officer of not Lower Rank than a Deputy Superintendent shall, for any purpose connected with the discharge of his duty as such Police Officer, be permitted enter the Jail at any time between unlocking the morning and lock-up in the evening.

He shall not, however, be permitted to interview any prisoner without an order in writing from the District Magistrate or a Deputy Inspector General of Police or the Commissioner of Police, addressed to the Superintendent of the Jail. Such officer may, however, take Inspectors or Sub Inspectors with him for assistance, with the Proviso that the interview must take place in the presence of the Superior Officer.
Police Officer of Lower Rank than Deputy Superintendent who are in uniform shall be permitted to enter the jail for the purpose of recognizing old offenders or for conducting operations for the identification of prisoners during working hours on any week day.

The officer shall produce a written authority either from the District Superintendent of Police or the Commissioner of Police.

No Police shall be permitted to interview any prisoner except as provided for in clause (I).

Any interview permitted under an order from the District Magistrate, a Deputy Inspector General of Police or the Commissioner of Police shall take place in the presence of the jailor or other proper officer of the Jail, who shall, if required to do so, keep at such a distance that he may not hear the conversation that takes place.

The Superintendent of the Jail shall for the purpose of this Rule, produce any prisoner in his charge whom the police are authorized to interview and shall afford every reasonable facilities for this purpose.
With their extensive organization and procedure, prison administration in India has been, off and on, a subject of criticism in the press, the Parliament and the judiciary. Overcrowding in prisons, prolonged detention of under trial prisoners, unsatisfactory living conditions, lack of treatment programs and allegations of indifferent and even inhuman approach of prison staff have repeatedly attracted the attention of the critics over the years. Many of the Committee reports regarding prison administration have also taken note of these.

Note of these while on the other hand, prisons are expected to re-educated one who has been declared a criminal in order to help him eventually to be rehabilitated in an atmosphere of healthy social interactions and to promote the prospects of his reclamation in the social milieu. The existing prison conditions in general are, however, not conducive to the fulfillment of the desired objective.

The unsatisfactory situation existing in jails had attracted the attention of the Government of India and the State Governments from time to time. Valuable recommendations were made by various bodies at the national and state levels for effecting improvement in prison administration but progress in the follow up action and implementation of the recommendations has been slow in most of the State and Union Territories.
In the recent past there were widespread agitation's both by prison staff and the prison inmates demanding improved service conditions and better living conditions in the prisons. There were even reports of occasional violence from some of the States and Union Territories.

The Government of India, taking stock of the situation, and motivated by the desire for improvement in the prison administration decided to set up a Committee to study all aspects of prison administration in the country and to devise measures for its effective improvement, with particular emphasis on the care of women, adolescents, children and mentally sick persons in jails. The Ministry of Home Affairs accordingly set up the present Committee on Jail Reforms under its resolution No.VI. 1406/3 80-GPA. IV of July 25, 1980 under the Chairmanship of Shri Justice A.N. Mulla, Retired Judge of the Allahabad High Court and a former member of parliament *.

* 1. Justice A.N.Mulla (Retd) Chairman
   2. Shri Yogendra Sharma, M.P. Member
   3. Miss Saroj Khaparde, M.P. Member
   4. Dr. (Mrs.) M.Sarada Menon, Former Director
      Mental Hospital, Madras. Member
   5. Shri C.S.Mallaiah, I.G. (Prisons) Karnataka Member Secretary
The terms of the Committee as laid down in the Government of India resolution of July 25, 1980 are:-

(i) to review the laws, rules and regulations governing the management of prisons and the treatment of prisoners and to make recommendations keeping in view the overall objective of protecting the society and rehabilitating the offenders;

(ii) to examine the living conditions of prisoners with specific reference to their basic needs and provision of facilities compatible with the dignity of human life and to suggest improvements as considered necessary;

(iii) to reappraise the policies governing the recruitment, training and development of prison personnel in relation to the objective of custody and correction and to find ways of ensuring that persons with requisite talent, aptitude and ability man the prison service;

(iv) to look into the procedure regarding the internal management of prisons with a view to raising the present level of prison security and institutional discipline and to suggest appropriate change;

(v) to review the programmes of institutional treatment, education, vocational training, industry, agriculture and such other occupational activities and to suggest measures with a view to develop prisons as correctional centres;
(vi) to suggest measures for the specialized treatment of women, adolescents, children and mentally sick persons;
(vii) to review the working of open air prison and to suggest measures for improvement;
(viii) to scrutinize the system of remission of prison sentence, parole and probation and to lay down guidelines for bringing about uniformity and standardization in approach;
(ix) any other matter relating to prison administration that the Committee may like to consider.

The Committee was initially constituted for a period of six months. However its term was extended from time to time, finally ending on March 31st 1983*.

The Committee made all possible efforts and explored diverse avenues to study existing conditions in prisons. The modus operandi adopted for this study included;

* The Committee Report Pages- chapters and is available for reference in the office of the IGP Prisons Bangalore.
1. Visits to prisons and other institution in various States and Union Territories
2. Meetings with Chief Ministers, Ministers in charge of Jails, Chief Justice High Courts and other members of Higher judiciary and non officials;
3. Meetings with Chief Secretaries, Home Secretaries and Heads of various departments;
4. Meetings with officers and staff of prison departments;
5. Meeting prisoners and discussing with them problems of prison administration;
6. Collection, classification and analysis of views on matters relating to prisons through opinion air (Appendix IV)
7. A) Collection and analysis of basic information on prisons; and
   B) Collection of views of State Governments, Union Territory Administration and Inspectors General of Prisons on important aspects of prison administration; through statistical returns (Appendix V);
8. Discussion with eminent persons;
9. Formation of study groups for intensive deliberations on specific subjects
10. Collection of secondary data from reports and material on prison administration furnished by State Governments;
11. Study of literature on correctional administration in other countries;
12. Screening of films on correctional administration in some foreign countries and

The Committee visited prisons and other institutions in the State of Andhra Pradesh, Bihar, Jammu and Kashmir, Karnataka, Maharashtra, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal and the Union Territories of Andaman and Nicobar, Chandigarh, Delhi, Goa and Pondicherry.

In order to elicit views from a cross section of the society on some important aspects of prison administration and prison reforms, the Committee had devised an Opinionnaire, about 3000 copies of which were mailed to judges, public representatives, general administrators, prison personnel, prisoners, social workers, educationists, police personnel, journalists, lawyers and others.

An important step taken by the Committee during the early stages was the formation of small study groups for intensive thinking on some vital aspects of prison management. These study groups comprised members of the Committee and other experts in the field. The Committee
had also in its meeting held on December 12, 1980 decided that a few officers of the National Institute of Social Defence might be associated with the work of the study groups as and when their services were required. Accordingly some officers of the Institute were associated as resource persons with the study groups.

The Committee had also taken into consideration the literature on correctional administration received from Australia, Canada, Hongkong, Japan, Netherlands, Norway, Singapore, Sweden and the United Kingdom.

The Committee observed that when India gained independence in 1947, the memories of bad conditions in prisons were still fresh in the minds of political leaders and they, on assumption of power, embarked upon effecting prison reforms. However, the Constitution of India which came into force in 1950 retained the position of the Government of India Act, 1935 in the matter of prisons and kept 'Prisons' as a State subject by including in List II State List of the Seventh Schedule.

The Committee observed these that in first decade after independence it was marked by strenuous efforts for improvements in living conditions in jails. A number of Jail Reform Committees were appointed by the State
Governments, apparently to achieve a certain measure of humanization of prison conditions and to put the treatment of offenders on a scientific footing. Some of the Committees which made notable recommendations on these lines were:

i) The East Punjab Jail Reforms Committee, 1948-49;
ii) Madras Jail Reforms Committee, 1950-51;
iii) Jail Reforms Committee of Orissa, 1952-1955;
iv) Jail Reforms Committee of Travancore and Cochin, 1953-1955;
v) U.P. Jail Industries Inquiry Committee, 1955-56 and
vi) Maharashtra Jail Industries Reorganisation Committee, 1958-59

And Committee noted these before proceeding further

In its Chapter -III which had the title Realities in Indian Prisons the Committee observed. That Crime in India has showing an increasing trend. A comparison of this increasing trend of crime in the country with the inmate population of prisons during the past some years revealed intriguing and interesting situation, the Committee observed.

The Committees have expressed shock to find that all categories of inmates were huddled together in most of the prisons. Even women, children, young offenders and adults were not effectively segregated. There is absence of proper
classification of prisoners and diversification of institutions to facilitate treatment of prisoners according to their needs.

The Committee has felt special concern about the plight of women, children and young offenders in prisons. In the entire country there are only six institutions for the confinement and treatment of women offenders. Most of the States have only a section of one of the central or district prisons for keeping women prisoners under the overall control of male staff. There is utter lack of proper treatment for them. Their stay in enclosures right inside the prison meant to avoid male prisoners often exposes them to all sorts of undesirable risks. The presence of destitute, vagrant and delinquent children in prisons of some States the Committee have felt were shocking. It was observed by the Committees “We found that in some prisons destitute children of even five years of age were kept. It is surprising that in a welfare State with a national policy on children and legislation for special care and treatment of delinquent, neglected and wayward children, thousands of them are confined in prisons”.

Inadequate medical services and the absence of psychiatric services in prisons add to the difficulties of prison administration. There is lack of proper facilities for
segregation and treatment of inmates suffering from infectious diseases and mental disorders. While the lot of average prisoner leaves much to be desired, that of the criminal lunatic is much worse. These individuals are huddled together under the most unhygienic conditions, totally uncared for and quite frequently ill treated. Psychiatric treatment is afforded in a very few jails and, therefore, in most jails these inmates, bereft of reasoning and with poor capacity of communication, are neglected more than the normal prisoners. Some of the criminal lunatics have stayed in the prisons for more than 20 years without their trial having even begun. And like wise the committees have made a number of important observations on various important stages of registration are administration control they are;

On Legislation The Committee feel that there should be a Directive Principle on National Policy on Prisons should be formulated and embodied in part IV of the Constitution. The subject of prisons and allied institutions should be included in the Concurrent List of the Seventh Schedule of the Constitution of India. Immediate steps should be taken
by the State Governments/Union Territory Administrations to frame rules under the prison statute. The Union and State Governments should conduct a qualitative and quantitative analysis of legislation, etc., to examine possibilities of delegalising certain areas of human and social behavior and take necessary action in this regard. The Indian Penal Code should be suitably amended in the light of the contemporary ideology of reformation and rehabilitation of offenders, e.g., it may provide alternatives to prison sentences and eliminate distinction between simple and rigorous imprisonment (this is being done now).

On Prison Buildings it opines that;

The State Governments and Union Territory Administrations should draw within one year a Master Plan for the construction of Prison buildings the principles laid down.

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See for details: The Committee headed by 29 chapters presented in 403 page with 29 chapter being the chapter on Summary of Recommendations most important and of the are;
The should be for types of living accommodation.

a) Barracks with accommodation for twenty inmates;
b) Dormitory accommodation, each dormitory providing accommodation for four to six prisoners;
c) Single seated room accommodation for prisoners needing privacy for pursuing studies etc.
d) Cells for segregation of inmates for purposes of security and punishment.

No building other than prison building should be constructed within too meters of the prison campus.

On Living Conditions in Prisons it observed that;

There should be two types of diet, one for the laboring and the other for non laboring prisons

Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners.

Management of kitchens or cooking of food on caste or religious basis should be totally banned in prisons.
Prisoners should get special diet on religious festivals and national days as may be specified in rules.

In all, there were 658 recommendations with some note of dissent in case of Committee.

Similarly the R.K. Kapoor Report Major recommendations which includes;

A) PRESENT CONDITIONS OF JAILS IN THE COUNTRY

About the conditions is that they Indian jails have, the committee presented a dismal picture and were accorded low priority by Government. Little action has been taken on recommendations of various Committee/Groups appointed by the Central and State Governments on prison reforms.

The basic pre-requisites for improvements in the jails according to this Committee are;

a) making the reformative/rehabilitative approach a reality;
b) scientific and human approach in handling and treatment of offenders;
c) de-congestion of over crowded prisons and their division into manageable units;
d) improvements in basic facilities and living conditions compatible with human dignity;
e) proper training of personal staff and removal of dissatisfaction to create a devoted cadre;
f) all round tightening of security arrangements;
g) tightening of discipline, among inmates and staff;
h) identify the areas of corruption/malpractice with stringent measures for uprooting them;
i) adoption of principles of modern management.

Security and discipline are essential not only for efficiency but also for correctional program. In view of its considerable deterioration, there is a dire need to review all aspects of security and discipline for various categories of jails.

B) CATEGORIES OF PRISONS AND PRISON BUILDINGS

Several central and district prisons and sub jails are over crowded, having inadequate accommodation, absence of segregation facilities and insufficient staff. Buildings of most jails are in deplorable state and lack adequate basic facilities like lighting, water supply, toilets etc.
Segregation of inmates into small groups is essential for proper security and discipline

As the long term objective of separate institutions for young offenders, lunatics, women and undertrial prisoners etc. may take time due to financial constraints, the following action should be taken in order of priority feels the Committee:

(i) repair/renovation of existing buildings with provision of adequate toilets, drinking water and lighting facilities;
(ii) additional accommodation in existing jails to remove congestion
(iii) creation of quarantine/observation units for classification and treatment programs;
(iv) segregation of inmates in smaller groups by partitioning existing barracks.
(v) Separate arrangements for women offenders and young offenders;
(vi) Creation of special security wings in prisons;
(vii) Construction of new buildings to replace those beyond repairs;
(viii) Creation of training institutions at the state and regional levels;
(ix) Construction of family quarters for 75% staff of each prison in 5 years;
(x) Establish camps for non-violent political/economic agitators
(xi) Separate arrangements should be made for mentally sick prisoners;
(xii) Earmarking some jails exclusively for convicts and the rest for the under trials in each State.

C) PRISON ARCHITECTURE AND BUILDING REQUIREMENTS.

There is a close relationship between the architecture and the design of a prison building and management philosophy. With the new approach in correctional philosophy it is necessary that the design of the new building should combine secure confinement with opportunities for effective rehabilitation, through job training, education, health, social programs, etc.

The Ministry of Home Affairs should appoint a committee of architects/engineers and a few IG Prisons to prescribe minimum standards and prepare model type designs for different categories of prisons to be adopted by the States with variations as be locally required. This committee should also render expert opinion on prison building plans designed by State Government.
Services of this committed should also be made available to the States for consultation and obtaining expert opinion in regard to building plant/designs made by them independently for construction of some of their prisons.

Each state should have a departmental committee under IG Prisons for pre design planning of new prison to spell out detailed requirements, duly considering its capacity of inmates, strength of staff, classification, types of correctional/ training programs proposed, categories of prisoners, requirements of security/discipline, etc.

We recommend that not be taken of the following while planning new prison buildings;

The design should combine security needs with functional utility in an atmosphere conducive to efficiency and harmony for both the inmates and staff.

While locations should not be in close proximity to seashore, international border, airfields, busy roads in congested or low lying areas, they should also be not too far from the main towns.
Central and district jails should not have capacity exceeding 750 and 500 respectively.

There should be scope for individual occupancy as far as possible. We should, plan for rooms and not cells as they meet goals of decency and humanness and provide more flexibility and better security. However, some cells for segregation of inmates and for purposes of security and punishment would be needed.

Multiple occupancy should be in the form of rooms or dormitories for a maximum of 12 inmates. Segregation smaller groups is better not only for preventing contamination but also for security and correctional programmes.

Both rooms and dormitories should have attached toilet/bathing facilities, at the rate of one flush latrine for six inmates. Tiled walls with smooth stone floors in toilets are more hygienic. Extra cost would be offset by savings on maintenance.

There should be provision for quarters for the staff in a separate colony near the prison.
Provision should be made for special security wings.

There should be provision for reception, admission, classification and treatment and other programmes for prisoners.

Provision for workshops, vocational, educational and recreational facilities, gymnasium, hospitals, interview rooms, rest rooms for the staff etc.

Building technologies should be so devised as to cater to security needs, as far as possible, through unobtrusive physical controls. Also provision for secure perimeter walls, search rooms, control rooms, gaps between walls of the wards and the outer perimeter wall with a sterile area outside it. Special security prisons to have watch towers along the perimeter wall, while all closed prisons to have central watch towers along the perimeter wall, while all closed prisons to have central watch towers

A road for patrolling outside the perimeter wall should be built.
Instead of old radial/circular model, a rectangular model can meet the requirements of security, custody and treatment equally well. In a rectangular model the inside appears less formidable and provides scope for landscaping and outdoor programmes.

Open spaces outside and inside a prison, should be preferably landscaped to apparently soften the harsh prison environment.

Roofs should not provide concealment spaces and tiled roof should be avoided. Steel and wooden frames for supporting roofs should not be used. Provision of a rooms for censoring mail. And to secure admission rooms with view windows should be in the administrative block near the main gate for all activity connected with new inmates like identification, searches, photographing etc.

**SECURITY ARRANGEMENTS**

Strong perimeter security in prisons is vital. While permitting greater movement and freedom of association, among prisoners, it also imparts a sense of security to staff enabling them to devote greater attention to their duties including those of treatment programs.
The Committee makes following recommendations for improving perimeter security:

All closed prisons, including sub jails should have secure perimeter walls, of not less than 18 feet height while those of special high security prisons between 18 and 21 feet.

There should be an out of bounds area all around outside perimeter wall with barbed wire fencing with an outer gate at some distance in front of the main gate.

The out of bounds area should have a road for patrolling on foot or vehicles when required.

The entire area inside and outside the perimeter wall should be adequately lighted but with no fixtures near or on the wall.

Guarding of the perimeter wall inside should be by warder staff and not convict officers; staff strength if necessary, should be increased.

Ladders for repairs should be placed only outside the wall, under orders of the superintendent, while those using ladders, ropes, wires etc. for repairs should throughout be supervised by the jail staff.
No structures should be erected within 15 feet of the perimeter wall on either side and existing ones be demolished.

E) WATCH TOWERS:

Regarding watch Tower, the Committee wanted the watch towers to be strategically located watch towers along the perimeter wall, manned throughout by alert and efficient staff, adhering to rules, and provided with basic equipment, are best for security. The Committee further observed that the watch towers should be built along the perimeter only when staff is available for manning them round the clock. Unmanned towers may create security problems.

They should be manned only by young, intelligent and alert staff having good practice in handling of fire arms issued to them. In each shift, two armed men should man the watch tower.

The door of the tower should be locked from inside and the key kept by the man on tower duty. Entry thereto, including by staff, to be permitted on identity being established and for valid reasons.
Walkie talkie communication between toworman and the control room and the main gate should be provided.

On change in shift, the towerman should be notified by his superior of the identity of his reliever.

The towerman should be alert and remain observant, maintaining constant watch in all directions. Any unusual activity on either side of the perimeter wall should be promptly reported to the control room.

All watch towers should be alerted about any attempt to escape. Description, including registration number of vehicles passing close to any tower, should be reported immediately to the control room.

Each tower should be equipped with binoculars, torches, search lights and a Very Light Pistol. The latter two to be used only when absolutely necessary.

During darkness anybody approaching the tower from either side of the wall should be challenged by flashing torch on him. The staff should answer by returning the flash. Such challenge if not properly answered, should be reported to the control room.
Special care should be observed for arms to prevent their dropping or knocking down.

Tower men should carry their food/drinking water requirements for the entire shift.

Reading, listening to radio, unofficial writing etc. and any activity likely to distract attention of the towerman should be prohibited, with disciplinary action being taken for neglect.

Relief on sickness or the like should be sought from the officer, of the control room and the tower should not be left without being duly relieved.

The design of watch tower should permit optimal all round view and be covered for protection from rain/strong winds.

F) Regarding Central Tower or Observation Tower the Committee observed that;

While most recommendations for the perimeter watch water apply to the central observation tower they also wanted central control towers to be fixed with powerful
revolving flood lights be fixed so as to illuminate the entire jail area.

Effective communication between the tower, control room and main gate, through walkie talkie as well as intercom, should be provided apart from communication links with various wards, hospital, workshops etc.

Central observation towers should be built in all central, district and special maximum security prisons.

Trees in the compound should be pruned to allow unrestricted view from the central observation tower.

G) Regarding the Main Gate Committee opined that it was the most important and sensitive parts of a jail. Many escapes took place because of non-adherence to rules and security instructions, due to overwork, negligence or connivance of staff at the main gate. They wanted all provisions of jail manuals strictly adhered to:

Both the outer and inner gates should be fully covered by steel sheets to obstruct view from outside. Both gates should have peep windows and wicket gates.
Minimum possible activity shall be permitted in the main gates area (i.e. between the two gates). Separate rooms should be provided for searches of prisoners, staff and articles.

No crowding should be permitted in the main gate area. Prisoners to be taken to courts or elsewhere should not be made to wait there. For them a separate shed/ room inside and near the gate, with security staff should be provided.

Convict officers should not be allowed for any work in the main gate area.

The main gate area should be well lighted and equipped with emergency lights.

In absence of a control room, alarm switch should be in the main gate area and should be checked morning and evening for being in working order.

Gate keepers of district or central jails should be at least of the rank of Head Warders. The main gate area should be under the supervision of a Deputy Jailor or Assistant Jailor who should be on duty in eight hourly shifts. In Special Security Prisons, the supervisory officer should be of the rank of Deputy Superintendent.
Outside men like mechanics, plumbers, etc. should be permitted to enter only on superintendent's orders and accompanied by a jail official. All tools/articles be tested on entry and checked on exit.

No one wearing masks/sun glasses should be permitted entry except on being fully satisfied about one's identity.

No person under the influence of liquor should be allowed to pass through the main gate.

No reading material, radio., T.V., or anything which may distract attention of the staff should be permitted in the main gate area.

Minimum strength of warder staff in the main gate at a time should be three. In Special Security Prisons more staff will be needed.

The strength of the armed guard outside the main gate should be augmented and the armed sentry should be properly located so as to prevent attacks or storming of the gates. In Special Security Prisons there should be an armed guard of a para-military forces or police armed battalion at the main gate.
Prisons should have a single entry exist point i.e. the main gate, and all other entry points, if any, should be permanently closed.

In Special Security prisons, and central and district jails, metal detectors and other sophisticated gadgets for searches should be provided in the main gate area.

There should be an inquiry office outside the jail near the main gate with separate warder staff.

Proper and adequate lighting of all parts of the jail is very important from the point of view of security. The following recommendations are made to improve the lighting arrangements:-

Light points in barracks, wards/cells should be increased and bulbs of higher power fixed in them.

Open spaces and areas on either sides of perimeter wall should be flood lit.

Special Security, central and district prisons should have separate power feeders.
There should be a stand by generator in each prison

For security reasons there should not be any restriction on jail superintendent for purchase of bulbs/other electrical items for minor repairs/ replacements

There should be a qualified electrician in each jail.

Emergency lighting equipment should be provided to all the jails.

Jail staff on night duty should be provided with torches.

A ward the Committee felt should comprises of the following:

A building block of one or more barracks/ dormitories, each with a capacity of 50 to 100 prisoners. Some wards also contain the cells.

A block of lavatories/bathrooms slightly away from accommodation barracks.
Some open space, usually known as the yard, around the building block.

A segregation wall, about 8 feet high, surrounding the entire yard, normally with a steel grating gate. For and felt that better security and control the prisoners should be segregated into smaller groups. Existing barracks should be partitioned into smaller rooms to accommodate up to 12 prisoners, with attached flush toilets and baths. Searches will be more thorough and effective if prisoners are segregated into small groups.

For wards up to 100 prisoners, at least two warders should be on duty, in each shift. An extra hand per shift should be provided, for every additional 50 prisoners.

The warders should be briefed to endeavor to know as thoroughly as possible each prisoner. This will help in assessing security requirements for him and also in devising correctional program.

A list of prisoners should be maintained for each ward. Daily roll call should be taken with proper identity and physical presence being checked.
Grills, grating, doors etc, should be daily checked by warders. Special team, under an Assistant Jailor should also be detailed for checking these every day.

Staff should remain alert and watchful about signs of any unusual activity, changes in individual or groups behavior of prisoners.

Even minor incident of indiscipline, though sorted out, should be noted and reported.

Staff behavior towards prisoners should be humane, sympathetic, but firm, with violation of rules being strictly dealt with.

Thus the Committee had made wrathful observation of nearly 360 pages in 25 chapters, chapter 25 being summary and recommendations.

Thus, the prison reform in Karnataka has been the one of that is having Great responsibility and is expected to be responsive to the changing times.
Infect there are the two important Committee reports that are often cited wherever the issue of Prison reforms comes up.

It is in the light of these issues that the forthcoming core chapter is designed to understand what really are the needs of Prisons in Karnataka today.

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