

**Daily Order**

| <b>Judge Name</b>                           | <b>Case No/Year</b> | <b>Date of Order</b> | <b>Daily Order</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>CHIEF JUSTICE AND NATARAJ RANGASWAMY</b> | <b>WP 7484/2020</b> | <b>16/06/2020</b>    | <p>It is apparent that the Karnataka Prison (Amendment) Rules, 2000 (for short 'the said Rules of 2000') have been enacted to give effect to the directions of the Apex Court issued on 23rd March 2020 in Suo Motu Writ Petition (Civil) No.1/2020. The State could not have given effect to the directions of the Apex Court and the recommendations of the Committee appointed by the Apex Court without amending the Karnataka Prison Rules, 1974.</p> <p>2. A proviso has been added after Clause (a) of Sub-rule (3) of Rule 191 of the Karnataka Prison Rules, 1974 which carves out an exception by providing for release of prisoners on emergency parole till the Karnataka Epidemic Diseases Covid-19 Regulations, 2020 are in force. An exception has been carved out in case of category of prisoners convicted for the offences mentioned in Clauses (a) to (p) in the interest of the security of the State. Clause (n) is in case of prisoners who are undergoing sentence in default of fine not preceded with substantive sentence. Prima facie, it appears to us that the exclusion introduced by Clause (n) may not be consistent with the order of the Apex Court issued under Article 142 of the Constitution of India. Moreover, prima facie, it appears to us that many of the offences for which sentence in default of fine is not preceded with substantive sentence have nothing to do with the interest of the security of the State. The same may be offences arising out of private transactions or commercial transactions.</p> <p>3. We, therefore, direct the State to reconsider the inclusion of Clause (n) as an exception to the proviso incorporated by the Amendment Rules. The State shall reconsider the issue and place its decision on record by 23rd June 2020.</p> |

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|            |              |               | <b>4. List the petition on 24th June 2020 in the morning session.</b> |

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