



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV
WRIT PETITION NO. 14015 OF 2025 (GM-POLICE)

BETWEEN:

1. ARUN KUMAR ALVA
S/O LATE SHANTHA ALVA
AGED ABOUT 75 YEARS,
R/A FF1, LOTUS KRESENT
NO.165, II BLOCK,
II STAGE, HMT LAYOUT,
VIDYARANYAPURA
BENGALURU - 560 097
CURRENTLY SERVING SENTENCE IN
CENTRAL PRISON
BENGALURU CTP NO.13349

... PETITIONER

(BY SRI. SHRIRAM ADIGA, ADVOCATE FOR
SRI SPARSH SHETTY., ADVOCATE)



AND:

1. THE STATE OF KARNATAKA
BY ITS SECRETARY ,
DEPARTMENT OF HOME
VIDHANA SOUDHA
BENGALURU - 560 001



2. THE ADDITIONAL GENERAL OF POLICE AND
INSPECTOR GENERAL OF PRISON
NO.04, SESHADRI ROAD,
BANGALORE - 560 009
3. CHIEF SUPERINTENDENT
CENTRAL PRISON
BENGALURU - 560 100
4. SUPERINTENDENT OF PRISON
CENTRAL PRISON
BENGALURU - 560 100

... RESPONDENTS

(BY MS. YASHODHA K.P., AGA)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ENDORSEMENT BEARING NO. KEKABEM/J3/1670/2025 DTD. 28.04.2025 AT ANNEXURE-K ISSUED BY THE R-3 REJECTING THE PETITIONER'S CLAIM FOR REMISSION/ PREMATURE RELEASE, AS BEING ARBITRARY, ILLEGAL, AND CONTRARY TO CLAUSE (e) OF RULE 166(i) OF THE KARNATAKA PRISON MANUAL 2021 AND ETC.

THIS PETITION COMING ON FOR ORDERS THIS DAY,
ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S SUNIL DUTT YADAV

**ORAL ORDER**

The petitioner has sought for an order of setting aside of the endorsement dated 28.04.2025 at Annexure-K issued by the respondent no.3, whereby the respondent authority has rejected the request for remission on the ground that no work was entrusted in light of the Chief Medical Officer having recorded as regards the petitioner as 'Not fit for work'.

2. It is the case of the petitioner that remission under Section 166 (i) (e) of the Karnataka Prisons and Correctional Services Manual 2021 ("the Manual", for short) is under the category of good behavior, discipline and participation in institutional activities as per the prison regulations.

3. It is submitted that the ground made out as 'Not fit for work' under 166 (i) (e) of the Manual relates to remission on the ground of performance of work allotted and prescribed as per the prescribed standards.



4. Learned Additional Government Advocate would submit that the question of entrusting the work for those who are undergoing simple imprisonment may not arise as work is allotted to those undergoing rigorous imprisonment.

5. No doubt, that may be an administrative issue however, the claim under Section 166 (i) (e) and (f) of the Manual are separate and distinct. The claim under clause (e) of Section 166 (i) is on the ground of 'good behavior, discipline and participation in institutional activities', which is in contradistinction with clause (f) which refers to 'performance of work allotted and prescribed standards'.

6. Accordingly, the endorsement dated 28.04.2025 at Annexure-K issued by the respondent no.3 is set aside.

7. Noticing that the petitioner will be completing the sentence even without remission on 14.06.2025, the



authorities may not be in a position to pass order for remission by 14.06.2025. Nevertheless, this court sets aside the endorsement on the ground that the endorsement passed is contrary to Section 166 (i) (e) of the Prison Manual.

8. It is the submission of the learned counsel for petitioner that in practice the authorities do not make distinction between remission if sought under Section 166 (i) (e) or under Section 166 (i) (f) of the Manual. It is further submitted that entry in the register with respect to grounds under Section 166(i)(e) is normally not maintained and accordingly, remission if sought for under Section 166 (i) (e) is not considered.

9. Taking note of such submission, it would be appropriate to direct the authorities to pass office orders or guidelines to ensure clarity as regards remission when claimed under Section 166 (i) (e). Further clarity is to be made as regards the reference to 'participation in



institutional activities' as per Prison Regulations. This would go a long way in ensuring that those who claim remission under Section 166 (i) (e) of the Manual would also be afforded relief.

10. In order to ensue consideration of remission under Section 166 (i) (e), necessary guidelines will have to be framed by the State Government in order to bring clarity regarding eligibility for remission when claimed on the ground of good behavior, discipline and participation in institutional activities.

11. A copy of this order be communicated to the Chief Secretary, Government of Karnataka to ensure that the observations made by this court is taken note of. Till the Government frames guidelines and take steps either to amend the Prison Manual or frame the Rules, a Circular may be issued in order to consider the claims for remission by the Department which would be in the nature of executive instructions that would mould the field.



12. A copy of this order shall also be furnished to the Member Secretary, High Court Legal Services Committee to ensure instructions are given to the concerned so that entitlement of prisoners for remission whose claim is wrongly rejected, is taken up for reconsideration.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

NP