



## PRISONERS RIGHT TO FOOD: AN EMPIRICAL STUDY OF CENTRAL JAIL PATIALA

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### ABSTRACT

The Indian Constitution under Article 21 guarantees- right to life to every person. Right to life cannot be guaranteed unless, the right to sustain the life is guaranteed and made enforceable, whatever are the requirements to sustain the life also comes within the guarantee of life under Article 21. One of the components of requirement to sustain the life is the food. As food sustains life, so depriving a person from food will automatically deprive a person of his right to life. i.e. life which is grave violation of Article 21. Therefore the right to food guarantee is implicit in the guarantee of rights to life. Understanding the importance and security of food, On 12 September 2013, National Food Security Act has been made with the objective to provide subsidized food grain to about two third of India's population

Thus, right to food is not only for the citizens of India but for humans residing within India, not only this, right to food is for all the human beings irrespective of the Citizenship of human being and the place of his habitation. Therefore this right should also be made available for prisoners. Prisoner remains a human being notwithstanding his imprisonment and would be entitled to those minimum human rights such as recreation, freedom from extremes of heat and cold, adequate food for average person over and

above those restrictions, which the prison administration is entitled to impose for maintaining internal order and for prevention of escape of prisoners. Since the prisoners are also human being, there only punishment is that there movement is restricted otherwise they are also entitled to the same kind of recreation, education, food etc.

This paper makes an humble attempt to analyse that whether, Food as is guaranteed under various Prison Acts and Prison Manual is being actually secured to prisoners or not. It is further attempts to look into the conditions and health of prisoners in Jails. For analysing the actual conditions prevailing in jail regarding food, an empirical study has been also done with respect to the prisoners of the central Jail of Patiala.

### 1.1 Introduction

*"Food is a moral right of all who are born into this world"* - **Norman Borlaug.**

Food sustains life, food is any component of plant or animal origin that supports life in form of essential nutrition to produce energy and promote growth, therefore food is a basic need of life. Improper diet can lead to malnutrition and starvation. Right to food is a basic human right that allows all human beings to live with dignity, free from hunger, food insecurity and mal-nutrition. Committee on Economic, Social and Cultural Rights defined right to food as "Right to adequate food is realized when every man, woman and child, alone and in community with others, has physical and economic access at all the times to adequate food or means for its procurement." The Right to food is protected under International Human Rights and humanitarian law and the co relative state obligations are well established under International Law.



According to Indian Constitution, right to food is implicit under Article 21 which deals with right to life and personal liberty, as food sustains life, so depriving a person from food will automatically deprive a person of his right to life which is grave violation of Article 21<sup>1</sup>. Right to food is a right for all human beings. Therefore this right should also be made available for prisoners. Prisoner remains a human being notwithstanding his imprisonment and would be entitled to those minimum human rights such as recreation, freedom from extremes of heat and cold, adequate food for average person over and above those restrictions, which the prison administration is entitled to impose for maintaining internal order and for prevention of escape of prisoners. Therefore the aim and objective of this study is to look into whether the jail authorities treat them as prisoners or persons and look for their reformation.

### 1.2 Prisoner's right to food as a primary right

In Indian Constitution many rights are provided to prisoners such as right to free legal aid, right to speedy trial, right to fair trial, right against handcuffing etc, out of all these rights, right to food that would sustain an average person is a primary right because if this right is denied to prisoner, and in some cases may lead to unpronounced punishment of death and denial of Article 21 i.e. Right to Life which is most important fundamental right of Constitution and which is provided to

all people weather he is detune, under trail or convict.

To make a prisoner suffer from hunger and deny food is also one of the cruel methods to torture the prisoner and is the most heinous crime against humanity. Long ago the Father of the Nation Gandhiji wrote in the Harijan 'God Alone Can Take Life Because He Alone Gives It', so prisoners if not given quality and adequate food will indirectly leads to silently taking life of prisoner.<sup>2</sup>

The committee on Jail Reforms has criticized the arrangements regarding preparation of food, management of Kitchens, and supervision over distribution of food. Half-baked or over burnt chapattis, maggots and worms in cooked food are prepared to the prisoners.<sup>3</sup> Bad quality of vegetables and less issue of diet than prescribed in rules are the common complaints about prison diet listed by the Committee.<sup>4</sup>

Even Prisoners Act 1894 provides that civil and under trial prisoners shall be allowed to maintain themselves and at proper hours be allowed to receive food clothing, bedding from private sources subject to examination, though there is restriction on transfer of food and other from one prisoner to another for the purpose of security<sup>5</sup>.

<sup>1</sup> Nariender Kumar, Constitutional Law of India, Allahabad Law Agency, Faridabad, 8th Edition 2011, p.

<sup>2</sup> H.M. Seervai, *Constitutional Law of India*, Vol 2, Universal Law Publishing Co Pvt Ltd, New Delhi, 2013, pg.1192.

<sup>3</sup> Madhukar Bhagwan Jambhale v. State of Maharashtra, 1987 Mah.L.J.68.

<sup>4</sup> Vaughn and Smith, *Crime Law and Social Change*, Vol 31, pg 11999.

<sup>5</sup> Prisoners Act 1900, Act No 3 of 1990, Received assent on 2 Feb 1990, Chapter VI dealing with food, clothing and bedding of civil and unconvicted criminal prisoners.



### 1.3 Special diet for women and children accompanying them in prisons

Diet of women prisoners- Scale of diet of women is prescribed by the State according to the caloric requirements of woman. Every woman prisoner shall have three meals a day according to the scales prescribe. Firstly, a light meal in the morning, mid-day meal and in evening meal should be provided with a glass of milk. Food articles provided should be of good quality and there should be a separate prison for every 100 prisoners.

During pregnancy and lactation extra pretentious diet is provided by substituting a part of cereal portion of the diet with more milk, meat, fish and eggs and in case of vegetarians it is substituted my milk and milk products.<sup>6</sup>

Case of *R.D. Upadhyay v. State of A.P. and others*<sup>7</sup> deals with the issue of development of children who are in jail with their mothers, who are either under trial prisoners or convict. Children, for none of their fault, but forcibly either due to their tender age or because there is no one at home to look after them in absence of their mother, have to stay in jail with their mothers.

Courts in this case has given various suggestion-

(1) To provide permanent arrangement for separate food with ingredients to take care of the nutritional needs of children who reside in jail on permanent basis.

(2) Dr. A.M. Dwarkadas Motiwala submitted Dietary scale for institutionalized infants/children. . This recommends exclusive place of breastfeeding on the demand of the baby day and night. But if for

some reason, mother cannot feed the baby, undiluted fresh milk can be given to the baby. It emphasis that child should not be given diluted milk specially when child is of low socio economic groups who are also illiterate, ignorant and are prone to infections due to poor living conditions and unhygienic food habits. Scale shows that an average Indian mother produces approximately 600- 800 ml. milk per day ( depending on her own nutritional state), so if in any case child is not provided with mothers milk over 24 hours then the child should be provided with at least 600 ml. of undiluted fresh milk .

(3) For children ranging from 6 months to 6 years of age food is suggested to be provided in following manner to ensure over all development of a child.

It recommends the following portion for children from the ages of 6-12 months, 1-3 years and 4-6 years, respectively : cereals and millets-45,60- 120 and 150-210 grams respectively; pulses- 15, 30 and 45 grams respectively, fruits- 100 grams, sugar- 25, 25 and 30 grams respectively. One portion of pulse may be exchanged with the other portion.

Various State Government and Union Territories submitted reports of food provided in their jails. Some of them are:-

(a) In the Andhra Pradesh- protein diet and milk is provided to children every day. Vaccines like polio etc. are provided at regular interval. Education is also provided.

(b) In Bihar-Children up to the age of two years are allowed to stay with their mother and even up to the age of five year in some special cases. Nursing mothers are provided with special ration above and beyond the normal labouring ration. Provision is also made for ration for children from 12-18

<sup>6</sup> Model Prison Manual For Superintendence and Management of Prisons in India.

<sup>7</sup>AIR 1999 SC 2183.



months, and from 18-24 or as specified by Medical officer.

(c) In Chandigarh, a special diet is provided for prisoners. Medical facilities are also present.

(d) In Delhi- children below the age of 6years are allowed to live with their mother. A special diet inclusive of 750 grams of milk and one egg each is provided to children in jail.

Thus, to keep the prisoners healthy and robust the diet must be as per the medical scales.

#### 1.4 Food in jails- quality and quantity

Chapter XXXII of Punjab Jail Manual, 1996 deals with Prisoner's food. In this chapter, Para 809 to Para 846 gives the detail of food, manner, timing and conditions in which such food shall be given to prisoners.

Most of Indian Jails were built in 19 century. Now these jails are in state of disrepair and are fully overcrowded. The reports submitted by Shah Commission showed that during emergency in many of States and Union Territories the number of prisoners exceeded the accommodation which is provided.<sup>8</sup>

In **Bihar** In July 1978, Economic and Political weekly contained a report of **Saraikeila Jail in Bihar** revealing that food served in Jail to prisoners is unfit for human consumption. Reports lays "The prisoners are invariably very poor people; but the food is so rotten that they find it revolting. Quite often the prisoners are ordered to lap up the dal which overflows on to floor. For vegetable the prisoners are fed with wild grass and root. A glass of water was found to

have no less than one inch of mud at the bottom.

In **Delhi, Tihar jail** in 1987 in Tihar jail there were about 200 to 250 class 'B' prisoners. 'B' class prisoners daily diet included meat and chicken with some liquor, the remainder of the prisoners were class 'C', and they get two small loaves of bread in morning and two small loaves of bread in the evening which was horrible. Their diet also included some lentils with bit of vegetable matter. The diet was undoubtedly inadequate for survival.

In **Madurkar Bhagwan Jambhale v. State of Maharashtra**<sup>9</sup> in 1987, the Bombay High Court decided a case in which a prisoner had complained that " the brinjal vegetable served in the morning meal contained worms, caterpillar". Out of frustration in getting his complaint heard, he swallowed his nails, which were taken out in the hospital. According to the prisoner, the superintendent of Dhule District Jail so resented his protest that he forced the prisoner to eat "a pot of night soil". The court held that there was no justification for restrictions which was put on prisoner.

In **West Bengal jails** due to well organised and well systematic corruption in our prisons the Illiterate prisoners seldom get food as their daily diet. Some jails in West Bengal give a clear picture of corruption in food department of prison. Large quantity of wheat allotted as the daily diet of prisoners is stolen by corrupt prison officials. There are two or three stages where bulk of prisoners food is stolen. Firstly, the prisoners are not given their allotted diet as it never enters the prisons because its money value is shared by

<sup>8</sup> Retrieved from <www.pucl.org> , Lat visited on 15-10 2013, at 19.00 IST.

<sup>9</sup> 1987 M.L.J.68.



tenders and the higher officials of prison management in terms of their underhand mutual agreement. Secondly a part that also enters the prison is stolen from godown as well as from kitchen. The remaining food is then cooked from which further some quantity is again stolen at the time of actual distribution to the inmate<sup>10</sup>.

**In Punjab jails** according to the various commissions appointed on Jails before and after Independence, the higher authorities in the prison keeps larger part of the food material which is subscribed and allotted for the prisoners.

According to Malkiat Singh Rohi, an Indian scholar, “Ninety five per cent of interviewed prisoners in all the prisons feel completely dissatisfied and disgusted with the quality and quantity of food. It further came out that wholesome food is served two times only as no lunch is served in the prison of Punjab”

If the prisoners have some money or their families provided them they could purchase additional food at prisoners canteen and if they have no money they are dependent on higher official to supplements to the diet.

**In Bangalore the Parappana Agrahara prison in Bangalore** is known for its tasty and healthy food that is served by ISKCON (International Society for Krishna Consciousness), this jail is over crowded with 4700 in prisoners that is double its capacity. The prisoner’s diet included rice, two vegetables and a spicy lentil dish called sambar and buttermilk. Once a week, they are served with desert. A sweet dish is also

added on festival days and national holidays like Independence day<sup>11</sup>.

**In Central Prison Vellore** Hygienic and healthy food is prepared and supplied to prisoners as per the guidelines in Tamil Nadu Prisons Rules. The daily diet of vegetarian prisoners includes one dal and one sabzi. Potato curry, kesari and one banana is given to vegetarian prisoners whereas for non-vegetarian prisoners chicken is provided once in a week. Stainless steel plates and mugs are provided to prisoners for their personal use. Outside food is not permitted within jails.<sup>12</sup>

**In Central Jail Karnataka** two kinds of diet is provided to the prisoners by the Government of Karnataka that is combination of both rice with wheat and rice with ragi. Rice is staple food of Karnataka whereas wheat is staple diet of north India and ragi in the South. Till 2007 under trial prisoners were allowed to purchase their own ration from prison canteens and occasionally cook their own food from private sources but later this practise was discontinued because of poisoned food which was being given by the rival groups in the prison. As in other parts of India the timings of breakfast lunch and dinner were 7 am, 11 am and 4 pm this means that prisoners has to consume food at short intervals and then go without any food between 4 pm to 7 am. To overcome this hunger prisoners use to cook their own food or simply heat the food to add some spices. These spices and other ingredient are prepared from prison canteen or stores or from outside.

<sup>10</sup> Jayatitilak Guha Roy, *Prisoners and Society: Study of Indian Jail system*, 1<sup>st</sup> Edition, pp 98-99.

<sup>11</sup> Retrieved from <www.metimes.com>, Last visited on 18-10-2013, at 22.00 IST.

<sup>12</sup> Retrieved from < www.hivellore.com>, Last visited on 22-11-2013, at 19.30 IST.



**1.5 Dietary conditions in central jail, Punjab- Punjab jail manual vs. reality**

In order to check the compliance of the statutory provisions with regard to the diet, the researcher made a personal visit to acquaint herself with the ground reality, otherwise also without making study on the spot, the research is incomplete and of no consequence. Therefore, the researcher had to make personal visits to Jail Authorities for permission to meet and Interview the prisoner.

The study is purely based upon the personal interview conducted inside the visit. There were near about 2500 prisoners out of which only 50 were interviewed because of the constrain of time in completing of project. Out of 50 prisoners- 40 were male and 10 were female, 2 females were accompanying with their children. In order to conduct the sample survey, a questionnaire was prepared which is attached with the project as Annexure 1

**1.5.1 Entitlement**

In Central Jail Patiala the prisoners have a right to food as per Article 21 of the Constitution of India. The entitlement of food to the prisoners in Central Jail Patiala is as follow:

Diet scale of prisoners-

Name of the item	Amount (grams)
Atta	580 gm hard labouring male prisoners
	460 gm hard labouring female prisoners

Cholle	60 gm
Dal	85 gm
Salt	15 gm
Mix masala	16 gm
Ghee	15 gm
Sugar	40 gm
Tea	31 gm
Milk	50 gm
Green vegetable	250 gm
Gur	60 gm hard labouring prisoner
	30 gm women prisoner
Gas	130 gm
Oil	30 gm once in a week
Soap	1per person/ per month
Toothpaste	2 gm
Soda	20 gm per week
Toothbrush	6 per week
Desi soap	40 gm per week

As per survey of the Central Jail Patiala, 50 per cent of prisoners have responded that they are not provided as per the entitlement of food – They have brought out the fact that Gur is not provided to the labouring or non-labouring prisoners as per prescribed weight. Daily flour to the adolescent prisoner is also not provided in full quantity of 115 Grams.



Full quantity of vegetables is also not provided to the prisoners. The reason may be the non - availability or lesser availability of vegetables in the jail garden, due to climatic variations and certain other reason were full crop of vegetable is not possible. In such an eventuality, the deficit quality of vegetable is compensated by extra scale of dal. Even though, fresh and seasonal vegetables are the main source of vitamins and minerals to the prisoners, no effort is made by jail authorities to procure wider range of vegetables for the prisoners. Outside sourcing of vegetables is rarely made. However, outsourcing of vegetable from open market is totally exception than norm, which could only be effected in emergency conditions with prior approval of higher head authorities.

In the case of providing refreshment like tea to the prisoners it is provided as per entitlement two times a day once in the morning and again in the evening. However, the ingredients for preparing the tea vary from the actual entitlement. Quality of tea is of general variety and well known superior brand, the amount of tea leaves used is also not enough to make the tea brew of required strength. Similarly milk is also not used as per entitlement as is substituted with water to compensate the shortage.

Punjab Jail Manual also provides that prisoners should also be provided with food when prisoners are transferred from jail to court and back to jail .If the court where evidence is to be given is situated at the same station as the jail from which the prisoner is removed, then ready cooked food for prisoner should be handed to the officer in charge of the court. If the court is situated at a distance, officer in charge of the police who is escorting the prisoner shall be handed over cost of the prisoner's ration. However this

facility of providing food to prisoner while transit from jail to court and back is not provided to the prisoners. The prisoners have to make their own arrangements through their own financial resources while in transit. Prisoners who are not financially well off are left starved for the whole day. Without any of Jail authority held responsible for this deprivation of basic right to the prisoner.

The over all observation is that the prisoners are not provided food items as per their entitlement to which they have a basic right as per the Jail Manual.

### *1.5.2 Quality*

In survey report done in Central Jail Patiala regarding the quality of food, when the prisoners were asked about the quality of food 70 per cent of prisoners interviewed said that the quality was acceptable and thirty per cent responded that the quality was not fully acceptable.

Those who responded in the positive manner further expressed that they were satisfied with the quality of wheat flour because the machinery of grinding the wheat was present in jail premises itself. The process of further kneading the wheat flour to make chapattis for the prisoner was also fully automated in the jail kitchen itself. A more interesting fact came out that the automatic kneading machinery in prison kitchens was made possible with the donations and efforts of the prisoners themselves and no financial help was provided by the Jail authorities or the state Government. The 30 per cent prisoners who responded about the bad quality of food were of the opinion that even though automatic machinery was used for cooking food but still no effort was made to check the personal hygiene of cooking staff like their



trimmed nails, use of gloves, caps and clean clothes on day to day bases by the jail authorities. The kitchen staffs were not made aware about the negative consequences of randomly spitting here and there near the kitchen premises. No effort was made to educate the kitchen staff about the role of flies and insects in the spread of deadly diseases like diary, tuberculosis etc. They complained that the kitchen staff had made no arrangement to get rid of house flies and insects in and around the kitchens to avoid the spread of disease and unhygienic conditions. The prisoners who responded negatively had a grudge that because the jail authorities are showing minimal effort to maintain hygiene in the kitchens, this has escalated the risk of disease and even epidemic amongst the prisoners who are bound to consume this food.

### *1.5.3 Variation in food*

According to jail manual there should be variation in all the two meals given to prisoners<sup>13</sup> so that the food does not become Monotonous and it remains palatable. 80 Per cent of Inmates they said that as per the norms of the Jail Manual, certain quantum of variation is carried out but at times, because of compelling circumstances and non-availabilities of vegetables, forced repetition is done, which is rectified at the first opportunity available.

### **1.5.4 Surplus food**

When the prisoners were asked to respond about the quantity of food they receive in the prison kitchens, they responded that they received adequate food but it was not evenly

spread out during the day and hence sometimes they felt that they could have done better with one additional meal. However, when they were asked if ever they were left with any surplus food they responded that hardly ever left with any surplus food in rare cases if they are not feeling hungry they pass on their surplus food to other jail inmates. They also responded with a fascinating reality that since they are not provided with wood or any combustible material in the jail premises so they sometimes use the surplus chapattis as a cooking fuel to spice up (tardka) their dal, curries and other vegetables served to them which are originally served them bland as per jail kitchen routine.

**1.5.5 Children of female prisoner-** Further Punjab Jail Manual provides following Diet for nursing mother and such child-A nursing mother shall receive diet in excess of scale which for ordinary female prisoner i.e. there should be increase in diet of nursing mother who enters into jail with child as compared to diet of a female prisoner as here there is a child also which is to be fed<sup>14</sup>. She will get 120 grams of flour baked into bread and 30 grams of dal daily in excess of scale fixed of female prisoners. If the child who is admitted with such mother, is under 12 months then child is entitled to 15 grams of sugar and 360 ml. of milk, and if such child is between the age of 11 and 19 months then child should get 30 grams of dal, 460 ml. of milk and 7 grams of salt. Child over 18 months shall get 230 ml. of milk, 230 grams of flour, 30 grams of dal and 7 grams of salt<sup>15</sup>.

In Central Jail Patiala, at present there are 120 female prisoners. Out of which nine female prisoners have children staying in

<sup>13</sup> See Punjab Jail Manual, Para 826.

<sup>14</sup> ibid, Para 820.

<sup>15</sup> *Supra* note 13.



them with jails. Out of these nine two children which are below the age of two years permanently stay with their mothers and others are kept in crutch which itself is in the jail premises. Female prisoners were satisfied and expressed that they are properly taken care off. Females those had children expressed that they were satisfied with the facilities provided to their children. They said that their children were getting education in schools which are built in the jail premises. They submitted that although the food provided to the lady prisoners was not of desired quality but the lady prisoners who had children with them also candidly expressed that they were satisfied with the food and facilities provided to their children. Although some lady prisoners were of the view that quality of the milk provided to the children can be still improved.

Food issues among jail inmates:-

	YES (PERCENT AGE)	NO (PERCENT AGE)
FOOD AS ENTITLED	50	50
PROVISIO N FOR THE CHILD	95	5
VARIATIO N IN FOOD	80	20

DEPRIVAT ION OF FOOD	0	100
QUALITY OF FOOD	GOOD	BAD
	70	30

Source: Central Jail, Patiala

### 1.6 Conclusion and Suggestions

The provision of the jail manuals provides a well nit infrastructure of dietary procedure if the manual is adhered strictly, there is no doubt that prisoners will enjoy a good health and will not feel deprived of their human rights. The flaw is in the implementation of the Manual is the requirement of the Manual. The Jail administration should take sufficient care to execute the Manual properly and in the true spirit were the Jail authorities are negligent, they must be made liable, so that lapses do not occur in the administration of dietary provision to the prisoner.

Now, the social scientists have opined that only punishment cannot solve the problem of crime and criminal in society, because all criminals are not of the same type. They differ socially, politically and economically in many ways. Also since the criminals differ in their background, it also becomes necessary to give them different punishments. It is not the severity of the punishment that ensures that justice is done, but surety of it.<sup>16</sup>

If the society wants to get rid of the criminal and the crime, the prisoner should be treated

<sup>16</sup> Clarence Darrow, *Crime*, Columbia University Press, Newyork, 1992, p.165 .



as a member of civil society by providing homely atmosphere within prisons four walls. They should not feel deprived of family and social life. Probably, then after release he may be a well behaved and civilized citizen.

It is said that the Indian prisons are governed by the Prisoners Act, 1955, which is still almost following Prisoners Act 1894 is very old. There is a strong need of uniform Jail Manual with the provision on the reformatory line. The provisions of U.N. Standard Minimum Rules for the Treatment of prisoners should be incorporated in the new Jail Manual.

The Indian prisons, on the average, have failed to provide the inmates with satisfactorily living conditions. The criticism against the prison administration has been levelled on account of insufficient accommodation, indiscriminate huddling of all categories of offenders of offenders, unhygienic conditions, substandard food, insufficient water supply, use of drugs and narcotics by inmates, atrocities on children and women, maltreatment of prisoners and corruption in prisons.

For giving top priority to the improvement to the dietary system of diet, following measures are suggested

- (1) Food should no more be purchased through contract system- Kitchen contract should be given a contractor with confide credentials having good track record and past experience in running the kitchen.
- (2) A supervisory committee of members including jail staff and amongst the prisoners the prisoners should be provided to look into day to day affairs and quality of food of the kitchen.

- (3) A comprehensive food menu should be prepared by the supervisory committee taking into account that a nutritious food including a wide range of vitamins, minerals etc. is provided to the prisoners.

- (4) Modern and scientific methods and standards should be used to maintain a high level of hygiene in the preparation of food in the jail kitchens. The kitchen staff should be provided intensive training and orientation to maintain high level of hygiene. They should be trained to routinely cut their nails, wash hands, wear clean clothes, use gloves and caps while preparing the food.

- (5) The kitchen staff should be made aware of the harmful consequences of the habit of spitting around the kitchen, they should also be made aware about the spread of infections through common house flies which grow and prosper in unhygienic conditions.

- (6) There should be decentralisation of kitchen. Not more than 800 prisoners should get food from one kitchen. Since the jails are mostly over crowded multiple kitchens should be brought into use to serve the prisoners. This is necessitated to properly manage the requirement of food for the larger number of prisoners with high level of efficiency and hygiene.

- (7) The food provided to prisoners should be provided as per fixed time schedule which should be so distributed that the prisoner gets his required daily food without ever going hungry or feeling inadequate in nutrition. Presently only two meals are provided to the prisoners which falls short of providing full days diet to the prisoner. In the two meal plan which is now provided there is a large time span in which the prisoner is left hungry and devoid of full nutrition required for basic subsistence. In this two meal plan one meal is provided in morning at about 7:30 am and next meal is provided at about 5:00pm, so the



prisoner has to manage a period of ten to twelve hours between these two meals which is not a standard practise as per ideal human food requirement. It is recommended that instead of two meals the prisoner should be given here full means at proper designated intervals.

**(8)** The diet for prisoners should be made nourishing enough for their health and should be more varied according to the work done by the individual prisoner. Every prisoner should be provided food of nutritional value adequate for health and strength, of wholesome quantity and well prepared and served. In addition to good food, drinking water should be made available to every prisoner wherever he needs it.

**(9)** Menus should be fixed in such a way as to avoid monotony of diet. The diet of prisoners should be balanced one. It should include provision for fruit like banana. Special diet should be served on festival days. Prisoners, who work throughout the day, must get a reasonably nutritious diet as the purpose incarceration is not to punish them further.

**(10)** Where corruption and deficiency in food leads to the deterioration of health and ultimately to death, it should be deemed to be an abetment to murder. Where doctor prescribes special diet, but deliberately provided, the official responsible should be made liable. Law should tighten its grip by cracking down upon jail crimes more rigorously.

**(11)** As far as possible, with the good order of institution under trial tried prisoners should, if so desire, be permitted to procure food at their own expense from outside which may be either through his family or friends or through administration.

**(12)** Special institutions for women and child prisoners should be established on

modern lines and he administration of those already functioning should be revamped and cleansed of all vices which are not only alleged against them but are very much prevalent. Care should be taken that special diet which is prescribed to pregnant women and lactating women be given to her.

**(13)** Diet should be classified for labouring and non-labouring prisoners.

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**ANNEXURE -1**

**SCHEDULE**

1. General Information:

- a) Name of the Prisoner -  
-----
- b) Age of the Prisoner -  
-----
- c) Gender -  
-----
- d) Place of residence -  
-----

e) Do you get same food daily or are there any variations?

f) Does the child, if any, with female prisoner gets the required amount of food?

f) Do the convicts put to primitive measure deprive of food ?  
Yes/no

2. Punishment related Information:

- a) Convict/ under trial -  
-----
- b) Term and type of Sentence  
-----
- c) Section of Punishment -  
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3. Food related Information

- a) Do you get food according to your entitlement?  
Yes/no
- b) Does he/she has to remain without food sometimes?  
Yes/no
- c) Is the quality and quantity of food you get sufficient?  
Yes/no  
If no why? -----  
-----
- d) In case you get surplus food what do you do with that?
  - i) throw it
  - ii) give it to someone else
  - iii) any other

