

LIVING CONDITIONS OF PRISONERS IN INDIA: THE RIGHT TO ADEQUATE FOOD AND PROPER NUTRITION

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Introduction

Prisoners, despite being incarcerated, retain their basic human rights, including the right to dignified living conditions, adequate food, and proper nutrition. The living conditions in prison significantly impact their physical and mental well-being, affecting their chances of rehabilitation and reintegration into society.

Many prisons in India and worldwide face overcrowding, poor sanitation, inadequate healthcare, and insufficient food supply, leading to severe health issues among inmates. The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) and Indian legal frameworks, including Article 21¹ (Right to Life) and Article 47² (State's Duty to Improve Nutrition & Public Health) of the Indian Constitution, emphasize that prisoners must receive adequate nutrition and humane living conditions.

Ensuring balanced meal, clean drinking water, proper hygiene, and access to medical care is essential not only for protecting prisoners' rights but also for maintaining public health and the effectiveness of the justice system. Prison reforms, judicial interventions, and government policies play a crucial role in addressing these challenges and ensuring that prisoners are treated with dignity and fairness³.

Prisons are often viewed as places of punishment, but their fundamental role is correction and rehabilitation. The Indian legal system recognizes that while prisoners might have lost their freedom, they retain basic human rights, including access to proper food, healthcare, and hygiene. However, reports from various human rights organizations suggest that the reality of prison life in India is far from humane.

Overcrowding, substandard food, corruption, and administrative negligence have created conditions where prisoners struggle for basic sustenance. Despite legal provisions and judicial interventions, thousands of inmates suffer from malnutrition, vitamin deficiencies, and preventable diseases due to inadequate diets.

This article delves into the historical evolution of prison conditions in India, examines legal frameworks, explores the ground realities of prison food and nutrition, compares India's prison system with global standards, and suggests practical reforms to address these pressing concerns.

¹ The Constitution of India, art. 21.

² The Constitution of India, art. 47.

³ Shivani Verma, *Criminology, Penology and Victimology* 420 (University Book House, Jaipur, 2019).

Historical Context of Indian Prisons

The Indian prison system has its roots in the colonial era when the British established jails primarily as punitive institutions rather than correctional facilities. The Prisons Act of 1894, which still governs many prison regulations today, was drafted in a time when the focus was on control and containment rather than rehabilitation.⁴

During British rule, Indian prisons were known for their harsh conditions, lack of medical care, and forced labor. Since the institution of prison was a non profitable unit, hence they did not pay attention to the deplorable conditions existing and hardly invested time in improving the state of affairs. However focus was shifted towards the bad condition of prisons when the freedom fighters themselves encountered despicable prison conditions when incarcerated.

It was only after independence that multiple committees, including the Mulla Committee (1983) and the Justice Krishna Iyer Committee (1987), recommended reforms to improve living conditions and nutrition in prisons.

However, most recommendations remained unimplemented, and many aspects of prison life continue to reflect outdated colonial-era policies.

Legal Provisions Governing Prisoners' Right to Food and Nutrition

1. Constitutional Provisions

The Indian Constitution, through its fundamental rights and directive principles, guarantees basic human dignity to all individuals, including prisoners:

Article 21⁵ (Right to Life and Personal Liberty): The Supreme Court has consistently ruled that this provision extends to prisoners, ensuring they receive adequate nutrition, healthcare, and hygiene (*Maneka Gandhi v. Union of India*, 1978)⁶. The Supreme Court of India has ruled that the right to life includes the right to live with dignity, which extends to ensuring prisoners receive proper food, clean drinking water, and healthcare.

In *Francis Coralie Mullin v. UT of Delhi* (1981), the Court held that prisoners must be provided with basic necessities like food and medical care, as denying them would violate Article 21.⁷

In *People's Union for Democratic Rights v. Union of India* (1982), the Court ruled that the state has a duty to ensure minimum living standards, including adequate nutrition for prisoners.⁸

⁴ N. V. Paranjape, *Criminology and Penology with Victimology* 419 (Central Law Publications, Allahabad, 2011).

⁵ The Constitution of India, art. 21.

⁶ AIR 1978 SC 597

⁷ AIR 1981 SC 746

⁸ AIR 1982 SC 1473

Article 39A⁹ (Directive Principles of State Policy): The state must provide citizens, including inmates, with adequate nutrition. Many under trial prisoners come from poor backgrounds and are unaware of their rights. Article 39A¹⁰ ensures that they receive legal aid to challenge violations of their right to nutrition.

Article 47¹¹ (Directive Principles of State Policy): It directs the government to improve public health and nutrition, which applies to prison administrations as well. Article 47¹² of the Indian Constitution is a Directive Principle of State Policy (DPSP) that places a duty on the State to improve public health, nutrition, and standard of living.

It states:

"The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavor to bring about prohibition of the consumption of intoxicating drinks and drugs which are injurious to health."¹³

This article is particularly relevant for prisoners' right to nutrition because prisoners remain under the care and custody of the State, and it is the State's responsibility to ensure they receive adequate food and healthcare.

Article 47¹⁴ imposes a duty on the State to ensure proper nutrition and healthcare for prisoners. Since prisoners are fully dependent on the State for their food, denial of adequate nutrition would violate their fundamental rights under Article 21¹⁵. Courts and legal frameworks have reinforced the need for a balanced diet, clean drinking water, and proper medical care in prisons, making nutrition a key aspect of prison reform in India.

2. The Prisons Act, 1894¹⁶

The Prisons Act, 1894¹⁷, still in force with some modifications by state governments, mandates that prisoners be provided with food but lacks specificity regarding dietary quality and nutrition.

Section 31¹⁸ states that prisoners should receive "wholesome and nutritious food", but it does not define nutritional standards.

⁹ The Constitution of India, art. 39A.

¹⁰ *Ibid.*

¹¹ The Constitution of India, art. 47.

¹² *Ibid.*

¹³ The Constitution of India, art. 47.

¹⁴ *Ibid.*

¹⁵ The Constitution of India, art. 21.

¹⁶ The Prisons Act, 1894 (Act 9 of 1894).

¹⁷ *Ibid.*

¹⁸ The Prisons Act, 1894 (Act 9 of 1894), s. 31.

Section 37¹⁹ permits prison superintendents to punish prisoners by reducing their diet, a provision often misused in practice.

3. Model Prison Manual, 2016

To modernize prison administration, the Model Prison Manual (2016) provides a more structured approach to food and nutrition:

Each inmate must receive a diet meeting minimum caloric and protein requirements.

Pregnant and lactating women should be given nutritional supplements.

Sick inmates should receive specialized diets based on medical conditions.

Religious dietary preferences must be considered where feasible.

4. International Guidelines

India, as a signatory to various human rights conventions, is bound by global standards:

Universal Declaration of Human Rights (1948)²⁰: Recognizes the right to food and humane treatment for all prisoners. Key UDHR Provisions Related to Prisoners' Rights:

1. Right to Equality (Article 1 & 2):

All human beings, including prisoners, are born free and equal in dignity and rights. No one should face discrimination based on race, gender, or any other status.

2. Freedom from Torture or Cruel Punishment (Article 5):

No prisoner should be subjected to torture, cruel, inhuman, or degrading treatment or punishment.

3. Right to Legal Protection (Article 6, 7 & 8):

Every prisoner has the right to be recognized as a person before the law and receive equal protection without discrimination.

If rights are violated, they must have access to legal remedies.

4. Right to a Fair Trial (Article 9, 10 & 11):

¹⁹ The Prisons Act, 1894 (Act 9 of 1894), s. 37.

²⁰ The Universal Declaration of Human Rights, 1948.

No one shall be arbitrarily arrested, detained, or exiled.
Prisoners have the right to a fair and public trial before an independent and impartial tribunal.
They must be presumed innocent until proven guilty.

5. Right to Humane Treatment (Article 25):

Prisoners should receive adequate healthcare, food, and living conditions that meet basic human dignity.

6. Right to Education and Rehabilitation (Article 26):

Prisoners should have access to education and opportunities for self-improvement to facilitate reintegration into society after their sentence.

The UDHR establishes that prisoners retain their fundamental human rights despite being incarcerated. It serves as a foundation for later legal frameworks, such as the Nelson Mandela Rules, which specifically address the rights and treatment of prisoners worldwide.

The Nelson Mandela Rules (UN Standard Minimum Rules for the Treatment of Prisoners, 2015)²¹: Mandate that all inmates receive nutritionally adequate food, free from discrimination or neglect.

These rules were adopted in 1955 and revised in 2015 to honor Nelson Mandela, who spent 27 years in prison advocating for human rights and justice. These rules set international standards for the humane treatment of prisoners while ensuring their dignity and rehabilitation.
Key Principles of the Nelson Mandela Rules:

1. Humane Treatment: Prisoners must be treated with respect and dignity, without torture or inhumane punishment.
2. Separation of Categories: Men and women, juveniles and adults, convicted and un-convicted prisoners should be housed separately.
3. Adequate Living Conditions: Prisoners must have access to proper ventilation, lighting, sanitation, and hygiene along with proper and adequate food with nutritional value intact.
4. Medical Care: Healthcare must be equivalent to what is available in the community, including mental health support.
5. Access to Rehabilitation: Prisoners should receive education, vocational training, and work opportunities for reintegration into society.

²¹ The United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015.

6. Contact with the Outside World: Regular communication with family and legal representatives should be ensured.
7. Fair Discipline and Punishment: No cruel, inhuman, or degrading punishments such as prolonged solitary confinement.
8. Independent Oversight: Prisons should be monitored by independent bodies to prevent abuse.

The Nelson Mandela Rules serve as a global guideline to ensure fair treatment and uphold the fundamental rights of prisoners.

Reality of Food and Nutrition in Indian Prisons

1. Overcrowding and Resource Strain

According to the National Crime Records Bureau (NCRB) Prison Statistics (2022), India's prisons have an occupancy rate of 130%, with some states exceeding 180%. This results in severe pressure on food supplies, leading to malnutrition²².

The food budget per prisoner is as low as ₹50 per day in some states, making nutritionally balanced meals nearly impossible (Ministry of Home Affairs, 2021).²³

Due to overcrowding, many prisoners do not even receive the legally mandated portions.

2. Food Quality and Malnutrition

Multiple reports highlight poor food quality, unhygienic kitchens, and insufficient nutrition:

A Commonwealth Human Rights Initiative (CHRI, 2018) study found that in some prisons, rice was infested with insects, and vegetables were rotten or poorly cooked.²⁴

The Human Rights Watch Report (2019) noted high malnutrition rates among under trial prisoners, who constitute over 70% of the total prison population.²⁵

²² National Crime Records Bureau. (2022). Prison Statistics India 2022. Government of India.

²³ Ministry of Home Affairs. (2021). Prison Administration Report. Government of India.

²⁴ Commonwealth Human Rights Initiative. (2018). Prison Reforms in India: Challenges and Solutions. New Delhi: CHRI.

²⁵ Human Rights Watch. (2019). Behind Bars: The Conditions of Indian Prisons. New York: HRW.

The Asian Centre for Human Rights (2020) found that sick inmates often do not receive prescribed special diets, worsening health conditions.

3. Corruption and Food Supply Mismanagement

Corruption in the prison food supply chain is a major issue:

Funds meant for food procurement are often siphoned off, leading to low-quality ingredients and reduced portions.

Some prison staff reportedly sell off higher-quality food supplies and replace them with cheaper, substandard alternatives (The Hindu, 2021).

4. Gender-Specific Nutritional Issues

Women prisoners, who make up around 4% of the prison population, face greater nutritional challenges:

Many prisons do not provide additional food for pregnant or lactating women, despite legal mandates.

A National Institute of Nutrition (NIN, 2019) report found that in some women's prisons, iron and calcium supplements were missing, leading to high rates of anemia.²⁶

5. Psychological and Health Impacts of Poor Nutrition

Poor diet has direct consequences on physical and mental health:

Deficiencies in essential nutrients (such as Vitamin B12, D, and iron) contribute to weakened immunity and frequent illnesses.

Lack of proper food is linked to increased aggression, anxiety, and depression among inmates.

Comparative Analysis: India vs. Other Countries

Country	Daily food budget per prisoner (in Rupee)	Nutritional standards followed	Meal frequency
India	Rs 50- Rs 100	Basic caloric intake (often inadequate)	2-3 meals/day
United States	Rs 150-Rs 250	USDA nutrition guidelines	3 meals/day

United Kingdom	Rs 250	Balanced meals with special diets	3 meals/day
Norway	Rs 800	High quality, varied diets	3-4 meals/ day

India lags far behind developed nations in allocating resources to prison nutrition, affecting prisoner health and rehabilitation.

Supreme Court's Intervention on Adequate Food and Nutrition for Prisoners in India

The Supreme Court of India has played a vital role in ensuring that prisoners receive adequate food and nutrition, considering it an essential part of their Right to Life and Dignity. Over the years, the Court has issued several directions, guidelines, and judgments to improve prison conditions, emphasizing the state's duty to provide nutritious food, clean drinking water, and proper healthcare to inmates.

1. Right to Nutrition as Part of Right to Life

The Supreme Court has consistently upheld that prisoners retain their fundamental rights, even though they are incarcerated. The right to adequate food and nutrition is considered a part of the Right to Life and Personal Liberty, ensuring that inmates are not subjected to inhumane conditions.

The Court has ruled that the quality and quantity of food provided to prisoners must be adequate to maintain health and well-being.

Any denial of proper nutrition, clean drinking water, or necessary medical care is treated as a violation of human rights.

2. Supreme Court's Directives on Prisoners' Nutrition

(a) Ensuring Nutritious and Balanced Diets

The Court has directed that prisoners should receive food as per scientific nutritional standards, considering age, gender, and health conditions.

It has asked state governments to implement diet charts in prisons that include proteins, vitamins, and minerals to prevent malnutrition and deficiencies.

(b) Special Dietary Requirements for Vulnerable Groups

The Supreme Court has emphasized that sick prisoners, pregnant women, and elderly inmates require special diets and medical attention.

It has mandated that medical officers in prisons monitor the nutritional intake of such inmates and report deficiencies.

(c) Clean Drinking Water and Hygiene

Recognizing that contaminated water leads to serious health issues, the Court has ordered prison authorities to ensure access to safe and clean drinking water.

The Court has also emphasized the importance of hygiene and sanitation, as poor conditions can lead to infections and malnutrition.

(d) Accountability of Prison Authorities

The Supreme Court has held that prison authorities and state governments are responsible for ensuring nutritious food and humane conditions in jails.

If prisoners suffer from malnutrition or food-related illnesses, the state can be held accountable for violation of fundamental rights.

3. Monitoring and Reforms in Prison Nutrition Policies

The Court has also directed state governments and prison departments to:

Regularly inspect prison kitchens to check food quality and hygiene.

Set up grievance redressal mechanisms where prisoners can report food-related issues.

Seek expert recommendations on improving prison diets, including advice from nutritionists and healthcare professionals.

Additionally, it has encouraged civil society organizations and human rights commissions to visit prisons and report on food conditions, ensuring transparency and accountability.

4. Landmark Public Interest Litigations (PILs) and Suo Motu Actions

The Supreme Court has taken suo motu cognizance of poor prison conditions multiple times and issued strong directives to improve food and healthcare in jails.

During the COVID-19 pandemic, the Court issued emergency orders to ensure that prisoners received adequate nutrition and medical care to prevent outbreaks in overcrowded jails.

It has also responded to petitions from prisoners and human rights organizations demanding improvements in food quality and access to basic necessities.

5. Impact of Supreme Court Interventions

Due to the Supreme Court's proactive role, several positive changes have taken place in the prison system:

Better meal planning and increased food budgets for prisoners.

Improved monitoring of prison kitchens to maintain hygiene.

Greater awareness among jail authorities and legal aid organizations about prisoners' food rights.

Implementation of recommendations from the National Human Rights Commission (NHRC) on prison nutrition and living conditions.

The Supreme Court's interventions have reinforced the right to food and nutrition as a fundamental right for prisoners. By holding the state accountable for the well-being of inmates, the Court has ensured that prisons do not become places of suffering and neglect. However, despite judicial orders, challenges like overcrowding, lack of resources, and poor implementation persist. Continuous monitoring, legal reforms, and policy improvements are necessary to fully uphold prisoners' right to adequate food and nutrition, ensuring that incarceration does not strip them of their basic human dignity.

Conclusion and Recommendations

To ensure prisoners receive proper food and nutrition, key reforms are needed. Some recommendations are as follows:

1. Increase food budget per prisoner to ensure nutritionally balanced meals.
2. Introduce prison farms for self-sustaining food production.
3. Implement strict monitoring by independent agencies.
4. Severe legal action against corruption in prison food supply.
5. Expand dietary programs for women, elderly, and sick prisoners.

Without serious reforms, Indian prisons will continue to violate basic human rights, hindering rehabilitation and reintegration into society.

Ensuring proper nutrition for prisoners is essential for their health, dignity, and overall well-being. A well-balanced diet not only helps maintain physical health but also plays a crucial role in mental stability and rehabilitation. Since prisoners are entirely dependent on the State for

their food and medical care, it is the government's responsibility to provide meals that meet basic nutritional standards.

However, poor food quality, overcrowding, and inadequate healthcare continue to affect prison conditions in India. Many prisoners suffer from malnutrition and related health issues, which can worsen existing inequalities and hinder their reintegration into society. To address these challenges, prison authorities must ensure scientifically planned diets, clean drinking water, and special care for vulnerable inmates such as the sick, elderly, and pregnant women.

Improving the nutritional standards in prisons is not just a matter of legal compliance but also a step toward building a humane and rehabilitative justice system. By prioritizing nutrition and overall prison conditions, the State can uphold basic human dignity while preparing inmates for a healthier and more productive return to society.