



Reserved on : 03.02.2026
Pronounced on : 04.03.2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 04TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.1421 OF 2026 (GM – RES)

BETWEEN:

STATE OF KARNATAKA
BY STATION HOUSE OFFICER,
KAMAKSHIPALYA POLICE STATION,
BENGALURU CITY,
REPRESENTED BY
THE STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU – 560 001.

... PETITIONER

(BY SRI B.N.JAGADEESHA, ADDL.SPP)

AND:

1 . SMT. PAVITHRA GOWDA
D/O. PUTTANNA,
AGED ABOUT 33 YEARS,
NO.808, 24TH CROSS,
KENCHENAHALLI ROAD,
RAJARAJESHWARI NAGAR,
BENGALURU – 560 098.

2 . NAGARAJA R.,
S/O RACHAIAH,
AGED ABOUT 41 YEARS,
NO.432, A AND B BLOCK,
RAMAKRISHNA NAGARA,
MYSURU – 570 022.

3 . LAKSHMAN M.,
S/O MARIYAPPA C.,
AGED ABOUT 55 YEARS,
NO.1354, 9TH MAIN,
R.P.C. LAYOUT,
VIJAYANAGARA,
BENGALURU – 560 040.

... RESPONDENTS

(BY SRI SUNIL KUMAR, ADVOCATE FOR R-2 AND R-3)

(SRI P.PRASANNA KUMAR, SPL.PP TO ASSIST THE COURT)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF BNSS, 2023/READ WITH SECTION 482 OF CR.P.C., PRAYING TO QUASH / SET ASIDE THE ORDER DATED 12.01.2026 PASSED BY THE HON'BLE LVI ADDL. CITY CIVIL AND SESSIONS JUDGE (CCH-57) AT BENGALURU, IN SPECIAL CASE NO.1319 OF 2024 (ANNEXURE-A) IN THE INTEREST OF JUSTICE.

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 03.02.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

The petitioner/State of Karnataka in this writ petition is calling in question an order dated 12-01-2026 passed by the LVI Additional City Civil and Sessions Judge, Bengaluru in S.C.No.1319 of 2024 by which the respondents are permitted to have home food once a week.

2. Heard Sri B.N.Jagadeesha, learned Additional State Public Prosecutor for the petitioner, Sri Sunil Kumar, learned counsel for respondents 2 and 3 and Sri P.Prasanna Kumar, learned Special Public Prosecutor who was called upon to assist the Court.

3. Facts, in brief, germane are as follows: -

The 1st respondent is accused No.1 in S.C.No.1319 of 2024 registered for the offence punishable under Section 302 of the IPC *inter alia*. The issue in the *lis* is not with regard to the merit of the matter before the concerned Court. Respondent/accused No.1 and

several other accused place a request before the concerned Court to permit them to get home food and other amenities such as newspapers, radio, books, etc.. The concerned Court passes an order directing the prison authorities to allow home food to be given to the respondents. An intimation to this regard is also sent to the concerned jail authorities. The state - petitioner does not implement the said order but seeks a clarification from the concerned court stating that permitting home food to the respondent accused persons would result in chaos as it would be very difficult for the prison authorities to check the quality and safety of the food. In the clarification, the petitioners also disclose the facilities existing in the prisons to meet the dietary requirements of the respondents as provided under the law. The concerned Court then passes the impugned order on the clarification sought by the petitioner, permitting the respondents - accused Nos.1, 11 and 12 to receive home food once a week and in other circumstances as and when advised by the doctor without any clarification. It is this order that rejects the clarification of the petitioner that has driven the state - petitioner to approach this Court in the subject petition.

4. The learned Additional State Public Prosecutor Sri B.N. Jagadeesha representing the State/petitioner would vehemently contend that the Apex Court has clearly directed that no special treatment should be given to any of the accused involved in the subject special case who are now under trial prisoners. He would further submit that by a vague and bald order, the concerned Court has allowed the request of accused Nos. 1, 11 and 12 to get home food once a week. A clarification sought to the said direction is rejected with a stern warning that if it is not implemented, appropriate orders would be passed. Therefore, the State is constrained to file the subject petition, on the score that the accused in the subject case, cannot be given a differential treatment in the light of the judgment of the Apex Court in the case of the accused. He would also place reliance on certain provisions of the Karnataka Prisons & Correctional Services Manual, 2021 which give the prisoners, the right to file complaints against the food served in prisons and also for daily inspection of the food served in the prisons.

5. Per contra, the learned counsel Sri Sunil Kumar representing accused Nos. 11 and 12/ respondents 2 and 3 herein would vehemently refute the submissions of the state/petitioner contending that, though the order is passed long ago on 19-11-2025, it has not yet been implemented. The clarification also is filed at a later point in time. Therefore, the concerned Court has appropriately allowed home food for accused Nos. 1, 11 and 12 on the score that the Doctor has so advised. He seeks to place reliance on the special treatment being given to other under trial prisoners. He would further contend that the law provides that in certain circumstances home cooked food can be given and what is now ordered to be given is only that, once a week. Therefore, it is understandable as to why the State must be aggrieved by this order.

6. The learned Additional State Public Prosecutor would refute the submissions of the respondents in contending that the only person who was given home cooked food was on the advise or prescription of a doctor in Crime No.621 of 2024. Even that is now withdrawn. No special treatment is given to any of the inmates, be it under trials or convicts. A circular is issued by the Director

General of Prisons directing that no differential treatment should be given to any person.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record. In furtherance whereof, the only issue that arises for consideration in this case is, **whether an under trial prisoner is entitled to get home food and if so, under what circumstance?**

8. The afore-narrated facts, dates or link in the chain of events, all lie in a narrow compass at this juncture. Before embarking upon consideration of the subject issue on its merit, I deem it appropriate to notice the statutory frame work that governs or regulates food in the prison. The enactments that are required to be noticed are the Prisons Act, 1894 ('the 1894 Act' for short); Karnataka Prisons Act, 1963; Karnataka Prisons Rules, 1974; and Karnataka Prisons and Correctional Services Manual, 2021. The issue in the *lis* revolves round the aforesaid enactments. Let me first consider the central legislation, the Prisons Act, 1894.

8.1. Chapter-VI of the 1894 Act deals with food, clothing and bedding of civil and unconvicted criminal prisoners. Sections 31, 32 and 33 are germane to be noticed. They read as under:

**"CHAPTER VI
FOOD, CLOTHING AND BEDDING OF CIVIL AND
UNCONVICTED CRIMINAL PRISONERS**

31. Maintenance of certain prisoners from private sources.—A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, but subject to examination and to such rules as may be approved by the Inspector General.

32. Restriction on transfer of food and clothing between certain prisoners.—No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner; and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

33. Supply of clothing and bedding to civil and unconvicted criminal prisoners.—(1) Every civil prisoner and unconvicted prisoner unable to provide himself with sufficient clothing and bedding shall be supplied by the Superintendent with such clothing and bedding as may be necessary.

(2) When any civil prisoner has been committed to prison in execution of a decree in favour of a private person, such person, or his representative, shall, within forty-eight hours after the receipt by him of a demand in writing, pay to the Superintendent the cost of the clothing and bedding so supplied

to the prisoner; and in default of such payment the prisoner may be released.”

Section 31 of the 1894 Act deals with maintenance of certain prisoners from private sources. Food, clothing and bedding would be permitted to unconvicted criminal prisoner from private sources at proper hours subject to examination and rules as may be approved by the Inspector General of Police. Sections 32 and 33 of the 1894 Act deal with restriction on transfer of food and clothing between the prisoners.

8.2. The next enactment is, the Karnataka Prisons Act, 1963 (hereinafter referred to as 'the Act' for short). Sections 30, 31 and 32 of Chapter VI of the Act deal with food, clothing and bedding of unconvicted criminal prisoners. It is in *pari-materia* with the 1894 Act which is the Central Act. Therefore, no explanation is required.

8.3. The State Government invoking its power under the Act has notified certain Rules called the Karnataka Prisons Rules, 1974 (hereinafter referred to as 'the Rules' for short). Rule 2 deals with the definitions. Rule 2(j) of the Rules reads as follows:

"2. Definitions:.....

- (j) **"Under trial prisoner"** means a person who has been committed to prison custody pending investigation or trial by a competent authority."

Rule 6 of the Rules is also germane to be noticed. It reads as follows:

"6. Medical Officer: -(1) The Medical Officer shall maintain a register in the prescribed form No. 1 in which he shall record every visit paid to the prison or a portion thereof, the classes of prisoners visited the number of prisoners in the hospital and any other matter which he considers should be brought to the notice of the Superintendent **especially (1) any defect in the food, clothing and bedding or in the cleanliness, drainage, sanitation, water supply which the Medical Officer considers injurious to the health together with suggestions for the remedy of such defects.**

(2) any occurrence of importance connected with hospital administration, any marked increase in the number of in or out-patients and apparent causes for the same.

(3) any observations or recommendations regarding individual prisoners (2) The register referred to in sub-rule (1) shall be sent daily or more often, if necessary, to the Superintendent who shall take such action thereon as he deems necessary."

Rule 2(j) of the Rules defines an under trial prisoner as a person who has been committed to prison custody pending investigation or trial by a competent authority. Rule 6 states that it is the responsibility of the Medical Officer to bring to the notice of the Superintendent any defect in food, clothing and bedding or in the cleanliness in the prison. Rules 17, 81 and 83 read as follows:

"17. Classes of prisoners: - (1) Under trial prisoners shall be divided into two classes, namely special and ordinary class.

(2) Convicted prisoners shall be divided into three classes namely (1) A class, (2) B class, (3) C class.

...

...

...

CHAPTER XII

Dietary

81. Prisoners to receive diet according to scale: -

(1) Every prisoner shall be entitled to received daily at prescribed time food according to the scale prescribed for the class to which he belongs **unless he is permitted by rules to receive the food from private sources.**

(2) A convict sentenced to rigorous imprisonment who refuses to work shall be given food on the non-Labouring scale, irrespective of any other punishments that may be awarded.

(3) The State Government may at any time by order vary either temporarily or permanently subject to such conditions as it may think fit, the scales laid down in this chapter.

...

...

...

83. Class of diet: - In the different classes of diet there will be change only in the cereals, the other articles being the same Cereals are as follows:-

...

...

...

Scale No.II Diet for Class I under trial prisoners

Rice----460 grams

Wheat-----115 grams

Dhall-----140 on mutton days non-vegetarian get 85 grams dhal.

Tamarind -----15

Curry power -----22 on mutton days non-vegetarian get 15

grams.

Onion-----15

Oil-----30

Salt----30

Vegetables ---- 230 on mutton days non vegetarians get 115 grams.

Mutton without bones---- 115 Twice in a week as per
Circular No. ADM /KPR/Diet/76, dated 6th February 1976.
Ghee-30.
Tea or Coffee ----15
Sugar-----7
Milk for Tea or Coffee---140
Garlic-----1
Fuel-----900
Milk for butter milk or curds---115

For garam masala ingredient on mutton days 10 paise per head.

On non Mutton days non-vegetarians to be given besan flour 60
grams jaggery 60 grams and oil 28 grams.

...

**Scale No.III Scale of Diet for C class and Class II
under Trial Prisoners**

Articles		Labouring Grams	Non-Labouring Grams
Rice	--	170	170
Ragi or Jola	--	515	400
Dhal	--	170	170
Vegetable	--	170	170
Onions	--	15	15
Oil	--	10	10
Salt	--	30	30
Tamarind	--	8	8
Curry power	--	8	8
Milk	--	60	60
Mutton without bone once a week		115	115
Jaggery	--	30	30
Garlic	--	1	1
Firewood	--	900	900
Mutton without bones to be issued one day in a week			

On mutton days non-vegetarians are allowed 6 paise per head for garam masala. The vegetarian prisoners shall be supplied with the following articles on the day. On which mutton is issued to non-vegetarians.

1. Besan (Grain Flour)	--	60 grams
2. Jaggery	--	60grams
3. Oil	--	30grams

This should be issued in the form of ball after frying besan with oil and mixing it with hot jaggery solution.

In the scale II and III vegetables shall be issued in the form of potatoes one day in a week. Equal to half the scale of vegetables composition of curry powder shall be in the following proportion.

Chilies	--	450 grams
Coriander	--	360 grams
Turmeric	--	30
Cumin seed	--	30
Black papper	--	90
Poppy seeds	--	30grams
Vandian seed	--	30
Mustard	--	30
Karibeva leaves	--	30
Asafoetida	--	15 grams

The allowance of fuel provided in the scale is the maximum. Consumption of fuel should be reduced to 790 grams per prisoner in prisons where population is more than 200.

25. Per cent of vegetables shall be in form of greens and other seasonal vegetables may be issued by rotation. The quantity of dhal in table No. III shall be issued in the form of tur dhal 50 percent the other 50 per cent in the form of grams and pulses like green gram, Bengal gram, halasanda and ballar dhal by rotation. Masur dhal or channangi dhal shall not be issued."

Rule 17 divides classes of prisoners. Under trial prisoners are divided into two classes i.e., special and ordinary class. Convicted prisoners are divided in 'A' class, 'B' class and 'C' class. Rule 81 deals with diet. The prisoners would receive diet according to the

scale. In terms of Rule 81 every prisoner shall be entitled to receive daily, at the prescribed time food, according to the scale prescribed, unless he is permitted by Rules to receive food from private sources. The class of diet is dealt under Rule 83. Rule 83 provides two scales for under trial prisoners i.e., Scale-II diet for Class-I under trial prisoners and Scale-III diet for Class-II under trial prisoners. Rules 84, 87 and 90 read as follows:

84. Control of hospital diet: - The diet of a prisoner in a hospital is entirely under the control of Medical Officer who may at his discretion order extra provision for any prisoner. Such an order shall, be duly entered in the sick register and Medical Officer's Journal and there should be an interval of 30 days for issue of any extra diet.

...

87. Daily inspection of food supplies: - The Superintendent and the Medical Officer shall exercise utmost vigilance in the preparation and distribution of food which should be inspected by them before issue, Such Inspections shall be done both in respect of raw and cooked food.

...

90. Hospital diet: - The following scale of dietary are prescribed for patients in hospitals:-

Scale No. 1 --- Milk diet.
 Scale No. 2 --- Milk and sage diet.
 Scale No. 3 --- Milk and rice diet.
 Scale No.4 --- Ordinary diet.

Scale No.1-----
 Scale No.1--- Milk diet :

Bread	--	340
Milk	--	1,120
Sugar	--	60
Rice	--	60
Salt for conjee	--	4

Scale No. 2—Milk and Sago-----

Sago	--	116
Sugar	--	60
Milk	--	560
Rice	--	60
Salt for conjee	--	4

Scale No.3 Milk and rice diet----

Rice	--	460
Milk	--	1.120
Sugar	--	30

Scale No.4 ----- Ordinary diet-----

Ordinary non-Labouring diet with full quantity of cereals in the form of rice."

Rule 84 deals with control of hospital diet. The diet of a prisoner in the hospital is entirely under the control of Medical Officer who may at his discretion order extra provision for any prisoner. Rule 87 directs Superintendent and the Medical Officer to exercise utmost vigilance in the preparation and distribution of food. Such inspection is to be done in respect of raw and cooked food. Rule 90 provides the scale for the diet prescribed to patients in hospitals.

9. For the purpose of functioning or maintaining diet or every other regulatory measure, the Karnataka Prisons and Correctional Services Manual is introduced as a compendium for jail authorities.

In the said manual clauses 283 and 284 read as follows:

"283. Cooking of food:

Civil prisoners are permitted to cook their own food at such place as the Chief Superintendent or Superintendent of prison may direct and to use their own cooking and eating and drinking vessels.

284. Supply of the food and other articles from outside:

- i. **Civil prisoners may be permitted to purchase or receive food, clothing and bedding, writing materials, books, newspapers or other necessities from private sources subject to the following restrictions;**
 - a) **Such articles shall be examined by the concerned prison officer before being introduced into the prison;**
 - b) **Food cooked outside the Prison shall be allowed only to such prisoners have been specially permitted by the Chief Superintendent or Superintendent of Prison to receive it having regard to their status habits of life and social position after due inspection;**
- ii. All purchases shall be made by or under the orders of the Chief Superintendent or Superintendent of Prison;
- iii. Food and the other articles shall be admitted only between such hours as the Chief Superintendent or Superintendent of Prison may prescribe;
- iv. The Chief Superintendent or Superintendent of Prison may refuse to allow to purchase or receive anything

which he considers to be unnecessary, unsuitable or unduly luxurious.”

Clause 283 permits civil prisoners to cook their own food at such place as the prison authority may direct including use of their own cooking and eating and drinking vessels. Clause 284 deals with supply of food and other articles from outside. Food cooked outside the prison is to be allowed to such civil prisoners who have been specifically permitted having regard to their status, habits of life and social position after due inspection. Clauses 318, 321, 322, 323, 332 to 345 read as follows:

“318. Scale of Diet;

- i. Scales of diet admissible to various categories of prisoners are given in Karnataka Prison Rules 1974, subject to the modifications by the Government from time to time.
- ii. An average man requires approximately 2,000 to 2,400 calories per day. A person who does heavy work requires not less than 2,800 calories per day;
- iii. Convict night watchman shall receive the same diet scale as of convicts of their class.

....

321. Power to sanction change in diet;

No change in the prescribed diet scales of various categories of prisoners shall be made without the sanction of Government. But the diet of individual prisoner may be modified on the recommendation of the Medical Officer.

322. Extra diet;

- i. **Extra diet or modified diet may be issued by the Medical Officer at his/her discretion on medical grounds. Such extra diet or modified diet prescribed to prisoners shall be entered in the sick register and an order to this effect shall also be made by the Medical Officer in his/her journal.**
- ii. **Extra diet or modified diet issued to prisoners on Medical grounds shall not be ordered beyond a period of 30 days at a time;**
- iii. No reduction or alteration in the prescribed diet and scales shall be made except under special circumstances. **If, on the recommendation of the Medical Officer, the Chief Superintendent or Superintendent of Prison considers the prescribed diet to be unsuitable or insufficient for a prisoner for reasons of his health or his peculiar mode of living, he may order, in writing, a special diet, or add extra calories in the diet of such a prisoner.**

323. Food ration;

- i. Every prisoner shall have three meals a day according to the scales prescribed by the Government from time to time,
- ii. A light meal (Breakfast) in the morning before the hour of work between 7:15 a.m. to 8:30 a.m.
- iii. A mid day meal in afternoon between 11:00 a.m. to 11:30 a.m.;
- iv. An evening meal before prisoners are locked up for the night between 5.15 p.m. to 5:45 p.m.

324. Instruction for ingredients;

...
 325. **Cleaning, storage and issue of food items;**
 ...

326. **Food to be cooked in the main kitchen;**

...
 327. **Cooks;**

...
 328. **Selection of cooks;**

...
 329. **Duties of Cook;**

...
 330. **Distribution and service of food;**
 ...

332. **Diet Chart;**

- i. The diet chart of infants and children age between 0-6 months, 6-12 months, 1-3 years and 3-6 years shall be provided as per existing diet chart, subject to the modifications from the Government from time to time.
- ii. Additional diet chart shall be provided for all pregnant and lactating women prisoners as per existing diet chart, subject to the modifications from the Government from time to time.
- iii. **The diet chart of different types of breakfast from Monday to Sunday for all prisoners shall be provided as per existing diet chart, subject to the modifications from the Government from time to time.**
- iv. **All the prisoners shall be provided early morning breakfast with Coffee or Tea as per existing diet chart, subject to the modifications from the Government from time to time.**
- v. **The diet chart of mid-day meals and evening meals for labour and non-labouring adult prisoners of respective Ragi, Wheat, Rice and Jower diet shall be provided as per existing diet chart, subject to the**

modifications from the Government from time to time.

- vi. All non-vegetarian prisoners shall be provided male sheep boneless mutton meals and chicken weekly once in every first Friday of the month is mutton and second week of Friday is chicken and similarly third week of Friday mutton, fourth week of Friday is chicken and cycle will continue as per existing diet chart, subject to the modifications from the Government from time to time.**
- vii. The coastal districts prisons of Uttar Kannada, Dakshin Kannada and Udupi, prisoners are provided with every first Friday of the month is mutton and second week of Friday is Fish and similarly third week of Friday mutton, fourth week of Friday is fish and cycle will continue as per existing diet chart, subject to the modifications from the Government from time to time.**
- viii. The vegetarian prisoners shall provide with Sweets as per required special ingredients as per existing diet chart, subject to the modifications from the Government from time to time.**
- ix. All the prisoners shall provide with boiled egg for non-vegetarians or Banana for vegetarians once in a week on every Tuesday during evening meals as per existing diet chart, subject to the modifications from the Government from time to time.**
- x. All the prisoners shall be provided special feeding for special days (Festivals) as per existing special feeding diet chart, subject to the modifications from the Government from time to time.**
- xi. Boiled water may be provided for prisoners on the recommendation of Prison medical officer/visiting medical officer of the District hospital;**

- xii. Class-A and Class-B prisoners diet will be given as per the Karnataka Prison Rules 1974; subject to the modifications from the Government from time to time.

333. Fuel Consumption Chart;

... ..

334. Milk and butter milk;

- i. Milk at 60 ml. is to be issued to each prisoner daily. For this purpose milk should be converted into curds and butter milk prepared after adding water in the proportion of 1:3 and distributed to the prisoners at 200 ml. each at the time of morning or evening meals;
- ii. Special care shall be taken with articles such as milk that can easily be adulterated or stolen. Fresh milk shall be used wherever it can be obtained in preference to toned milk. Milk shall be frequently tested to ensure that it is pure. If the specific gravity of the milk supplied is below 1,025, the milk should not be accepted;
- iii. Milk shall be stored in properly cleaned vessels and in well-ventilated place. Milk shall be issued to prisoners on special/medical diet only after boiling. Boiling should be done in the hospital enclosure under the supervision of a responsible officer who shall be responsible for its proper usage from the time it is obtained till its final distribution;
- iv. In preparing curds no water should be mixed with the milk before boiling.

335. Daily inspection of food;

The Chief Superintendent or Superintendent of Prison and Medical Officer shall exercise utmost vigilance in the supervision of the food supplies and all articles issued for consumption shall be inspected daily by the Medical Officer or in his absence by his medical subordinates. The inspecting officer shall especially see that the vegetables issued are of good quality. He shall bring to the notice of the Chief Superintendent/Superintendent of prison any defects in quality detected during such inspections;

336. Inspection of cooked food;

It is highly important that the food is properly cooked and that it reaches the prisoners in prescribed quantities. Once a week, when the food is cooked and is ready for being served, it shall be inspected without prior notice and its quality and weight shall be checked by the Chief Superintendent/Superintendent of prison and the Medical Officer. They shall record the result of their inspection in their journal.

337. Fasting Days;

... ..

338. Hospital diet;

Prisoners shall be provided with hospital diet on the advice of medical officer as and when required as per prescribed in Karnataka Prison Rules 1974, subject to the modifications from the Government from time to time.

339. All cooked food should be kept covered until it is distributed;

... ..

340. Complaint about food;

Any complaint regarding food shall be enquired into on the spot by the concerned prison officer. He shall decide whether the complaint is well founded or not and then take necessary action. Every complaint regarding food shall be reported to the Chief Superintendent/ Superintendent of prison. If the complaint is valid and is due to the fault of any prison official/staff, the Chief Superintendent or Superintendent of prison shall take such action as he deems fit and shall record his orders. Any prisoner making false or malicious complaints shall be punished;

341. Disposal of complaint by prisoner;

If any complaint is made by a prisoner regarding the quantity, quality, and preparation of food, it shall be at once inquired by the in-charge officer of the

kitchen and made note of in his report book. If the complaint relates to the quantity of food received, the ration shall at once be weighed in front of the prisoner making such complaint.

342. **Requirements of pregnant and nursing women;**

...
343. **Power to sanction change in diet;**

...
344. **Control of hospital diet;**

The control of diet of a prisoner in hospital shall be the responsibility of the Medical Officer and he may order such extras, as he considers necessary, while doing so he shall also keep in mind the costs involved which should not be excessive.

345. **Food from Outside;**

Food, Clothing, bedding, writing materials, books, newspaper and others necessities from outside the Prison shall be regulated as per the section 30, 31 and 32 of the Karnataka Prison Act 1963."

The clauses afore-quoted deal with dietary consumption of prisoners. Clause 321 states that the diet sanctioned as per the scales of various categories of prisoners can be modified for an individual prisoner on the recommendation of the Medical Officer. Clause 322 permits extra diet or modified diet by the Medical Officer at his discretion on medical grounds. Such diet or modified diet prescribed to prisoners shall be entered in a sick register and an order thereof shall be made by the Medical Officer. Clauses 335 and 336 provide for the inspection of the food supplies, cooked food

and other articles issued for consumption by the prisoners by the Medical Officer and the Chief Superintendent/Superintendent of prison. Clauses 340 and 341 provide for a mechanism to deal with complaints from prisoners regarding the food served to them in the prison. Every such complaint is required to be reported to the Chief Superintendent/Superintendent of Prison who shall then take the necessary actions as required and a note of such complaints is to be made in the report book. Clause 345 deals with providing food, clothing, bedding and other necessities from outside the prison, subject to the regulations under Sections 30, 31 and 32 of the Act. Chapter 26 deals with women prisoners. Clauses 433, 459, 460, 461, 462 and 474 read as follows:

**"CHAPTER - 26
Women Prisoners**

.....

433. Statutory provision;

- i. Under Section 26 of The Karnataka Prisons Act, 1963, in the prisons confining women as well as men prisoners, women prisoners shall be confined in a separate building or separate enclosure of the same building so as to prevent any connection with men prisoners;
- ii. Under section 26(3) of The Karnataka Prisons Act, 1963, unconvinced criminal women prisoners shall be kept separated from convicted women prisoners.

.....

459. Sending of cooked food to the women enclosure;

Cooked food shall be brought to the women enclosure by convict

cooks accompanied by a prison staff and placed outside the enclosure gate from where it shall be taken inside by the women prison staff or women prisoners.

460. Diet;

- i. Management of kitchen or cooking food on caste or religious basis should be totally banned in prisons for women;
- ii. Adequate and nutritious diet should be given to nursing women and to children accompanying women prisoners;
- iii. **Food articles should be of a good quality;**
- iv. Pregnant and nursing women prisoners should be prescribed a special diet;
- v. Women prisoners should get special diet on festivals and national days, as may be specified by the government from time to time;
- vi. **Medical Officer should ensure that food is cooked under hygienic conditions and is nutritious;**
- vii. Some women staff should be given special training in management of diet and kitchen and such trained staff should supervise the kitchens and cooking in prisons for women;
- viii. **Chief Superintendent or Superintendent of Prison or senior officer, must supervise every aspect of the prison diet system, that is issue of rations, management of kitchen and distribution of food;**
- ix. There should be a separate kitchen for women prisoners if necessary;
- x. Women prisoners should not be allowed to have their own mini kitchens inside the prison barracks;
- xi. Clean drinking water should be supplied to prisoners and it should be tested periodically.

**461. Woman Prisoner to receive diet according to scale;
Every women prisoner shall be entitled to receive every day food at prescribed times and according to the scale laid down.**

462. Special or extra diet on medical grounds;

- i. **Where the woman medical officer, for reasons of health, considers the prescribed diet to be unsuitable or insufficient for a women prisoner or her child, she may order in writing a special diet or extra diet, for a**

specific period of time. Special consideration shall be given in this regard to pregnant/nursing prisoners;_

- ii. Rules relating to diet of prisoners, those on specific medical advice for expectant and nursing mother or and infants and children, shall be scrupulously observed.

.....

474. Medical Facilities;

Women prisoners suffering from mental disorders, anxiety, drug addiction or sex perversion should get proper medical treatment and psychotherapy."

Clauses 460 to 462 deal with the diet to be served to women prisoners. Clause 461 states that such diet should be provided to women prisoners according to the scale and Clause 462 provides for extra diet for women prisoners on medical grounds. Chapter 38 deals with under trial prisoners. Clauses 711, 712 and 713, 728 and 730 of Chapter 38 which deals with under trial prisoners are germane to be noticed. They read as follows:

"CHAPTER - 38
Under trial Prisoners

711. Statutory Provision;

Under trial prisoners (UTPs) shall be separated from convicted prisoners.

712. Classification of Under Trial prisoners;

...

...

...

713. Admission:

...

...

...

- iv. If an under trial prisoner has not been in the prison previously, it is the duty of the police or the military

escort officer to see that the under trial prisoner is given food before he is taken to the prison, if he is likely to arrive there too late for the prison meal. If the police or military escort reports that the under trial prisoner has not been supplied with food, prison authorities should make necessary arrangements for the issue of food to him. In case the under trial prisoner is admitted after the prison meals have been served, or after lock-up, food stuff like parched rice, parched gram, groundnuts, prison meals if available etc., should be issued to him as per prescribed scale; being escorted;

... ..

728. Clothing and Bedding;

- i. Under trial prisoners other than those for murder, shall be permitted to retain their own clothing, bedding, foot wear and eating and drinking vessels like plates, spoons, cups and religious emblems.
- ii. But all the money, jewellery and other articles shall be taken possession of by the in-charge officer who shall endorse a list of the same in the under-trial register. The list shall be signed by the prisoner and signed by the Chief Superintendent or Superintendent of Prison.
- iii. The Papers and documents etc., which helps the prisoner in his defense, may be left with him.
- iv. Private articles bearing marks or symbols of political affiliations and Khaki Uniforms shall not be allowed to be kept or used by under trial prisoners;
- v. The Prison clothing will be as prescribed rules;
- vi. Where under trial prisoners are inadequately clad or are unable to obtain clothing and bedding from outside, suitable clothing and bedding different from the Prison clothing and bedding shall be provided by the Chief Superintendent or Superintendent of Prison. They can also supplement at their expenses the clothing and bedding supplied by the prison authorities;

... ..

730. Prison Food;

Under trial prisoners who are unable to supply themselves or who are not supplied by their relatives or friends, with food shall receive prison rations and it shall be cooked in the central kitchen only as per the scales laid down."

Clause 730 states that under trial prisoners who are unable to supply themselves with food on their own or from relatives or friends shall receive rations and such food should be cooked in the central kitchen as per the scales laid down. Chapter-44 deals with medical administration. Clauses 828, 830, 831, 837 to 840 read as follows:

**"CHAPTER - 44
Medical Administration**

828. Statutory Provision;

- i. Under Section 12 of The Karnataka Prisons Act, 1963, subject to the Control of the Chief Superintendent/Superintendent of Prison, the Medical Officer shall have charge of the sanitary and health administration of the Prison.**
- ii. As per Section 36 of The Karnataka Prisons Act, 1963, provides for arrangements for the sick prisoners to see the medical officer.
- iii. As per Section 38 of The Karnataka Prisons Act, 1963, in every prison a hospital or proper place for reception of sick prisoners shall be provided.
- iv. Section 37 of The Karnataka Prisons Act, 1963, requires that all directions by the Medical Officer**

shall be recorded and the in-charge officer to make an entry of their compliance or otherwise.

... ..

830. Examination of prisoners complaining of illness;

- i. Every prisoner complaining of illness, or appearing to be ill, shall be sent to the prison hospital for immediate examination and further treatment by the Chief Medical Officer (CMO) or Medical Officer, in his absence, by the Medical subordinate;
- ii. On the advice of the CMO or Medical Officer, the Chief Superintendent or Superintendent of Prison may transfer any sick prisoner for further treatment to the nearest public or private hospital where the patient could be properly treated for further treatment.

831. Medical treatment of sick prisoners;

Every prisoner suffering from any active disease shall be brought under medical treatment, either as an out-patient or an in-door patient, and his name shall be recorded in the prescribed in-patient or out-patient register.

... ..

837. Diet of prisoner in Hospital;

The diet of prisoners in hospital shall be entirely under the control of the Chief Medical Officer or Medical Officer who may either keep the prisoner on the ordinary prison diet, or may place him on one of the regular hospital diets, or may order any modifications of the prison or hospital diet, or may prescribe extra diet he may think necessary, according to the scales of diet prescribed, if any, under the rules.

838. Indent for hospital diet;

An indent showing the number of hospital diet and extras required, shall be sent not later than by 9 a.m. every day to the Officer-in charge of ration and care shall be taken that diet and extras reach the prisoners promptly. Emergent indents, in cases of

urgency, may be sent at any hour of the day. This shall be generally avoided except in cases of extreme urgency.

839. Preparation of hospital diets;
Hospital diets requiring special preparation shall be cooked in the hospital kitchen if required with the permission of Chief Superintendent or Superintendent of Prison, and the Medical Officer shall examine the diet frequently and satisfy him by weighing that the full quantities of the prescribed articles are present, and are well cooked.

840. Precaution regarding milk;
 Special care shall be taken with articles such as milk that can easily be adulterated or stolen. Fresh milk shall be used, wherever it can be obtained, in preference to tinned milk. Milk shall be frequently tested to ensure that it is pure. If the specific gravity of the milk supplied is below 1,025 the milk should not be accepted."

Clauses 837, 838 and 839 provide for the diet of prisoners in hospitals which shall be under the control of the Medical Officer or Chief Medical Officer. The afore-quoted is the statutory landscape of the entitlement of an under trial prisoner to get food including home food and food as per the prescribed medical diets, *albeit*, in certain circumstances. The aforesaid provisions are applicable to both the under trial prisoners and the prison authorities and must be strictly followed.

10. As observed hereinabove, Sections 31 and 32 of the 1894 Act are *pari-materia* to Sections 30 and 31 of the Act. In light of the statutory landscape as discussed hereinabove, it becomes apposite to refer to the judicial pronouncements on the issue of providing home food to prisoners.

10.1. The Apex Court in the case of **L.MURUGANANTHAM v. STATE OF TAMIL NADU**¹, while discussing the rights of disabled prisoners observes as follows:

....

22. While it is evident that the appellant did not receive certain medical and dietary facilities appropriate to his condition during incarceration, the records indicate that he remained in the prison hospital throughout and was provided with some special amenities recognising his disability. **The absence of specific provisions, such as protein-rich food or specialised medical interventions appears to stem from institutional limitations within the prison system rather than from any deliberate neglect or malice on the part of the prison authorities. Hence, these shortcomings do not amount, *per se*, to a violation of human rights attributable to the jail authorities.**

23. The appellant specifically contended that he was not provided with adequate protein-rich food, such as eggs, chicken and nuts, on a daily basis. **While persons with disabilities constitute a particularly vulnerable class and are entitled to reasonable accommodations under domestic law and international conventions, the mere non-supply of**

¹ (2025) 10 SCC 401

preferred or costly food items cannot *ipso facto* be treated as a violation of fundamental rights. The right to life under Article 21 of the Constitution undoubtedly extends to all prisoners, including those with disabilities. However, this does not confer a right to demand personalised or luxurious food choices. The State's obligation is to ensure that every inmate, including those with disabilities, receives adequate, nutritious, and medically appropriate food, subject to medical certification.

24. Prisons are correctional institutions—not extensions of civil society's comforts. **The non-supply of non-essential or indulgent items does not amount to a constitutional or human rights violation unless it results in demonstrable harm to health or dignity.** Considering the nature of the appellant's disability (assessed at 80%), the progressive deterioration of his health during custody, and the ongoing treatment he requires, the High Court was justified in enhancing the compensation from Rs 1,00,000 to Rs 5,00,000. We find this amount to be fair, just, and reasonable in the facts and circumstances of the case, and therefore, see no reason to interfere with the same."

The Apex Court holds that in the absence of specific provision such as protein rich food or specialised medical interventions within the prison system are due to institutional limitations within the prison system and not from any deliberate neglect or malice on the part of the prison authorities and this would not become *per se* a violation of human rights attributable to the jail authorities. Non-supply of non-essential or indulgent items does not amount to a constitutional or human rights violation, unless it results in

demonstrable harm to health or dignity. Further, the only obligation of the State is to ensure that every inmate, including those with disabilities, receives adequate, nutritious, and medically appropriate food, subject to medical certification.

10.2. A co-ordinate Bench of this Court in **ABDUL KAREEMMAL TELGI v. STATE OF KARNATAKA**² has held as follows:

"....

18. On careful reading of the above averments made by the petitioner himself in his said application, which is written by him only, it could be seen that he is not suffering from any health problem inside the prison by reason of not getting either "homely food" from any source or "home food" from his home. Besides this, the Trial Court has observed in its impugned order that the provisions of Section 30 of the Prisons Act do not provide for supply of food from outside the prison to a convicted prisoner. The Trial Court has extracted in its impugned order Section 30 of the Prisons Act. It reads as under:

"30. Maintenance of certain prisoners from private sources.—A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours food, clothing, bedding or writing materials, books, newspapers or other necessities, subject to examination and to such regulations as may be approved by the Inspector General".

19. Referring to the above provisions, Sri Shankarappa, the learned Counsel for the revision petitioner-accused strongly

² 2009 SCC OnLine Kar.492

contended that the words 'unconvicted prisoner' cannot be held to mean the person who is detained in the prison for facing his trial though he is convicted by a Court, other than the Trial Court, in a different case, and therefore, the view taken by the Trial Court that the petitioner-accused is not entitled to the service of food from his home is erroneous. He further submitted that though the petitioner has been convicted in other cases, the fact remains that he is still 'under trial prisoner in connection with SC No. 9 of 2001' in which case he is being tried by the Trial Court and therefore his detention in connection with the said case cannot be held to be as that of a 'convicted prisoner'.

20. *Per contra*, the learned Senior Special Public Prosecutor representing the respondent-CBI strongly contended that the words 'unconvicted prisoner' clearly indicate that the prisoner should not have been convicted in any case, by any Court, and therefore, since the revision petitioner-accused has been convicted for various offences by different Courts in the States of Karnataka and Maharashtra, he cannot be termed as 'unconvicted prisoner' so as to get the benefit of provisions of the Section 30 of the Prisons Act.

21. It is not in dispute that the revision petitioner-accused has been convicted for various offences under IPC and other enactments by the Special Court at Pune and also the Special Court at Bangalore. It is also not in dispute that the presence of this petitioner has been secured in SC No. 9 of 2001 by issuing body warrant against him as he was detained in Central Jail at Yerawada, by reason of his conviction by the Special Court at Pune, in Special Case No. 2 of 2003. This being so, I am of the considered opinion that the detention of this revision petitioner-accused for the purpose of trial in the said sessions case, cannot be termed as that of an 'unconvicted prisoner' ??? to extend him the benefit of Section 30 of the Prisons Act. **Therefore, I hold that the Trial Court did not commit any error in recording its findings that the revision petitioner-accused cannot be termed as 'unconvicted prisoner' so as to seek the benefit of Section 30 of the Prisons Act. Lastly the learned Counsel for the revision petitioner strongly contended that the words 'unconvicted prisoner' is not defined in any dictionary and therefore it should be understood to mean 'under trial**

prisoner' in connection with SC No. 9 of 2001 in which he is facing trial. This contention cannot be accepted for the reason that, as observed by me supra, though he is still facing trial in the said sessions case, in view of his conviction by the Special Court at Pune and also by the Special Court at Bangalore, he lost the character of an under-trial prisoner."

The co-ordinate Bench holds that an under trial prisoner who was previously convicted in another crime and is serving sentence for the said crime cannot seek the benefit of home food under Section 30 of the Act.

10.3. A little earlier to the afore-quoted judgment, the High Court of Bombay in **ASGAR YUSUF MUKADAM v. STATE OF MAHARASHTRA**³ has held as follows:

"....

29. It is to be remembered that, as rightly submitted by the learned Advocate for the petitioners, the cardinal principles of criminal jurisprudence is that a person accused of an offence is deemed to be innocent until he is proved guilty. The provision of law, as they stand comprised, under Section 167 of the Code of Criminal Procedure, therefore, discloses implicit power in favour of the Magistrates and the Courts before whom the accused is produced for remand or continuation of detention of the accused in custody, to order the facility of home food on being requested for by such accused and on being satisfied about the need for grant of such facility. **Undoubtedly, the respondents would be entitled to take appropriate steps to ensure that the drugs, messages, weapons, etc. are not transported inside the jail under the guise of supplying home food to the under-trials, and, in case, any such mischief is brought to the notice of the Court, nothing would prevent the Court or the Magistrate either to refuse such facility or even to recall the order already**

³ 2004 SCC OnLine Bom.1221

passed granting such facility, albeit, after hearing the concerned accused and in extreme urgency, even ex parte subject to confirmation after hearing the accused.

30. The view that we are taking in the matter and bearing in mind the practice which is followed by the Courts below in the matter of grant of facility of home food to the under-trial prisoners whenever asked for and reasons to be recorded, the contention that the power to order facility of home food was exercised by the Courts below in terms of the unamended Sections 31 and 32 is to be held as totally devoid of substance. Those provisions do not deal with the powers of the Magistrate or the trial Courts. Those are the powers which are given to the Jail Administrative Authorities, and similar is a situation in relation to the amended provisions of law. The power to order home food vests in the Magistrate or the trial Court under Section 167 of the Code of Criminal Procedure and the same is not controlled by virtue of Sections 31 and 32 of the Prisons Act, 1894. In this view of the matter, it is not necessary to deal with the issue of vires of the amended Sections 31 and 32 of the said Act sought to be raised by the petitioner. Suffice to observe that the petitioners are entitled to move before the concerned trial Court, and if such application is filed, the concerned Court should pass an appropriate order in that regard considering the facts and circumstances of the case."

In the afore-quoted judgment the High Court of Bombay, observes that the power to order home food vests in the Magistrate or the trial Court under Section 167 of the Cr.P.C. and the same is not controlled by virtue of Sections 31 and 32 of the 1894 Act.

10.4. Again, the High court of Bombay in **STATE OF MAHARASHTRA v. VIKRAMSINH DATTUSINH CHAUHAN**⁴ has held as follows:

"....

7. The point argued about the authority to permit such home food is no more *res integra* in view of the judgment of the Division Bench of the Principal Seat of this Court in *Asgar Yusuf Mukadam v. State of Maharashtra*, 2004 Cri LJ 4312 wherein in paras 21, 23, 27 & 28 it is held as under:

21. The food is necessary for the survival of human being, and being so, the Magistrate who is required to get himself satisfied about the existence of adequate grounds for continuation of detention of the accused in custody is obviously empowered to grant the facility of home food to the under-trial while he is in custody, albeit which could be subject to conditions and bearing in mind the facts and circumstances of each case.

23. It is not only the power of the Magistrate and the Court but it should be their endeavour to ascertain through the executing agency the availability of basic needs to the person to be detained in the custody. The same is implicit in the power to order detention and it would include passing of an appropriate order in relation to such basic needs to the under-trials detained in jail, as and when occasion arises. **Undoubtedly, the order has to be a speaking order disclosing the grounds for ordering the facility in relation to the basic needs otherwise than in the manner provided in the jail by its authorities. Being so, whenever an application is filed by an under-trial prisoner for grant of facility for home food, the Magistrate will have power to pass an appropriate order on such application after hearing the authorities and giving reasons for grant of such facility to such person. This power is implicit in the power to order detention or continuation of detention of the**

⁴ 2017 SCC OnLine Bom.9017

accused in custody either at the time of investigation or on filing of the charge sheet on conclusion of the investigation and till the disposal of the trial.

27. It is to be remembered that, as rightly submitted by the learned advocate for the petitioners, the cardinal principles of criminal jurisprudence is that a person accused of an offence is deemed to be innocent until he is proved guilty. The provision of law, as they stand comprised, under Section 167 of the Code of Criminal Procedure, therefore, discloses implicit power in favour of the Magistrates and the Courts before whom the accused is produced for remand or continuation of detention of the accused in custody, to order the facility of home food on being requested for by such accused and on being satisfied about the need for grant of such facility. Undoubtedly, the respondents would be entitled to take appropriate steps to ensure that the drugs, messages, weapons, etc. are not transported inside the jail under the guise of supplying home food to the under-trials, and, in case, any such mischief is brought to the notice of the Court, nothing would prevent the Court or the Magistrate either to defuse such facility or even to recall the order already passed granting such facility, albeit, after hearing the concerned accused and in extreme urgency, even *ex parte* subject to confirmation after hearing the accused.

28. The power to order home food vests in the Magistrate or the trial Court under Section 167 of the Code of Criminal Procedure and the same is not controlled by virtue of Sections 31 and 32 of the Prisons Act, 1894. In this view of the matter, it is not necessary to deal with the issue of vires of the amended Sections 31 and 32 of the said Act sought to be raised by the petitioner. Suffice to observe that the petitioners are entitled to move before the concerned trial Court, and if such application is filed, the concerned Court should pass an appropriate order in that regard considering the facts and circumstances of the case.

8. Thus, the Sessions Judge had every power to permit home food to the respondent in appropriate cases. He has referred to the medical evidence and was satisfied about necessity to grant such permission. In the writ jurisdiction, it

will not be proper to consider the merits and demerits of the findings in this regard. The petition, therefore, deserves to be dismissed in limine and is accordingly dismissed."

In the afore-quoted case, in the order granting permission for home food, the magistrate accords such permission only upon satisfaction of such necessity after referring to the medical evidence submitted before the Court. Therefore, the High Court of Bombay upholds the order of the magistrate noting that in writ jurisdiction, the High Court cannot consider the merits and demerits of such orders.

10.5. The High Court of Gujarat, considering the concerned Prison Act of the State as well as the 1894 Act in **SURESH JUGALKISHORE v. SUPERINTENDENT, CENTRAL PRISONS**⁵, has held as follows:

"....

6. The Prisons Act applies to all prisoners including under-trial prisoners, i.e. a criminal prisoner who is committed to jail custody under the orders of the Court and the provisions of the Prisons Act and Rules made thereunder are applicable to them and they are subject to the routine fixed for all the prisoners including timings. It cannot be said that prescription of such time for under-trial prisoners is in any way unreasonable or violative of Article 21 of the Constitution. **The under-trial prisoners are entitled to have the facility of private tiffins and the food from private sources. However, these meals**

⁵ 1990 SCC OnLine Guj.150

have to be taken according to the rules and regulations of the prison in which the prisoner is committed and, therefore, there is no substance in the contention that fixation of such time schedule and routine for taking meals is violative of Article 21 of the Constitution.”

The High Court of Gujarat in the afore-quoted judgment observes that while under-trial prisoners are entitled to food from private sources, they are still subject to the rules and regulations of the prison in which the prisoner is committed.

10.6. If the statutory landscape and the judicial landscape is considered what would unmistakably emerge is, under trial prisoners do have a right to get home food but such rights are subject to the rules and regulations as applicable. The Apex Court in **MURUGANANTHAM** holds that only if demonstrable harm to health and dignity is shown, supply of non-essential items can be permitted to the prisoners. The shortcomings are not caused due to the neglect or malice on the part of the prison authorities but are instead are due to institutional limitations within the prison systems and the same would not be a violation of human rights attributable to the jail authorities.

11. With this being the statute and the judgments of the Apex Court and that of several High Courts including this Court, it becomes necessary to notice the observations of the Apex Court *qua* these respondents. The Apex Court in **STATE OF KARNATAKA v. DARSHAN**⁶, has held as follows:

"My esteemed brother Justice R. Mahadevan has just pronounced a very erudite judgment. All that I can say in one sentence is that the judgment penned by my esteemed brother is ineffable. The judgment conveys a very strong message that **whoever the accused may be, howsoever big or small the accused may be, he or she is not above the law.** This judgment contains a very strong message that the justice delivery system at any level should ensure at any cost that the Rule of Law is maintained. **No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right; not asked a favor. The need of the hour is to maintain the rule of law at all times.**

2. The day we come to know that the accused persons are provided with some special or five-star treatment within the jail premises, the first step in the process will be to place the jail superintendent under suspension including all other officials involved in such misconduct."

(Emphasis supplied in each instance)

The Apex Court holds that these respondents should not be shown any differential or special treatment. In the teeth of the aforesaid observations and the judgments rendered it becomes necessary to

⁶ 2025 SCC OnLine SC 1702

notice the order impugned. On a particular day i.e., 29-12-2025 the concerned Court passes the following order:

"Case called out. A1, A2, A6, A7, A11, A12 and A14 produced from JC through VC.

A3, A5, A8, A9, A10, A13, A16 present.

A4, A15 and A17 absent. EP filed. Heard and allowed.

Adv for A-1 filed memo with orders copy.

Ld. counsel for A3 filed application u/s.311 of Cr.PC seeking for recall of PW1 for further cross examination.

Ld. SPP orally objected.

Heard. By considering the reasons assigned in the application same is allowed and PW1 is recalled.

PW-1 further cross examined by learned counsel for A-3 and partly cross examined by learned counsel for A-2. Ex.D-8 and Ex.D-9 marked through PW-1.

Learned counsel for A-1 and A-11 and A-12 submitted that, jail authorities not providing proper food to them and prays for allow them to food from their respective home.

As per the jail manual, jail authority bound to allow the home food to un convicted prison. Hence, jail authority is hereby directed to allow the home food to A-1, A-11 and A-12.

The learned counsel for A-2, 11 and A-12 submitted that, there is a delay to approach to Central Jail, Parappana Agrahara, Bengaluru for discussion about case. Hence, prays for issue direction to jail authority to allow them to discussion for tomorrow's cross examination of prosecution witnesses.

Considering oral submission jail authorities is hereby directed to allow the learned counsel for A-2, 11 and 12 for discussion of case with A-2, 11 and 12.

Office is directed to issue intimation to jail authority.

Further cross of PW-1 by A-2 and further cross of PW-2 by 30.12.2025.

A1, A2, A6, A7, A11, A12 and A14 remanded to J.C till 30.12.2025."

The concerned Court notices the complaint of the respondents - accused Nos.1, 11 and 12 of not providing proper food and their prayer for allowing them home food. It is allowed. The State then seeks a clarification to the order. The clarification sought is as follows:

"REQUEST FOR CLARIFICATION OF THE ORDER DATED
30-12-2025

--

1. This Hon'ble Court by way of order dated 30.12.2025 has directed the undersigned to allow home food to be provided to the Accused Nos. 1, 11 and 12. As per Ch.XII of Karnataka Prison Rules, 1974 and Ch.XXI of the Karnataka Prisons & Correctional Services Manual, 2021 the diet requirements for prison inmates are complied with. As per the said Manual, every prisoner in the prison is entitled to receive food as per the scale of diet applicable to various categories of prisoners. Further every prisoner will be provided 3-meals a day according to the scale prescribed by the Government from time to time.

2. At Central Prison, Bengaluru a separate full-fledged kitchen is existing for cooking to all the prisoners in the prison. Further it is hereby submitted that everyday food is prepared for

an average of 4800 prisoners 3 times (2 meals and one breakfast) a day. The food is being cooked in the hygienic atmosphere, advanced cooking equipment i.e., steam cooking equipment's. Every prisoner is served food at the appropriate timings as per prescribed in the prison manual. Every day prison head and medical officer of the prison inspects food being distributed to the prisoners.

3. There is a separate diet chart which has been adopted in the prison manual as per the Government order No. HD 126 PRA 2014 dated 13-10-2014 and the same is attached herewith. The said diet chart is elaborately prepared and fixed in consultation with CFTRI, Mysuru, Director, University of Agricultural Sciences, Nutrition Department, and Medical Superintendent, Department of Nutrition and Dietetics, Victoria Hospital, Bengaluru. The said diet has also has a provision of various types of breakfast from Monday to Sunday for all prisoners. Non-Vegetarian Meal for Non-Vegetarian prisoners i.e., Mutton on every first, third and fifth Friday of the month, Chicken on the second and fourth Friday of the month. The Vegetarian prisoners are provided sweets as per the required special ingredients as per existing diet chart. All prisoners are provided with boiled egg for non-vegetarian prisoners and banana for vegetarian prisoners once in a week on every Tuesday. Special food on special days (festivals) are also provided as per the scale prescribed.

4. It is further submitted that the food articles which are required for preparation of food items are procured through E-procurement through authorised vendors and samples are being lab tested by the scrutinising committee during food procurement in the prison. The quality of the materials are verified by the authorities and ensured that the same is in compliance with the guidelines.

5. The prisoners who observe fasting are given sweet potatoes, ground nut seeds, jaggery, plantains in lieu of daily food. The Chief Superintendent of Prison and Medical Officer exercise utmost vigilance in the supervision of the food supplies and all articles issued for consumption and inspection on daily basis. Cooked food is being inspected without prior notice and its quality and weight will be checked by the Chief Superintendent of Prison and Chief Medical Officer.

6. Apart from the said practice, Hon'ble Judges of jurisdictional Courts, Senior Officers of the Department/ Board of Visitors visit prison on regular intervals. During their visits, inspection of the kitchen and ascertaining of food quality and quantity will be part of their inspection.

7. It is further submitted that this Hon'ble Court vide order dated 30-12-2025 has permitted the A1, A11 and A12 to receive food from their respective home. In view of the said order, permitting the said accused to receive home cooked food, would provoke similar demand by other prisoners, which will result in chaos and problem of scrutiny. In the case of home diet, it would be very difficult for the prison authorities to check the quality and safety of the said food which is being supplied to the accused. Further, to carry out such procedure, the same would require manpower, and other necessary testing equipment.

8. It is further submitted that one of the accused in the above case, A2 had approached the Hon'ble High Court of Karnataka by filing W.P.No.1822 of 2024 to allow private sourced food/Home food. However, the same was withdrawn by order dated 29-07-2024. In addition to that, challenging the order dated 25-07-2024 passed by XXIV Additional CJM at Bengaluru, Accused No.2 had filed W.P.No.20514 of 2024 and the same was withdrawn on 09-10-2025. Copy of the said judgments are annexed.

9. It is further submitted that, as per Karnataka Prison Act, 1963

"Section 30: A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or writing materials, books, newspaper or other necessities, subject to examination and to such regulations as may be approved by the Inspector-General."

Due to that, outside food to the A1, A11 and A12 has not yet been provided. It is further submitted that the order dated

30-12-2025 passed by this Hon'ble Court may be clarified in view of the above submissions and keeping in mind the safety and security of the prisoners, in the interest of justice."

On the clarification sought, the concerned Court passes the impugned order on 12-01-2026 which reads as follows:

"REASONS

POINT No.1

7. The learned SPP urged that as per Sec 30 of the Karnataka Prisons Act, 1963. these accused have to approach to Inspector General of Prison for permission to proper hours food, clothing etc. On considering requisition of accused he may be approved it. Further, urged that as per circular Dtd 16.10.2014, every day Jail Authority providing various food for breakfast, lunch, evening meals. The Jail Authority is providing proper and healthy food to more than 4000 prisoners. In case, home food permitted to these accused it is violation of provisions of law. Hence, prays for allow the requisition as sought for.

8. As against this, learned counsel for accused No.1 urged that, accused No.1 is suffering from various diseases due to unsuitable food as providing by Jail Authority. As per videos telecast by media disclosed that, other prisons are enjoying luxurious facilities in Central Prison, Bengaluru. The officers of Central Prison are deliberately disobeying the order passed by this Court. Hence, prays for reject the requisition filed by Jail Authority.

9. The learned counsel for accused No.11 and 12 urged that, one person obtained information from Central Prison, Bengaluru under RIT, it is revealed that, Jail Authority providing poor food and ill-treatment to inmates. Further urged that, Jail Authority providing luxurious food to other inmates. In support of this submission he has relied various names of inmates. The officers are intentionally harassing these accused persons including accused No.2. These accused are in Judicial Custody of this Court. This Court has empowered to orders to provide to home food to accused persons. To buttress this contention, learned

counsel for accused No.11 and 12 has relied on Judgment of Hon'ble High Court of Judicature at Bombay rendered in State of Maharashtra Vs Vikramsinh Dattusinh Chauhan (2017 SCC Inline Bom 9017).

10. The Superintendent of Central Jail Bengaluru relied specifically mentioned Sec 30 of Karnataka Prisons Act in his requisition. Therefore, this Court has relied Sec 30 and Sec 31 of The Karnataka Prisons Act, 1973.

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

Sec.30; Maintenance of certain prisoners from private sources.

A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself and to purchase or receive from private sources at proper hours food, clothing, bedding or writing materials, books, newspapers or other necessities. **subject to examination and to such regulations as may be approved by the Inspector-General.**

Sec.31; Restrictions on transfer of food and clothing between certain prisoners;

No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner, and any prisoner transgressing the provisions of this section shall lose the privilege of purchasing food or receiving it from private sources, for such time as the Superintendent thinks proper.

11. In view of Judgment relied by learned counsel for accused No.11 and 12 again this Court has relied on Sec 31 and Sec 32 of Prison Act, 1894.

CHAPTER VI

FOOD, CLOTHING AND BEDDING OF CIVIL AND UNCONVICTED CRIMINAL PRISONERS

Sec.31; Maintenance of certain prisoners from private sources,

A civil prisoner or an unconvicted criminal prisoner shall be permitted to maintain himself, and to purchase, or receive from private sources at proper hours, food, clothing, bedding or other necessities, **but subject to examination and to such rules as may be approved by the Inspector General.**

Sec.32; Restriction on transfer of food and clothing between certain prisoners.;

No part of any food, clothing, bedding or other necessities belonging to any civil or unconvicted criminal prisoner shall be given, hired or sold to any other prisoner and any prisoner transgressing the provisions of this Section shall lose the privilege of purchasing food or receiving It from private sources, for such time as the Superintendent thinks proper.

12. On perusal and combined reading of aforesaid provisions of two enactment no charges in words used by legislatures. They have changed name of Act. The last sentence of Sec 30 of The karnataka Prisoners Act and Sec 30 of The Prisoners Act, a jail inmates shall seek permission from Inspector General of Prisoner [Sec 2(f) of Act] to purchase or receive from private source at proper hours food and other things after his approval. At this stage, important question arise that, this Court being Trial Court of this case, has no Jurisdiction direct to Jail Authority to allow the inmates get home food.

13. Hon'ble Supreme Court has cancelled the bail granted to these accused with specific directions no special or luxurious treatment to these accused persons. Already this Court held that in view of aforesaid directions of their lordship it dose not mean that, these accused persons are not entitled get basic and proper facilities available under law as guaranteed under Art 21 of Constitution. Therefore, this Court has relied Hon'ble High Court of Judicature at Bombay (DB) has law settled their lordship in following case;

2004 CrI.L.J 4312**Asgar Yusuf Mukadam Vs State of Maharashtra**

12. While dealing with the issue as regards the right to home food to the under trial prisoners, one cannot lose the sight of the well established law that even the convicts do not lose all their fundamental rights which the citizens are otherwise entitled to, excepting of course those which cannot be possibly indulged on account of the fact of incarceration. Obviously, on account of Imprisonment, right to move freely or right to practice a profession which is otherwise available under Article 19(1)(b) or 19(1)(g) could be curtailed. Nevertheless, various other fundamental rights including the right to freedom of expression or to read and write subject to the limitations imposed on account of imprisonment, would continue to be enjoyed by the prisoners. The most Important right to life guaranteed under Article 21 which includes des prohibition against deprivation of such right except according to the procedure established by law, is always available able to such prisoners. Reference to some of the decisions in that regard by the Apex Court would not be out of place.

13. In Sher Singh and Ors. v. State of Punjab., the Apex Court had ruled that the horizons of Article 21 are ever widening and the final word on its conspectus shall never have been said. It was further reminded that so long as life lasts, so long shall it be the duty and endeavour of the Court to give to the provisions of the Constitution, a meaning which will prevent human suffering and degradation.

14. In T.V. Vatheeswaran v. The State of Tamil Nadu. It was ruled that the Articles 14, 19 and 21 are not mutually exclusive and they sustain. strengthen and nourish each other and they are available to prisoners as well as free men and the prison walls do not keep out fundamental rights. With specific reference to Article 21 and the bar provided thereunder for deprivation of life and liberty, except in accordance with the procedure established by law, it was clearly ruled that such procedure must be just, fair and reasonable and referring to the expression "just, fair and reasonable procedure". It was held that it implies a right to free legal services where the prisoner cannot avail them. It

implies a right to speedy trial. and above all, it implies humane conditions of detention, preventive or punitive. It was ruled that "procedure established by law" does not end with the pronouncement of sentence; it includes the carrying out dealing with a case wherein a capital punishment was imposed and the point sought to be raised before the Apex Court in the petition under Article 32 related to the claim for reformation in jail due to long lapse of time since the passing of sentence of death on the prisoner. and on that count, the commutation of capital punishment to the imprisonment for life. Nevertheless, the ruling, in no uncertain terms, makes it clear that the expression "procedure established by law" under Article 21 of the Constitution would not permit the Court merely to pass an order of remand or to send the person to the custody or prison, but it envisages appropriate steps to ensure that such order would be given effect to without offending the right to life of the person ordered to be imprisoned or detained. In other words, when the person is sent to Jail, the Courts are not only empowered but it should be their endeavour to ensure, through the executing agency, prevalence of humane condition at the place of detention or imprisonment.

15. Constitutional Bench of the Apex Court in Sunil Batra v. Delhi Administration and Ors., held that Article 21 guarantees protection of life and personal liberty and though couched in negative language, it confers fundamental right to life and personal liberty. Relying upon earlier decisions in the matter of Kharak Singh v. State of U.P., and D. Bhuvan Mohan Patnail and Ors. v. State of Andhra Pradesh and Ors., it was held that the following explanation by Field, J. in Munn v. Illinois. (1877) 94 US 113, as regards the scope of the words, "life and liberty" in Vth and XIVth Amendments of U.S. Constitution are to some extent precursor of Article 21:

"By the term 'life' as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all these limits and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body or amputation of an arm or leg or the putting out of an eye or the destruction of any other organ of the body through which the soul communicates with the outer world by the term liberty, as used in the provision something more is meant than mere

freedom from physical restraint or the bonds of a prison."

It was further ruled that "personal liberty as used in Article 21 has been held to be a compendious term to include within itself all the varieties of rights which go to make personal liberties of the man other than those dealt with in Clause (d) of Article 19(1). The burden to justify the curtailment thereof must squarely rest on the State."

16. In Sunil Batra v. Delhi Administration, it was held that ".....no personal harm, whether by way of punishment without affording a preventive, or in special cases, post facto remedy before an impartial, competent, available agency." It was also held that "the Courts have to make do with interpretation and carve on wood and sculpt on stone ready at hand and not wait for far away marble architecture."

17. In State of Andhra Pradesh v. Challa Ramkrishna Reddy and Ors., reported in AIR 2000 SC 2083, it was held that a prisoner, be he a convict or under-trial or a detenu, does not cease to be a human being, and even lodged in the jail, he continues to enjoy all his fundamental rights including the right to life guaranteed to him under the Constitution. It was further held that, on being convicted of crime and deprived of their liberty in accordance with the procedure established by law, prisoners still retain the residue of constitutional rights, It was also held that though the present Act may classify the inmates of jail as convicts, under-trials and civil prisoners, none of the categories of the prisoners lose their fundamental rights on being placed inside the prison and the restrictions placed on their rights to movement are the result of their conviction or involvement in crime.

21..... The food is necessary for the survival of human being, and being so, the Magistrate who is required to get himself satisfied about the existence of adequate grounds for continuation of detention of the accused in custody is obviously empowered to grant the facility of home food to the under-trial while he is in custody, albeit which could be subject to conditions and bearing in mind the facts and circumstances of each case.

22. The need for home food may arise for various reasons. A person may not be able to digest the food other than the one prepared in accordance with his health conditions or for other medical grounds. It is not to say that the food served in prisons is of sub-standard quality or that it is not the good food. Infact, the petitioners have not been able to make out any case to that effect. Besides, if the food is of sub-standard quality then it would be of the same quality for all inmates of the jail including the convicts.

23. It is not only the power of the Magistrate and the Court but it should be their endeavour to ascertain through the executing agency the availability of basic needs to the person to be detained in the custody. The same is implicit in the power to order detention and it would include passing of an appropriate order in relation to such basic needs to the under-trials detained in jail, as and when occasion arises. Undoubtedly, the order has to be a speaking order disclosing the grounds for ordering the facility in relation to the basic needs otherwise than in the manner provided in the jail by its authorities. Being so, whenever an application is filed by an under-trial prisoner for grant of facility for home food, the Magistrate will have power to pass an appropriate order on such application after hearing the authorities and giving reasons for grant of such facility to such person.

This power is implicit in the power to order detention or continuation of detention of the accused in custody either at the time of Investigation or on filing of the charge sheet on conclusion of the investigation and till the disposal of the trial.

24. The Apex Court in *Neelabhati Bahera v. State of Orissa*, reported in 1993 AIR SCW 2366. had ruled that:

"It is axiomatic that convicts, prisoners or under-trials are not denuded of their fundamental rights under Article 21 and it is only such restrictions, as are permitted by law, which can be imposed on the enjoyment of the fundamental rightly by such persons. It is an obligation of the State to ensure that there is no infringement of the indefeasible rights of a citizen to life, except in accordance with law,

while the citizen is in its custody. The precious right guaranteed by Article 21 of the Constitution of India cannot be denied to convicts, undertrials or other prisoners in custody. except according to procedure established by law."

25. In Chameli Singh v. State of Uttar Pradesh, referring to Article 21 of the Constitution held that the requirements of a decent and civilized life would include the right to food, water and decent environment, and ruled that:-

"In any organised society, right to live as a human being is not ensured by meeting only the animal needs of man. It is secured only when he is assured of all facilities to develop himself and is freed from restrictions which inhibit his growth. All human rights are designed to achieve this object. Right to live guaranteed in any civilized society, implies the right to food, water, decent environment, education, medical care and shelter. These are basic human rights known to any civilized society."

27.the cardinal principles of criminal jurisprudence is that a person accused of an offence is deemed to be innocent until he is proved guilty. The provision of law, as they stand comprised, under Section 167 of the Code of Criminal Procedure, therefore, discloses implicit power in favour of the Magistrates and the Courts before whom the accused is produced for remand or continuation of detention of the accused in custody, to order the facility of home food on being requested for by such accused and on being satisfied about the need for grant of such facility. Undoubtedly, the respondents would be entitled to take appropriate steps to ensure that the drugs, messages, weapons, etc. are not transported inside the jail under the guise of supplying home food to the under-trials, and, in case, any such mischief is brought to the notice of the Court, nothing would prevent the Court or the Magistrate either to defuse such facility or even to recall the order already passed granting such facility, albeit, after hearing the concerned accused and in extreme urgency, even ex parte subject to confirmation after hearing the accused.

28. The view that we are taking in the matter and bearing in mind the practice which is followed by the Courts below in the matter of grant of facility of home food to the under-trial prisoners whenever asked for and reasons to be recorded, the contention that the power to order facility of home food was exercised by the Courts below in terms of the unamended Sections 31 and 32 is to be held as totally devoid of substance. Those provisions do not deal with the powers of the Magistrate or the trial Courts. Those are the powers which are given to the Jail Administrative Authorities, and similar is a situation in relation to the amended provisions of law. The power to order home food vests in the Magistrate or the trial Court under Section 167 of the Code of Criminal Procedure and the same is not controlled by virtue of Sections 31 and 32 of the Prisons Act, 1894. In this view of the matter, it is not necessary to deal with the issue of vires of the amended Sections 31 and 32 of the said Act sought to be raised by the petitioner. Suffice to observe that the petitioners are entitled to move before the concerned trial Court, and if such application is filed, the concerned Court should pass an appropriate order in that regard considering the facts and circumstances of the case.

14. Accused No.1, 11 and 12 and other four accused persons are Judicial Custody means they are in this Court custody. As per law settled by their lordship, this Court has got jurisdiction to direction to Jail Authority allow home food to accused whenever required for. The learned counsel for accused No.11 and 12 urged that, Jail authority giving unnecessary harassment of accused of this case who are in judicial custody. We are living in modern civilized society. No one treated in inhuman manner, accused of this case still innocent and unconvicted accused.

15. As noticed by this Court and urged by learned counsel for accused No 11 and 12, the superintendent of police and chief superintendent Central Prison, Bengaluru stated last sentence of his requisition stated that "keeping in mind the safety and security of the prisoners". Last one month back Kannada media/news channels telecast several videos of Central Jail, Bengaluru. Wherein, inmates of central prison of Bengaluru were having drugs, non-veg meals and liquor with doing dance. Itself shows the irresponsibility of concerned officers of Central Prison and their responsibility towards safety and security of the

prisoners. The officers of Central Prison first understand their responsibility, then used proper words in requisition while submitting before Court of law. While passing order on 29.12.2025 this Court has not specified time for providing home food to accused No.1, 11 and 12. Accordingly, point No.1 answered in the partly affirmative.

POINT No.2.

16. For going reasons, proceed to pass following :-

ORDERS

The requisition fled by the Superintendent of police and chief Superintendent, Central Prison, Bengaluru is hereby partly allowed.

It is clarified that, the Jail Authority/Central Prison, Bengaluru is hereby strictly directed to allow the accused No.1, 11 and 12 to get home food once in week and other circumstances as and when a Doctor advised including other accused persons of this case who are in JC without any clarification. In case any lapse found on the part of concerned officers of Central Prisoner, Bengaluru, they have to face its consequences."

The Court then directs the Superintendent of Central Prison to strictly allow home food once in a week or in any other circumstance as and when a Doctor advises so. This order of the concerned court is then communicated to the jail authorities. The communication reads as follows:

"To
The Superintendent of Jail,
Central Jail,
Parappana Agrahara,
Bengaluru,

Date: 12-01-2026

Sir,

Sub: Intimation of order passed in S.C.No.1319 of 2024.

With reference to the above subject, as per the order dated 12-01-2026, you are hereby strictly directed to allow the accused No.1 – Pavithra Gowda, Accused No.11 – Nagaraju R and Accused No.12 – Lakshman M to get home food once in week and other circumstances as and when a doctor advised including other accused persons of this case who are in JC without any clarification. In case any lapse found on the part of concerned officers of Central Prison, Bengaluru, you have to face its consequence.

This is for your kind information and needful action.

By order of the Court,
Sd/-
Assistant Registrar,
City Civil Court, Bengaluru.”

While opining that home food can be granted on a request made by an under trial prisoner, the request cannot be on vague assertions or statements made in thin air. It has to be done in accordance with the procedure prescribed under the Act, Rules and the Manual. Under the Act, there is no bar on the supply of home food to under trial prisoners, but such supply is subject to the examination and rules. The Rules and the Manual as well do not bar the supply of home food to under trial prisoners but they are subject to the provisions of the Act. Any extra or special diets for health or medical reasons can be provided to the under trial prisoner only on

the advice of the concerned Medical Officer. The Grant of home cooked food should not precede medical advice but medical advice should precede grant of home food

12. The respondents failed to address their grievances or complaints regarding the food served to them in the prison, before the concerned authorities or the Medical Officer as provided under the Rules and the Manual, but have instead directly submitted an application before the concerned Court seeking for home food. Added, the respondents were also not examined by the Medical Officer for any medical conditions. This is contrary to law, as for the asking if these respondents are granted home food, it cannot be said that any other under trial can be denied such benefit. This, if permitted, it will result in chaos.

13. Learned counsel for the respondents have produced certain documents to demonstrate that in another case arising from Crime No.621 of 2024, the concerned trial Court grants home food to the accused therein - Prajwal Revanna and H.D. Revanna, merely

for the asking. The order that is passed granting home cooked food to Prajwal Revanna and H.D.Revanna is as follows:

"Order

Advocate for the accused filed an application U/Sec.55A read with sec. 167 of Cr.P.C. praying for a direction to the Jail authority to permit the accused no.2 to have home cooked food. In support of his application he has relied on the decision of Hon'ble High Court of Bombay in the case of State of Maharastra through Superintendent of jail, law through Vs. Vikramsinh Dattusinh Chauhan, reported in 2017 SCC online Bom 9017.

Learned Special PP submitted oral objections to application.

Pursuant to direction from this court the jail authority submitted a report along with report of chief medical officer central prison hospital and also food menu chart.

Heard, perused the application and the Records.

It is stated by the advocate for the accused the accused is suffering from lower back pain as his discs are plugged. As per medical advise and Ayurvedic treatment he was taking the food diet. But recently due to this case he skipped the advise and taking food as provided by the authorities. As such he again suffering from back ache and diarrhea. As such the accused intended to go for the food diet as prescribed by his doctor. The report of CMO, Central Prison Hospital also goes to show the this accused his suffering from pain abdomen, gastrointestinal disease, vomiting and loose motion. Accordingly, he also advised bland diet, pre and pro biotics with rich protein content diet. Further he also advised to provide said food either by the prison authorities are if not suggested for home cooked food.

On considering the submissions made by the defence counsel and also the report of CMO, it is evident that the accused is suffering from said health issues. It is

also evident from the report of CMO that the accused as been advised to be provided with bland diet, pre and pro biotics with rich protein content diet.

In the light of the above this court as called for the details of food that is being provided to this accused. Accordingly, the jail authority submitted a food menu chart. On perusal the said chart it appears that the nature of foods that are provided for the breakfast, lunch and dinner may not satisfy the king of diet advised by the CMO. The advise of CMO is authorized Under rule 322(iii) of the Karnataka jail manual-2021. Further as per rule 322(iii) the jail authority is also empower to decide on such special diet or extra diet based on the report and recommendation of medical officer.

Therefore, this court deems it proper to give direction to the jail authority to provide the foods as advised by the CMO in his report dated 06.07.2024 like bland diet, pre and pro biotics with rich protein content diet.

OR

The jail authority may permit the accused to get home cooked food for period of 30 days and it may be continued thereafter also upon the medical advise.

In the event of jail authority allowing the accused to get home cooked food, it shall take all necessary precautions.

With the above, directions the application filed by the accused is disposed of.

Office is directed to send copy of this order to the jail authority with a direction to submit compliance report.

Call on 22.07.2024."

Chief Medical Officer of the Central Prison Hospital had examined and found that both of them suffer from pain abdomen, gastrointestinal disease, vomiting and loose motion and only on the

medical advice they were permitted home cooked food for a brief period.

14. The learned counsel for the respondents further contended that on a under trial prisoner ₹85/- is spent in a day. The said amount is spent not for one meal but for morning coffee, breakfast, lunch and dinner. This is the information of the Public Information Officer of the Central Prison, Bengaluru. It reads as follows:

"To
T.Narasimha Murthy,
No.18, 4th Street,
O.M. Road, Ulsoor,
Bengaluru-560 008
Mob: 9980627609

Date: 26-08-2024

Sub: Information under the Right to Information Act, 2005.

Ref: Your RTI Application, dated 29-07-2024.

With regard to the above subject and cited reference, it is informed that, this institution received your RTI application on 30-07-2024, wherein you requested the information pertaining to the daily food expenses allocated for under-trial prisoners.

Further, as per the current purchasing tender rate in the Central Prison, Bangalore approximately cost of ₹85/- per prisoner per day is bearing the expense of morning tea/coffee, breakfast, lunch and dinner.

First Appellate Authority: The Director General, Prisons and Correctional Services, Karnataka State, Bangalore-560 009.

Sd/-
Public Information Officer
& Superintendent,
Central Prison, Bangalore."

(Emphasis added in each instance)

The learned counsel for the respondents has also placed on record several instances of violation of human rights in not providing basic facilities and appropriate diet.

15. The learned Additional State Public Prosecutor maintains that the diet in the Central Prison has now been graded 4 star and therefore, the diet is adequate, protein rich or otherwise and also submits that ₹85/- is enough for a prisoner, as cooking is done in bulk and the Government gets the provision in bulk. While these submissions are submissions, the reality should not be different. In ₹85/- it is understandable as to how a protein rich diet is given to an under trial prisoner or any convict for all the four times. One can imagine the quality of food for the said amount. Therefore, the jail authorities must now digitally publish the menu that they are

providing to the prisoners in the prison, which would be within the knowledge of the prisoners and the prison authorities shall also maintain a complaint box with regard to the food in particular, as to what is in the menu is given or otherwise, including the quality of food if not already maintained as provided under the law.

16. Violation of human rights pervades not only to a person outside the prison but even to a person inside the prison. It is human rights anywhere. Therefore, the neglect or malice on the part of jail authorities should not lead to food being grossly under quality. The Medical Officer, the Chief Medical Officer or the dietician who prescribes the diet to the inmates in the prison shall, at intermittent intervals, inspect the quality of food and affix the signature on a report of such quality, failing which plethora of litigations may emerge on the quality of food. Four-star rating should not mean that it is only grading and especially when the food being served is under the grading. Therefore, these steps be taken by the jail authorities and be reported to this Court.

17. Insofar as the case at hand is concerned, while the order is rendered unsustainable, it is open to the respondents to seek providing of home food strictly in consonance with the law, which can be granted bearing in mind the observations of the Apex Court *qua* these very respondents, which would mean that, without any rhyme or reason, without any examination by the Doctor and without any advisory from the concerned medical officer or the official dietician, home cooked food cannot be granted. This is in the peculiar facts, as the Apex Court observes that no special treatment of any kind should be rendered to any prisoner particularly to the accused respondents, in the case between the same parties

SUMMARY OF FINDINGS:

- *The protection of human dignity does not cease at the gates of the prison. The prisoners though deprived of liberty, are entitled to basic necessities, a caveat, in accordance with law.*
- *Home food for under trial prisoners is not prohibited, but it can be granted only in accordance with the procedure*

prescribed under the Prisons Act, Rules and Manual noted hereinabove.

- *Medical advice must precede the grant of home food. Permission cannot be granted merely on request or as a matter of indulgence in tune with the observations made in the course of the order*
- *The trial Court's order is legally unsustainable, as it directed grant of home cooked food without prior medical examination or recommendation.*
- *Granting of such concessions indiscriminately would create chaos within the prison management, as other inmates would also be entitled to similar treatment.*
- *The trial Courts are hereinafter directed to ensure that home food is not provided to the under trial prisoners for the mere asking and only provided if required after a detailed medical examination by the concerned Medical Officer. Before passing the order granting or rejecting home food, the trial Courts shall examine if the avenues or remedies provided under the Prisons Act, Rules and Manual, as discussed hereinabove, are exhausted by the prisoner. It is only in the event, such remedies are exhausted; there is a contravention of the procedure discussed hereinabove by the prison authorities*

and only if there is an absolute necessity for home food, can the trial Courts after conducting the required medical examination, entertain an application for providing home food to the prisoners. Further, such orders can only be passed by the Trial Courts after hearing the concerned Prison Authorities.

- *It is a matter of concern regarding the adequacy and quality of prison food noting that Rs.85/- per day for 4 meals raises legitimate questions about the nutritional sufficiency.*
- *To safeguard the prisoners rights and ensure transparency, I deem it appropriate to direct digital publication of the prisoners menu at conspicuous places; establishment of a complaint mechanism enabling prisoners to report deficiencies in food quality inter alia ; the medical officer or a designated dietician shall conduct periodic inspection of the food prepared for inmates and record their certification regarding its quality, if not already provided under the law. The State Government shall issue a circular towards the procedure for the purpose of compliance with the directions.*
- *While setting aside the impugned order, liberty is to be reserved to the petitioner to seek home food afresh, provided it is in accordance with the procedure provided under the Prison Rules and Manual quoted supra, as also bearing in*

mind the observations of the Apex Court, in the case of the 1st respondent-accused No.1.

18. For the aforesaid reasons, the following:

ORDER

- (i) Writ Petition is **allowed**. Interim order of any kind operating shall stand dissolved.
- (ii) The order dated 12-01-2026 passed by the LVI Additional City Civil & Sessions Judge, Bangalore in S.C.No.1319 of 2024 stands quashed.
- (iii) Liberty is reserved in the respondents to seek home food, in the event of need, which shall be considered strictly in consonance with the observations made in the course of the order, particularly, the observations made by the Apex Court.

- (iv) Insofar as other corrective measures are concerned, the State shall implement them within an outer limit of 3 months and report compliance to this Court.
- (v) The Registry shall transmit a copy of this order to the Secretary, Home affairs and the Director General of Police for Prisons, for compliance with the directions.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

bkp
CT:MJ