# ODISHA HUMAN RIGHTS COMMISSION
## ORDER SHEET

Case No. **4292** **OF** 20**26**

Name of the Complainant **Biswapriya Kanungo**

| Sl. No. | Date | Order passed by the Commission | Office action taken with date |
|---|---|---|---|
| **01.** | **29.10.2026** | This case is at the instance of Sri Biswapriya Kanungo, Advocate and Human Rights Activist, of Sabara Sahi Lane, Bhubaneswar, who has presented a petition dated 12.10.2026 under Section 12 of the Protection of Human Rights Act, 1993 (the Act). He states that the petition is filed in good faith and in the public interest, seeks no personal or pecuniary benefit, and that no other petition on the same matter is pending before any judicial or quasi-judicial forum.<br><br>The complaint is that a substantial number of prisoners lodged in the prisons of Odisha belong to Scheduled Tribe communities, including those from the Scheduled Areas, among them the district of Koraput. These communities have distinctive food practices linked to their culture, customs, local agriculture and forest produce, such as ragi, other millets, traditional pulses, roots, tubers and leafy vegetables. It is alleged that some tribal prisoners are not taking the prescribed morning diet because of their traditional food habits, and that this is affecting their health. The complainant states that he does not claim any luxurious or personalized food, or any preferential entitlement based on tribal identity. His limited prayer is that the State prison dietary system should reasonably consider the nutritional value, local availability and customary dietary practices of the regions where prisons are situated, particularly prisons in or serving the Scheduled Areas, within the existing nutritional framework. | |



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The complaint relies on paras 6.01, 6.03, 6.04, 6.05, 6.06 and 6.09 of the Model Prison Manual, 2016 of the Ministry of Home Affairs, which, it is said, permit scales of diet to vary with local customs and dietary habits, include millet among cereals, and allow special diets on the recommendation of the Medical Officer. It also relies on para 913 of the Odisha Model Jail Manual, 2020, on Articles 14, 21, 29(1) and 46 of the Constitution of India, and on L. Muruganantham v. State of Tamil Nadu, Civil Appeal No. 9487 of 2025, 2025 INSC 844, decided on 15.07.2025. The complainant cites that decision for the proposition that Article 21 does not confer a right to demand personalized or luxurious food, but that the State must ensure adequate, nutritious and medically appropriate food to prisoners.

The petition has been perused. "Human rights" under Section 2(1)(d) of the Act means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution. Persons deprived of their liberty retain the right to life with dignity under Article 21, which includes the right to adequate, nutritious and wholesome food and to health. The persons concerned are in the custody of the State, and the prison administration is carried out by public servants under the Home Department of the State Government. A complaint that the dietary arrangements in prisons affect the health of a class of inmates therefore raises a question of human rights, and, if substantiated, of negligence by public servants in preventing their violation, within Section 12(a) read with Section 29. The matter, relating to prisons, falls

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| | **Contd..... 29.10.2026** | within List II of the Seventh Schedule, so that Section 21(5) of the Act is no bar. The grievance is of a continuing nature, and Section 36(2) is not attracted at this stage. The Commission regulates its own procedure under Section 10 read with Section 29, and under the Regulations framed for that purpose.<br><br>Whether any prisoner has in fact been denied adequate food or injured in health, and whether the existing diet scale can reasonably accommodate local foods, are questions of fact and policy on which the Commission has no material at present. It records no finding on them, and expresses no opinion on the merits of the complaint or on the prayer for an Expert Committee, which is left open until the reports are received.<br><br>Accordingly, the Commission takes cognizance of the complaint. In exercise of its power under Section 17(i) read with Section 29 of the Act, a copy of the complaint petition shall be sent to (a) the Secretary to Government, Home Department, Government of Odisha, and (b) the Director General of Prisons and Director of Correctional Services, Odisha. Each of them shall have the matter enquired into and submit a report to the Commission by the next date positively. The Director General shall furnish the factual particulars, and the Home Secretary shall in addition state the position of the State Government on the policy aspect. The report shall state:<br>(i) the dietary scale and menu presently prescribed for prisoners in Odisha, including the calorie and nutritional standards and the expenditure per prisoner | |

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| | **Contd.....**<br>**29.10.2026** | per day, and the manner in which para 913 of the Odisha Model Jail Manual, 2020 has been implemented;<br>(ii) the prisons located in or serving the Scheduled Areas, including those in undivided Koraput district, the number of Scheduled Tribe prisoners lodged in jails therein and the dietary arrangements applicable there;<br>(iii) the extent to which ragi, millets, traditional pulses, roots, tubers, leafy vegetables and other local nutritious foods are presently included in the prison diet;<br>(iv) whether any prisoner has declined the prescribed morning diet on account of traditional food habits, and the observations of the prison Medical Officers on the health of such prisoners; and<br>(v) whether the State Government has considered, or proposes to consider, the inclusion of such local foods within the prescribed nutritional standards, and the action taken in that regard.<br>The Registry of the Commission shall communicate this order, with a copy of the complaint petition, to the Secretary to Government, Home Department, Odisha, to the Director General of Prisons and Director of Correctional Services, Odisha, and to the complainant immediately.<br>Put up on 04.12.2026.<br><br>**JUSTICE S. PUJAHARI**<br>**CHAIRPERSON** | |

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