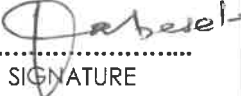


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 2018/22296

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED. ✓
	06/06/2018
	DATE
	
	SIGNATURE

In the matter between:

BAPOO ISHENDRA

Applicant

and

**THE MINISTER OF JUSTICE AND
CORRECTIONAL SERVICES**

First Respondent

**THE PROVINCIAL COMMISSIONER
CORRECTIONAL SERVICES GAUTENG
PRETORIA**

Second Respondent

**THE HEAD OF THE JOHANNESBURG
CORRECTIONAL CENTRE MONDEOR
JOHANNESBURG**

Third Respondent

LEGAL SUMMARY

MABESELE, J:

The applicant, an inmate in Johannesburg Medium 'B' Correctional Centre approached the court for a declaration that the respondents were in contempt of an order of court when they failed to provide him with the food suitable for his health. Further, he alleged that the respondents violated the provisions of the Correctional Services Act in their failure to respond to his complaint and demands.

The respondents proved to the satisfaction of the court that they did not unlawfully and intentionally disobey the court order. However, their attempts to satisfy the order were frustrated and unappreciated by the applicant. The respondents, together with the dietician searched and successfully found a supplier for bread, free of soya flour, suitable for the applicant's health. The applicant refused to accept this measure.

The court held that the respondents complied with the provisions of the Correctional Services Act which requires that diet provided to inmates must make provision for nutritional requirements, among others, of the category of inmates whose physical condition requires a special diet. However the third respondent was directed to speed up a schedule for delivery of the bread, free of soya flour, to prison. The application was dismissed.