



सुरक्षा र न्याय अध्ययन केन्द्र  
CENTRE FOR SECURITY AND JUSTICE STUDIES

SEMINAR PAPER

PRISON AND JAIL SECURITY IN NEPAL

DR. GOVIND PRASAD THAPA  
FORMER ADDITIONAL INSPECTOR GENERAL OF POLICE  
NEPAL POLICE

PROGRAM SUPPORTED BY THE ASIA FOUNDATION

# PRISON AND JAIL SECURITY IN NEPAL<sup>1</sup>

Dr. Govind Prasad Thapa

## Background:

The protection of human rights is constitutionally guaranteed rights of Nepali citizens. However, Nepal fails to meet the international standards of protection of human rights in country. It is due to several factors including: widespread poverty, high illiteracy rates, sociocultural and economic discrimination. 'In general the protection and guarantees to the rights to life, freedom of movement, freedom of expression, and more importantly right to food, shelter, education and health and medical services are weak in the country.'<sup>2</sup>

Nepal's first prison was established in 1914 in Kathmandu, the capital city. It was called the Central Jail. The jail administration was under "Mukhtiyar" and the chief was Rana General. After the people's revolution of 1950, prison administration came under Ministry of Home Affairs. In 1963, the Prison Act came into force and the Prison Rules were enacted in 1964. Before 1993, the management of prisons was administered by the Ministry of Home Affairs. In 1994, the Department of Prison Management was established under the Ministry of Home Affairs.<sup>3</sup>

Now, the management and administration of prisons is governed by the Department at central level and the Chief District Officer is responsible for local levels. We have 75 administrative districts. There are 74 prisons in 72 districts. Three districts--Bara, Bhaktapur and Dhanusha--have no prison and two districts have two prisons. Only one remand home, which is located in Kathmandu, is allocated for detainees. Usually, detainees are accommodated in prison with convicted prisoners. There are two child correction centres for juveniles. They are located in Kathmandu valley. All the prisons are managed by the government and the child correction centres are established and operated by NGOs with funding from the government. We do not have separate prisons for females. Generally, male and female inmates are housed in separate blocks within the same prison. However, in Central Prison in Kathmandu, there is a fully separated compound for females.

As the preamble of Prison act 1963 states, the "maintenance of peace and order" is the prime objective of the act. Besides that, the preamble neither refers to the need of shielding fundamental rights and interest of prisoners nor of altering jails into reform centers as objectives of the act. The welfare and rehabilitation is disregarded.<sup>4</sup>The prison act is an outdated piece of legislation, and is punitive in nature. The Act makes no provisions for reformation and

---

<sup>1</sup> This report was prepared on the basis of field visits and discussions conducted with key officials of prison/jail based in Kathmandu valley. This study and discussions was supported by The Asia Foundation, Nepal.

<sup>2</sup>BipinAdhikari, "The Context of Conflict and Human Rights Violations in Nepal: Some Preliminary Observations" Published in Conflict Human Rights and Peace Challenges Before Nepal edited by BipinAdhikari, NHRC 2003., p. 29

<sup>3</sup>Upadhyaya, MahendraNath, Overcrowding of prison populations: The Nepalese perspective; [http://www.unafei.or.jp/english/pdf/PDF\\_rms\\_all/no80.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms_all/no80.pdf)

<sup>4</sup>Basnet, Riya, ApekchhyaNiraula, Ashis Joshi, 'A Study on Impact of Budget in Prisons of Nepal' at [http://www.internationalseminar.org/XIV\\_AIS/TS%205%20A/14.%20Riya%20Basnet.pdf](http://www.internationalseminar.org/XIV_AIS/TS%205%20A/14.%20Riya%20Basnet.pdf)

rehabilitation of prisoners. Nepal's prison legislation is outdated and inadequate for running a modern prison service and no substantial changes towards direction of prisoner's welfare and rehabilitation have been made. Besides, as per Nepal Treaty Act 1990 the ratification of, accessing to, acceptance of or approval of treaties and agreements should be followed, this provision has also been incorporated inside the article 156(2) of Constitution 2063(2007A.D).

The Prisons Act, 1963 and the Prisons Regulation, 1964 ensure minimum standards for prison management, keeping in view the international obligations undertaken by Nepal. The concepts of the community prison and open prison systems have recently been introduced by Nepal. The GON is working out for necessary legal reforms in prison legislation for the purpose of further institutionalizing the open and community prison system in Nepal.

However, the human rights defenders find faults in Prison Act 1963. There are provisions with full of ambiguity and inconsistencies with international instruments of human rights. Section 22 of the Act empowers prison authority to apply restraints even in a condition where a detainee complains sickness with pretence. Rule 5 of Prison Regulations 1964 allows keeping prisoners in incommunicado detention and isolation. There is neither regular mechanism of NHRC to visit prisons nor any guidelines to evaluate the condition of human rights of the prison. There is provision of convict officers in the Name of Naike and Chaukidars in the persons and violation by these convicts officer is not heard by any mechanisms at all.<sup>5</sup>

With regard to prison and custody reform and supervision, Nepal's prison system denies most of its inmates humane living conditions, adequate food, health care, recreation, communication facilities, access to justice, and gainful employment. Most of the prisons of the country are old dilapidated buildings. Some walls and ceilings are on the verge of collapse, roofs leak and many of the rooms are damp due to the lack of ventilation and the cold earthen floors. The foul smelling toilets make life miserable for prisoners.<sup>6</sup>

Country Reports on Human Rights Practices for 2012 United States Department of State, Bureau of Democracy, Human Rights and Labor observed that the conditions of prisons in Nepal were:

According to the Department of Prison Management, as of August, 15,009 prisoners-- 13,003 men, 1,020 women, 73 dependent children of imprisoned parents, and 913 foreign nationals--were in custody. The OAG report indicated that prison authorities did not separate serious offenders from moderate offenders in accordance with the law. Overcrowding was a serious problem in prisons, the report continued, with the 200-prisoner capacity Dillibazar Jail in Kathmandu holding 636 prisoners and the 700-prisoner capacity Parsa District Jail holding 1,201. According to the report, sanitation provisions in prisons and detention centers were extremely poor, although prisoners usually drank the same water as their guards and the local population. It added that 90 percent of detention center inmates received a medical examination after arrest as the law

---

<sup>5</sup>Alternative Report to Second, Third and Fourth Periodic (Combined) State Report of Nepal Submitted to UN Committee Against Torture Covered Period 1992-2004, December 2004

<sup>6</sup>For detail information see NepalmaManamAdhikarkoSthiti, 2060, National Human Rights Commission, pp.138,139

required and that prisoners had access to local hospitals at any time of need, but doctors did not conduct routine checkups for healthy prisoners as the law requires. According to AF, medical care was poor for prisoners with serious conditions, and some prisoners had access only to unfiltered and dirty water. Due to a lack of adequate juvenile detention facilities, children occasionally were incarcerated with adults or were allowed to remain in jails with their incarcerated parents. The OAG report stated that all detention centers and prisons had separate facilities for men and women. There are two government-run juvenile reform homes, one in Bhaktapur and the other in Pokhara. According to AF, pretrial juvenile detainees were sent there and were not kept with convicted prisoners.<sup>7</sup>

Nepal's prison system denies most of its inmate's humane living conditions, adequate food, health care, recreation, communication facilities, and access to justice, and gainful employment. Most of the prisons of the country are old dilapidated buildings. Some walls and ceilings are on the verge of collapse, roofs leak and many of the rooms are damp due to the lack of ventilation and the cold earthen floors. The foul smelling toilets make life miserable for prisoners.<sup>8</sup>

### **Security of prisons/jails in Nepal**

Nepal's prisons are run under an old, outdated legal framework that only views prisons as places of punishment. Out of total 73 prisons in the country most of them are overcrowded.<sup>9</sup> Due to the lack of adequate infrastructure, basic facilities, proper management and security arrangement, serious nature of crimes have occurred in the prisons.

In Birgunj prison in December 2000 the prisoners rioted after their long-standing complaints about the lack of clothes, bedding and others facilities continued to be ignored. The prisoners claimed that one prisoner was tortured to death by the authorities. The government failed to send any fact-finding mission to investigate.<sup>10</sup>

In January 2001 in Nepalgunj prison two prisoners were shot and killed by the prison guards as they agitated for some necessary facilities in the prison. Nepalgunj prison was seriously overcrowded and holds nearly twice as many inmates as its official capacity. The Parliamentary Foreign and Human Rights Committee promptly investigated and found shooting was unwarranted, as the prisoners were not trying to escape. It also found that the prisoners' demands were reasonable "as the inmates were living in poor conditions and in fear".<sup>11</sup>

Indian nationals Nabin Kumar Singh, 25, and 30-year-old Rita Singh of Sitamadi were found with two rounds of bullets of a Chinese pistol by prison security guards during checking before they wanted to go inside the prison in the name of meeting their kin. They were arrested when

---

<sup>7</sup>Country Reports on Human Rights Practices for 2012 United States Department of State • Bureau of Democracy, Human Rights and Labor

<sup>8</sup>Stephen J Keeling & Rabindra Bhattarai (ed), Nepal's Penal System; An Agenda For Change, Kathmandu: CVICT, 2001, p 81.

<sup>9</sup> Department of Prison Administration, <http://www.dopm.gov.np/noticedetail.php?id=24>

<sup>10</sup>41 Stephen J Keeling & Rabindra Bhattarai (ed), Nepal's Penal System; An Agenda For Change, Kathmandu: CVICT, 2001, p.82

<sup>11</sup>See [www.nepalnews.com](http://www.nepalnews.com), visited 19 January 2001

they visited a prison in Dhanusha on a motorcycle to meet 45-year-old Lalita Singh, serving a sentence for murdering Nepalese journalist Uma Singh.<sup>12</sup>

In yet another incident of daring broad daylight shooting amidst tight security, Chairman of National Television, Yunus Ansari has been shot and injured inside the Central Jail, Sundhara on Mar 3, 2011. Ansari is serving time at the judicial custody in Central jail as per the verdict given by the Kathmandu District Court for his involvement in the fake Indian currency and drug peddling on Jan. 31, 2011. A visitor who reportedly reached the Central Jail to meet Ansari opened fire at around 11.30 in morning.<sup>13</sup>

Indian police arrested Dharendra from Kataiya in Supaul district, Bihar, India, a week ago. Twelve jailbirds, including Bangladeshi national Subrata Bain and notorious Indian criminal Bambam Yadav, at the Jhumka prison doing their time in various criminal charges had burrowed their way out, digging a 30-metre tunnel on November 8, 2012. Police in Nepal said Dharendra Yadav masterminded the Jhumka jail break incident on Nov 8, 2012. He was on the police's most wanted list both in Nepal and India for his involvement in numerous criminal activities in both the countries. Dharendra Yadav, who masterminded the 2012 jailbreak at the Jhumka-based Eastern Regional Prison, has claimed that some influential Nepali political leaders helped him. In his statement to the Indian police, Dharendra said that he set "good relation" with the Nepali leaders through his accomplices when he was jailed in Nepal. He named former home minister and Madhesi Janadhikar Forum-Loktantrik leader Bijaya Kumar Gachhadar, UCPN (Maoist) leader and former Peace Minister Janardan Sharma, CPN (Maoist) leader Matrika Yadav and former Minister Mrigendra Kumar Singh Yadav for "abetting" him. However, the leaders denied his claim outright.<sup>14</sup>

An inmate, Suraj Singh, escaped from Central Jail, Kathmandu, where he was imprisoned on the charge of drug trafficking. Twenty-three years old Suraj Singh from Rauhuwa, Sarlahi, escaped the jail at around 7:30 AM through a narrow tunnel despite tight security. Singh had been serving five-year jail term for drug trafficking. He had been brought to jail on July 29, 2012, according to jailor Shambu Regmi.<sup>15</sup>

All these kinds of incidents reveal that there is serious lacuna in the security system in the jails. The security of jails depend on number of factors. These are—the location of the jail, the compound wall, the building, entry and exit gates, security checking, lighting, surveillance and warning systems inside the jails. Besides these, the corruption and the inefficiency of staffs and security officers also play important role in the jail administration. Therefore, there are two important aspects of jail administration: physical facilities and human resources.

---

<sup>12</sup><http://freepressjournal.in/nepal-police-arrest-8-indians-2-chinese-with-guns-gold/>

<sup>13</sup><http://np.ekantipur.com/2011/03/10/top-story/yunus-ansari-shot-at-in-central-jail/330711.html>

<sup>14</sup><http://www.ekantipur.com/2013/07/07/national/jhumka-jail-escapee-says-he-had-close-links-with-nepali-politicians/374429.html>

<sup>15</sup>[http://www.myrepublica.com/portal/index.php?action=news\\_details&news\\_id=66033](http://www.myrepublica.com/portal/index.php?action=news_details&news_id=66033)

**Location of prison/jail:**Most of the jails are still on the same premises when these were raised during Rana period. Now the location of the prison/jail have become a problem in itself. For example the location of Central Jail at Tripureswor is in the middle of the posh business area. The multi-storied high-rise building of shopping complex is threat to the security of inmates. Anyone can do anything from the shopping complex. The incident of shooting Anis Ansari inside the Central Jail is a warning that such-activities can be easily committed now from outside the jails. The criminals can now use the adjoining high-rise buildings for these purposes. Similarly, the Dillibazaar Jail and Nakkhu Jail are also being surrounded by multi-storied buildings now. There is no monitoring of these dominating buildings with respect to the threat that the pose to the inmates of the jail.It is high time that government think of shifting these jails to some other appropriate places.

**Compound and perimeter wall:**Strong walls with electricity and lighting facilities are must for the protection of inmates. As many jails are still using the old buildings, they have falling walls and easily accessed from outside. The compound walls are not high and strong enough to ward off the intruders. Moreover they lack basic facilities of good lighting system during the power shedding hours in the country. The security police are at the mercy of their inmates sometimes. The Central Jail at Tripureswor lacks emergency lighting system during the long hours of load-shedding. They have no surveillance system to monitor the activities of inmates inside the jail. As a result, many jail-breakings have taken place in several jails.

**Buildings:**Most of the jails are housed in old buildings that are crumbling, leaking and inappropriate for the purpose. This writer was shocked to find the inmates of jail living together with the police in their barracks as the jail building had crumbled down in Jomsom district. Reporting from RajuAdhikari from Jhapagives a shocking state of jails in the districts of Panchthar, Jhapa, and Taplejung.

**RAJU ADHIKARY, JHAPA, Dec 2:** At a time when the number of inmates is steadily increasing at jails of Panchtar, Jhapa and Taplejung districts in Mechi zone, the authorities concerned remain lethargic about improving the management and decaying physical infrastructures of the prisons. Most of the district jails are in such a dilapidated condition that both the jail management and inmates are worried about their safety. Fear of inmates attempting jail break hunts prison administrators every night as they know that they lack proper security measures. "We don't have problems watching over the prisoners in broad daylight but as the night falls we have to be extra cautious because anything can happen any moment," an official at Jhapa District Prison told Republica.Only last year, a couple of inmates from Jhumka prison had escaped by digging a tunnel under the prison walls. Despite the infamous jailbreak, the authorities concerned seem least motivated to bolsters the security measures at the district jail. The jail with a maximum capacity to house 200 inmates is currently accommodating 710 prisoners, and counting. "The number of prisoners is increasing and we already don't have enough space to accommodate them. Moreover, the infrastructure of the prison is in such a dilapidated condition that we actually feel sorry for the inmates," Giri added. The condition of Taplejung District Prison is not different. Established more a century ago, this is the oldest jail in the district.With the capacity to hold 25 inmates, the jail has been keeping a total of 97 prisoners. "Going back to my grandfathers' time, this jail has housed some of the deadliest criminals in the past. It is supposed to be a museum but we are still struggling to operate it as a prison house," said an official at Taplejung District Jail, Tara Tamang. Similar is the condition of Panchtar District Jail where 138 prisoners are incarcerated. "The prison lacks proper sanitation and toilet facility. It is so congested that the prisoners have to take turns to sleep. Most of them dose off outside the cells, covering their body with everything they possesses to

beat the cold," said an official at Pachtar District Jail, KhagendraBerdewa.

The condition of Chandragadi prison in Jhapa district is even worse. More than 35 prisoners are kept inside a cell which can hardly adjust six people. "Women inmates don't have this problem as they have been adequate facilities. But it's the male prisoners who have been suffering," said an official at the prison.

Republica, 2013.12.5

**Entry and exit gates:**Checking at gates must be made mandatory. Visitors are crowded at jails. They have rights to see their near and dear ones. All the visitors are not same; some come with ill intentions. Strong and well-guarded gates are the primary need for the safety and security of inmates of jails. The Central Jail of Sundhara, Kathmandu has only one gate for everyone and everything. There is no separate gates for the utility purposes. Moreover, there is no metal detector or walk-through gate installed at the entrance of this jail. There are no X Ray machines working at the gates of almost all jails of the country. This makes the tasks of security more burdensome and sometime permeable. Manual checking of everything all the time is sure to miss things like weapons and narcotics drugs being ferried inside the jails. The modern electronic amenities like these would have averted many past incidents.

**Lighting system:**Many jails depend on the regular electricity supply. There are no alternatives to these in many jails. Central jail of Kathmandu also lacks such basic facilities. When the lights are off, the security guards are helpless. They cannot monitor the activities of inmates inside the jails.

**Surveillance and Alarm system:**All jails must have reliable round-the-clock surveillance and emergency alarm systems installed inside the jails. The Central jail of Kathmandu is lacking such primary necessity.

**Staffs attitudes and efficiency:** All staffs working in the jails must have positive attitude towards the prisoners. They must be given training before they join the duty in jails. This writer enquired a newly posted security in-charge of Dillibazar jail whether he had taken any training before joining the duty? He said he had not received any training but he had experience of working in three jails in the past.

**What needs to be done:** Keeping in view the past incidents of shooting and jail-breaks, the improvement of infrastructures and facilities of jails has become must. The government is mulling on the improvement plans. Budget allocation together with the vision and plan are recognized as important for the overall improvement of jail administration.

Physical facilities are important, but the importance of human resources aspects of jail administration cannot be ruled out. Many staffs and security personnel involve in malicious activities thus risking the breach of safety and security of hundreds of inmates of jail and prisons. Proper and timely training and orientation on the attitude and conduct of employees are of paramount importance. They need detailed guidelines on what to do and how.

Govt bid to boost prison security

KATHMANDU: Amid growing security concerns with convicts perpetrating crimes from behind bars, and recent jail-

breaks, the government has decided to develop jail infrastructure and transform prisons into reform houses. In the budget speech for fiscal year 2011/12 yesterday, Deputy Prime Minister and Finance Minister Bharat Mohan Adhikary spoke about budget allocation for transforming jails into reform houses. The government has also floated the 'open jail' plan and relocation of worn-out prison houses located in the nerve centre of the Capital city. Rs 717,547,000 has been allocated for prisons against Rs 599,867,000 last fiscal year under the title Public Order and Security. But, the government is yet to decide on the budget to be exclusively used for jail reform. "The concept of open jail will be implemented gradually. Feasibility study will be done to transfer Bhadracol Jail, Central Jail and Women's jail to appropriate locations," said minister Adhikari. Unlike closed prisons, the open prison believes that jailbirds will not attempt to escape and they are subject to approval to eke out a living in the community. As per the Prison Management Act, any prisoners who has completed half the sentence and demonstrated good conduct will be eligible to enjoy the open prison upon the recommendation of the Department of Prison Management. Durga Prasad Bhandari, DoPM director general said the concept of open prison will help prisoners rehabilitate and adjust themselves to live a dignified life in society once they serve their term. Meanwhile, the government's move to develop jail infrastructure is expected to enhance security in prison houses and prevent untoward incidents. The Judicial Investigation Commission led by former Supreme Court Justice Rajendra Prasad Bhandari and the high-level committee led by erstwhile AIG RabindraPratap Shah formed to investigate into the March 10 Central Jail shooting, had recommended various short and long-term measures to boost security in prisons and thwart criminal activities. The investigators had recommended that metal detectors, walk-through scanners, cell phone jammers and CCTV cameras be installed in jails as part of short-term reforms to prevent smuggling of illegal objects into jails. They had also recommended that the government disperse notorious convicts elsewhere in the country and increase the accommodation capacity of jails, besides developing infrastructure. Similarly, the panels had suggested that Bhadracol Jail, Central Jail and Women's Jail be relocated to address the problem of security vulnerability.

Himalayan News Service

**Long-term solution:**Prison overcrowding is an entrenched problem and solutions require careful work and strong political will. Some of the creative measures taken to address this problem have included:

- Mobile judges travel to prisons to hold court hearings. This reduces the number of remand prisoners
- Judges use probation and community service as an alternative to prison  
Legislators adopt sentencing reforms to reduce the length of sentences
- Parole boards are given authority to release and supervise prisoners early who pose little danger to society
- Parole boards sanction technical parole violators (e.g., fail to report on time) outside prison