A Study on Impact of Budget in Prison’s of Nepal

Riya Basnet  Apekshya Niraula & Ashish Joshi
Student LLB 2nd year Student LLB 2nd year
Kathmandu School of Law Kathmandu School of Law
Bhaktapur, Nepal Bhaktapur, Nepal
riyabasnet911@yahoo.com apekshyaniraula@yahoo.com

Abstract:

Purpose – Prisons system in Nepal are crammed full and poorly managed, plus the prisoners are detained in the crowded place. Number of inmates incarcerated in the prisons is terribly higher to that of the capacity. The facilities are pitiable. The study aims to scrutinize the conditions in which the prisoners are set aside and the impact of budget allocated for the development of prison and for the realization of the basic rights of the prisoners.

Design/methodology/approach – A survey instrument is done through personal survey, data was collected from internet sources, newspaper articles and books. The sample of the research included 19 prison authorities, lawyers, prison staffs and the inmates.

Findings – The survey instrument is shown to be both reliable and suitable. The results of the data analysis revealed sufficient evidence to establish that the prisons lack adequate infrastructures, nonattendance of competent authority and the prison system is steered by the principle of punishment at the same time as not of reformation and rehabilitation, along with the deficiency of budget to carry out the basic rights of the inmates, plus the laws and international covenants ratified are not followed.

Research limitations/implications – The accurateness of the examination is dependent upon the accuracy of the data reported by lawyers, prison authorities and the inmates.

Practical implications – The results of this study will lend a hand in the prison management in addition to identify with the basic rights of the captives. As well this study will facilitate in implementation of international laws that Nepal has adopted but not thrive to walk along. And also increases the capacity of the prison management department and smooth the progress of it to formulate policies and to perform monitoring and evaluating prison administration effectively. Plus, lends hand in making the sufficient allocation of budget.

Originality/value – This study determines the management of prison system and the reforms considered necessary in Nepal. It sets forward the information for formulating national standard with respect to the covenants adopted, by keeping in view with the financially viable aspect of nation which are at a halt lagging far-flung behind when it comes to practices, furthermore the prison authority are badly informed in the direction of the basic rights of inmates.
1. Introduction

Prison system is one of the accepted a good number means of punishment system wide-reaching. In each state the prison system has been considered the last resort of criminal justice. In the world, all the inhuman and unjustified punishment, whipping, pillory etc looked upon as outdated although in some of the country still imposed the death penalty as the last resort. It is believed that the prison system satisfy all theory of punishment such as retributive, deterrent, incapacitation, reformation, re-socialization etc,

Punishment is the core and central of element in the criminal justice system. The main purpose of the punishment is to maintain peace and security in the society. The punishment in itself is not the end but it has to be considered as means. However, in Nepalese context punishment has been taken as the end.

The penal system in Nepal is inefficient and by any measure, inhuman. The main problem lies with prison management itself. The existing prison system focuses on punishment and there has been no attempt to introduce a reformative or rehabilitative regime.

In actual, prisons are constructed as a humane alternative to the public floggings and executions that are originally used to punish and reform criminals. The prison is the place where inmates could do hard labor and repents their crimes in isolation from the society. But in the present day, prisoners are locked away and ignored. No consideration has been given to reform the prison laws and enable prisoners to enjoy their basic rights. The prison system is guided by principle of punishment and not of reformation and rehabilitation. There is paucity in a clear national standard on prison system. Subsequently, prison inspection system is not regular, effective and judicious. Plans, Programs, activities and budget of the prison management department are not transparent and accessible moreover there is a dearth of sufficient, competent, trained personnel in prisons.

1.1 Historical Background the Nepalese penal system

Historically the penal system of Nepal is guided by a policy of retribution. The Nepalese penal system never adopted a policy of reforming the convicted persons for the objective of his/her rehabilitation.
The history of Prison system in Nepal set in motion from 1914 AD when the present Central jail in Kathmandu was established. It was called “Sadar Jail” meaning a prison house situated at the capital. The prison administration in those days had been placed under the control of the incumbent military general. Right after the popular movement in 1951AD, the prison administration had been shifted to the control of ministry of home affairs. A modern penal system merely began to build up in Nepal in the early 1960s with the abolition of a number of outdated categories of punishment along with the introduction of an adversarial system of justice. The foremost penal institutions are the courts and the police, but their performance is ill with from a number of weaknesses. Nepal’s police force is subjected to undue political interference and often fails to properly investigate crimes. Many ordinary people fear the police whilst the police in turn are afraid to prosecute the misdemeanors of high level members of society. The chief grievance against the courts is the lengthy period they take to deal with cases. Corruption is a concern with both the courts and the police. Consequently, the prison act was enacted in 1963, and the prison regulations in 1964. However, these legislative instruments by a hair's breadth changed the rudimentary circumstances of the prisons. The mechanisms of managing disputes and hearing grievances have not been developed in Nepal. Disputes are being settled by the efforts of prison staff and prisoners themselves.

Today, the management and the administration of prisons are governed by the department at central level and the Chief District Officer is responsible for local levels. We have 75 administrative districts and there are 73 prisons in sum.

1.2 The framework of Nepal’s penal system due to insufficiency of Budget:

The current estimated figure of prisoners throughout the country exceeds 10000 inmates. Consequently, the exact figures of prisoners are not available, as the authorities are severely maintaining figure as confidential. The figure seems to be increasing with the intensification of the Government’s action against Maoist rebels.

Jail in Nepal can hardly claim to be place for rehabilitation. Many are in the state of poor shape. Almost all of them lacked even basic facilities such as drinking water, medical services, recreational facilities, materials for reading and writings. Some jails do not even have lavatories, forcing inmates to use their own cells to the courtyard as lavatory. Today many of building are on the verse of collapse, while, some are dark and cold. Healthy prisoners and those suffering for infectious diseases and mental illness are often incarcerated together. The deprivation of food, lack of medical treatment and the absence of basic hygiene all contribute to a thoroughly oppressive and miserable environment.

1 CeLRRd,1999:25.  
2 Annual survey of Nepalese Law 2002, Right to Constitutional remedies (some recent judicial trends), Tripathi,Hari Bansh (Dr)  
3 Sangroula Yubaraj(Dr),Concepts and Evolution of Human Rights: Nepalese Perspective, Kathmandu School of law. P323.
Equally, the overwhelming majority of prisons in Nepal are being housed in old dilapidated buildings. Correspondingly, the roofs licks and the prisoners have to suffer terribly; walls and ceiling of many of them are on the verge of collapse, threatening the lives of the prisoners. The foul smelling toilets make life miserable for prisoners. For an instance in different places of Nepal like Jhapa, Morang and Nawalparasi the prisoners are kept in entirely collapsed building. In chorus, the toilets, kitchen and living rooms are linked with each other and are in a very pathetic condition.

The condition of food and clothing provided to the inmates are miserable. Prisoners could choose between white rice, rough rice and flour. But all the food was of same bad quality and filled with pests and foreign objects which are hardly edible. The inmates are given a choice of rice and flour only to show that the authorities were treating the prisoners in a humanly approach. Inmates have been demanding for increment in their daily allowances because of rise in price of food and petroleum products. Even the inmates forwarded a demand to the jail administration seeking Rs 30 as the minimum daily allowance as they were only given rs15 per day as a result the inmates were not in position to afford anything else than boiled rice for their meals because of the price hike. They inmates were forced to have nothing else but the boiled rice after the price ramble. It is learnt that no increment has been done in the allowances of the inmates for last five years. They were not in position to have pulses and vegetables with their meals. Question of breakfast and Tiffin’s were out of reach of inmate’s. In last five years the salaries of the civil servants have increased from time to time. There have been price hike in all the daily commodities. But the allowance of the inmates remained same. The inner part of the jail where the inmates are kept for heavy torture has no access to fresh air. The cell is so hot in the summer that inmates felt like they were boiling correspondingly in the winter, they had to go through bone breaking cold as same as that they were sleeping on the ice. Many of the times they are not provided with proper bedding, in addition to that they are compelled to sleep in the floors.

Prisons in Nepal, Terai and Urban areas, in particular are overcrowded; some of them having as many inmates as thrice more than the exaggerated official capacity. For an instance; in the prison which could hold only 79 prisoners instead 211 inmates are kept, also the convicted prisoners and detainees are indiscriminately incarcerated in the same prison. With this, the prison which is only capable of 25 prisoners in its place 45 prisoners i s kept where 3 female inmates are kept along with 42 male inmates. Likewise children beneath 10 year were kept in the same cell among the adult inmates. The number of inmates has harshly increased over last few years in the context of mounting Maoist insurgency. Countless are in a very poor condition with inadequate facilities; the Terai prisons suffer from serious congestion.

---

4 As per the report of the National Human Rights Commission, Prison is about to collapse, 2057-58. P.32.
6 Nepal Samacharpatra, Inmates compelled to sleep on the floor, 2003-07-22.
7 Nagarik Daily, The numbers of inmates sharply increased, 2012-06-10.
8 Kantipur Daily, Inmates were in twice than the capacity, 2002-01-13.
10 Sangroula, Yubaraj (Dr), Concepts and Evolution of Human Rights: Nepalese Perspective. P316.
These grave upshots have been resulted due to the inadequacy and misallocation of budget. The fact of Nepal’s prisons and prisoners which has been increasing enormously is stated below:

**Prisoner’s overcrowded in the prison:**¹¹

<table>
<thead>
<tr>
<th>Prisons</th>
<th>Ability of holding inmates</th>
<th>Currently inmates being hold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sundhara</td>
<td>1,200</td>
<td>1,980</td>
</tr>
<tr>
<td>Parsa</td>
<td>750</td>
<td>1,102</td>
</tr>
<tr>
<td>Dillibajar</td>
<td>180</td>
<td>683</td>
</tr>
<tr>
<td>Nakkhu</td>
<td>180</td>
<td>483</td>
</tr>
<tr>
<td>Jhumka</td>
<td>400</td>
<td>642</td>
</tr>
<tr>
<td>Morang</td>
<td>380</td>
<td>602</td>
</tr>
<tr>
<td>Mohattari</td>
<td>170</td>
<td>366</td>
</tr>
<tr>
<td>Makwanpur</td>
<td>280</td>
<td>344</td>
</tr>
<tr>
<td>Chitwan</td>
<td>250</td>
<td>369</td>
</tr>
<tr>
<td>Rupandhei</td>
<td>235</td>
<td>364</td>
</tr>
<tr>
<td>Kailali</td>
<td>180</td>
<td>242</td>
</tr>
</tbody>
</table>

From the above chart we can explicitly see the numbers of inmates are twice more than the actual capacity of the prison which brings up difficulties in the prison management itself. This factual data presents the pathetic situation of the inmates and also the prisons. In sundhara prison which is only capable of holding 1200 inmates recently 1,980 inmates were found so was the same in Parsa in place of 750 inmates 1,102 were incarcerated. Likewise the same condition can be seen in Dillibajar, Nakhku, Jhumka, Morang, Mohattari, Makawanpur, Chitwan, Rupandhei and in Kailali. The prisoners are obliged to spend their span of punishment in such inhumanly congested prisons and this congested and roughly overcrowded prison has resulted in improper sanitation as a result the inmates have to line up for more than 2 hours to get access to the lavatory.¹² Plus, the inmates are dying inside the prison due to lack of proper health facilities. Majority of Nepal’s prisons are not healthy for human beings to live in since they are crammed into the same prison.

¹¹ Prison management department, 2012-04-05.
¹² Naya Patrika, Inmates in queue for 2hours to get access to lavatories, 2012-06-24.
1.3 Prison expenditure situation:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total budget</th>
<th>Budget allocated for prison</th>
<th>Increment</th>
</tr>
</thead>
<tbody>
<tr>
<td>F/Y 2009/10</td>
<td>99,78,68,86,000</td>
<td>50,39,20,000</td>
<td>-</td>
</tr>
<tr>
<td>F/Y 2010/11</td>
<td>70,13,27,94,000</td>
<td>59,98,67,000</td>
<td>19%</td>
</tr>
<tr>
<td>F/Y 2011/12</td>
<td>12,93,27,92,000</td>
<td>71,75,47,000</td>
<td>19.61%</td>
</tr>
</tbody>
</table>

The budget allocated for prisons in F/Y 2009/10 was 50, 39, 20, 000 out of total budget 99,78,68,86,000. Similarly, in F/Y 2010/11 the total budget allocated was 70,13,27,94,000 out of which 59, 98, 67,000 was the expenditure allocated for the prisons. At this point it shows that the 19% of expenditure was increased in the year 2010/11. Subsequently, in the year 20011/12 the budget allocated for the prisons was greater than before by 19.61%. Despite the fact that the expenditure was increased in the year 2011/12, the amount allocated in the context of increasing number of prisoners is almost not adequate to meet their basic need along with the infrastructural development of prisons. The lack of development budget for the prisons is an evidence of lacking policy in the part of development of the prisons, cleanliness of kitchen, need of proper health treatment, nutritious foodstuff crisis, incompatible bedding and congested cells. The inmates have to face countless problems within the prison. This situation also indicates to a condition that shows negligence of the government towards regarding human rights of the inmates.

The budget allocated for the 73 prisons in Nepal are supposed to be unsatisfactory as the inmates are facing numerous complexity inside the prison. The budget allocated each year is not competent to fulfill their minimum basic needs. They are being obliged to reside in congested room, where they are incarcerated twice the capacity of the prison. Besides, the prisoners are compelled to spend night in lavatory due to insufficiency of prison’s cell. The number of inmates has been growing excessively yet there has not been taken any steps for the infrastructural development of the prison even the expenses for the prison management has not been adequately
allocated. On the same note, due the improper allocation of budget situation is being touchingly miserable even to make available the prisoners with their basic rights.\(^{13}\)

If the budget was as much as required to construct the additional cells the inmates would not have to reside in such crammed prisons and spend a wretched hours of darkness in the prisons. For the reason of unacceptable allocation of budget the circumstances is being pathetically depressed even to put together the prisoners with their basic rights.

Correspondingly, in 2011 A.D the amount of budget made available in prison situated in Morang was Rs 1 crore and 74 lakh finances for 565 inmates.\(^{14}\) However this very finance given was not as much as necessary to fulfill the basic needs of the convicts. At present, the budget allocated for the prison is Rs 1 crore 50 lakh but the inmates have grown to 612 in number. At this point, we can analyze that the government has disregarded increasing number of inmates and has allotted lesser amount of budget compared to last year despite the fact, price of goods and commodities are escalating every year.

On the same note, due the improper allocation of budget situation is being touchingly miserable even to make available the prisoners with their basic rights\(^ {15}\). For a case in point; the inmates are having problem to sleep for the reason that there are less number of cells.\(^ {16}\) With this due to acute shortage of drinking water the prisoners are bound to walk half an hour a day to get access to water.\(^ {17}\) Physical condition, cleanliness of kitchen, sanitation and personal hygiene in most prison is of poor standard. They aren’t yet endowed with the health treatment facilities due to which an individual of 22 years died from diarrhea\(^ {18}\). Another instance will be: In the prison located in Biratnagar, 200 inmates were afflicted from communicable viral influenza\(^ {19}\). The inmates who were not suffering from this disease were held in along with the inmates who already had this viral, since there was no alternative prison as a result they had the viral transmitted in them. Conversely, the prisoners did protest the authority about not having access to medical treatments but the authorities never responded.

Government budget at this instant is the nerve centre of public economy. It is a chief instrument of social and economic development. It is the most important part of the government functioning. All the functions of the prison management are controlled by the government budget. The developmental actions of the prison depend upon the budget. Furthermore the government budget serves several purposes as it sets an agenda for policy formation intended for the infrastructural development of the prisons. The number of prisons can be increased; moreover the basic facilities for the inmates can be made available for transforming the prisons into

\(^{13}\) Khadka Pabitra Bahadur, supreme bar journal, 2012, P.221.
\(^{14}\) Nayapatrika, Budget scarcity resulted food crisis, 2012-06-11.
\(^{16}\) Kantipur Daily, Prisoners to spend night in the toilet, 2011-08-26.
\(^{17}\) Kantipur daily, Scarcity of water in khadbari prison, 2002-03-21.
\(^{18}\) GorkhaPatra, No access to medical facilities, 2001-02-18.
\(^{19}\) Anapurnapost Daily, 200 inmates suffered from viral influenza, 2002-07-06.
reformative homes. The attitude of the government which express that the prisons are ‘punishment or the torture centers’ ought to be changed. The number of inmates has been growing excessively yet there has not been taken any stepladder for the infrastructural development of the prison even the expenses for the prison management has not been adequately allocated. The lack of development budget for the prisons is an evidence of lacking policy in the part of development of the prisons.

1.4 The legal framework of Nepal’s penal system

The Prison Act and Regulations, 1963, administers prisons in Nepal. The prison act is an outdated piece of legislation, and is punitive in nature. The Act makes no provisions for reformation and 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.\(^{20}\) 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).

a. Nepal’s Human rights obligations under International Law :

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.

The very Prison Act 1963, is in contravention with the international Human Rights instruments i.e. ICCPR. Seeing that, the preamble of Prison Act 1963 states the “Maintenance of the Peace and Order” is the prime objective of the Act. Besides, that the preamble neither refers to the need for protecting fundamental rights and addressing the basic needs of the inmates nor altering confinement into reformative centers as the aim of the Act. As of this we can have the thought that the Prison focus Act of Nepal gives a punitive focus on the prison management. These laws are therefore guided, against international human rights laws, by retributive and deterrent principle of punishment. The Prison Act only focuses on the need of prison security, and detailing the punishments to be handed out to the inmates and prison officials who contravene the laws.\(^{21}\)

\(^{20}\) Centre for victims of torture Nepal (cvict), 2001.
\(^{21}\) Sec.9 of the Nepal treaty act, 1990 provides on ‘Equal Application of Treaty Provisions as Domestic Laws’. The section 9 (1) states, “at the contradiction of any treaty provision with existing laws to the state of Nepal is a party or government of Nepal is party by accession, ratification, approval or adopted by parliament for the purpose of such treaty domestic law shall be invalid to the extent of incompatibility in this regard, treaty provision shall be applied as to the domestic laws of Nepal.” Section 9 (2) states “If any additional liability or obligation is to be incurred and
b. **Prison Act 1963 Sec. 22** states that Political prisoners and other high officials prisoners should not be treated alike the other ordinary prisoners. The foodstuff and clothing given to them should be of a good quality not as equivalent to the ordinary inmates. This rule explicitly violates the *International Covenant in Civil and Political rights, Article 26* which states: “All people are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.

c. **Prison Act 1963 sec. 10(a)** states if any crime with less than 3 years punishment, the judge may provide them with the work of community service. But this law has not been implemented. Despite being such a fine provision incorporated within the law which could also effectively help to lessen the mounting crowd of the inmates and possibly reform them in addition and this has not been functional for real.

**Minimum Standard Rules for the treatment of Prisoners set by United Nations (UN)**

**Rule no. 8**

The different categories of prisoners shall be kept in separate institutions or parts of institutions taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment. Thus,

- (a) Men and women shall so far as possible be detained in separate institutions; in an institution which receives both men and women the whole of the premises allocated to women shall be entirely separate;

- (b) Untried prisoners shall be kept separate from convicted prisoners;

- (c) Persons imprisoned for debt and other civil prisoners shall be kept separate from persons imprisoned by reason of a criminal offence;

- (d) Young prisoners shall be kept separate from adults.

Single imperative variation in between those who have been convicted of committing crimes or

---

*legal provision is to be provided for the execution of such liability or obligation of the treaties to which the state of Nepal is party or Nepal government is party but not acceded, ratified, approved or adopted by parliament; for the implementation of such treaty government of Nepal as soon as possible must proceed for enactment.”*
Criminal offences along with those who have been in custody while pending trial and who are, therefore, still not guilty before the law. These two groups should be held in dissimilar accommodation because of their different legal status and also because of their different needs. Other groups who have out of the ordinary legal status incorporate those who have been detained consequently of a civil justice procedure to a certain extent than a criminal justice one. But, in contravention the cell which is only capable of holding only 25 inmates instead 75 are kept plus the male and women and so the child are kept in the same cell which is an awfully unpleasant experience for the inmates, plus, the inmates waiting for trial and the convict of crime are subsequently kept together which overtly contradicts the guidelines set by United Nations. Though, in Central Prison of Nepal, there is a fully separated compound for females. However, in other places of Nepal male and female inmates are kept in the same penitentiary.

Rule no. 12

The sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner.

All captives should have access to lavatory conveniences on demand. The finest arrangement for this is if they have unrestricted access to them. They should be able to make use of these facilities in private and should not be subject matter to inspection by staff or other prisoners. Amenities should be provided for the toilets and nearby area to be kept clean. Definite arrangements should be made for the sanitary necessities of women captives. In oppose to the standard set by UN the prison’s status has been degrading. The Nepalese budget shows very little is spend on the development of prisoner and focus is given to the development of tight security system for an instance in buying of sophisticated camera system, armed guards, heavy iron doors and bars are build up but no instances of adding up more cells as such. But no any improvements have been traced out in part of providing the sanitary facilities to the inmates. The prisons lacks hygiene conditions of living, physically uncomfortable, painful, remote and very jam-packed and has not addressed captive’s basic requirements and the infrastructural development of the prison.

Rule no. 13.

Adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate.

Principles of what represents adequate bathing and showering have altered since 1957. It is now generally expected that access to these facilities should be on a more regular basis than once a week. Particular groups of prisoners, such as pregnant and nursing women, should have supplementary access. Stipulation should be made for inmates with disabilities to access baths or
showers. Captives should be able to utilize all of these facilities in space to themselves, subject to the required to maintain security and good order.

In contradiction there has been a case that the prison with the capacity of holding 15 prisoners currently holds more than 166 prisoners and it has only 5 toilets, as a consequence, they have to line up for 2 hours to get access to the lavatories.

In addition to that, the guidelines and standards are set out in International human rights law. UDHR is the most important international human rights instrument to guide the penal system wide-reaching. While observing the prison laws of Nepal, the following provisions of the UDHR are found definitely mistreated by the existing prison laws of Nepal.

According to Article 1 of UDHR:

All human being are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Despite being affirmed criminal by the court, they are also humans adding together are also born free and equal and they do consist certain rights like right to life, right to health and sanitation which are the basic right and indeed components of dignified life but they are ruthlessly deprived from those inherent rights.

Article 5:

No one shall be subjected to torture or to the cruelty, inhuman or degrading treatment or punishment.

In contradiction to this article, In Nepal the inmates are given brutal physical as well as mental torture as they are not given with their basic need like sanitation, health, food stuffs, clothing, and poor infrastructures to live in. These practices severely violate the rights of the inmates. State is responsible for the well-being of its detainees, extending the positive duty beyond the taking of reasonable ladder to safeguard a detainee’s life, to the taking of stepladder to maintain a minimum level of standard of living by providing them with their basic requirements.

Article 7:

All are equal before the law and are entitled without discrimination to equal protection of the law.

Consequently, the Prison Act 1963 Sec. 22 states that Political prisoners and other high officials prisoners should not be treated alike the other common prisoners which explicitly is against the Article 7 of UDHR as well as with the Article 26 of ICCPR which states that all people are the same before the law and are entitled without any prejudice to the equal protection of the law.
There has been reported a case where mobs who are politically backed up are residing luxurious life while the other inmates are not even provided with minimum amenities for their living\textsuperscript{22}. This clearly shows that this is a huge unfairness among the inmates.

Though, the provisions of UDHR and other international covenants are foundation principles for a fair, adequate and impartial justice, including rational penal system. The chief rationale of these principles is to attain international co-operation in upholding and encouraging respect for human rights without any class or any sort of distinction. But these articles laid down by International covenants are habitually violated.

1.5 Probable Solutions and Strategies for the good health of Prison’s in Nepal

\textsuperscript{22} Rajdhani Daily, Mob residing luxuriously in Prison, 2008/11/12.
<table>
<thead>
<tr>
<th>Probable means out for the suppression of effect of economy in prison system of Nepal</th>
<th>Probable line of attack for suppression of effect of economy in prison system of Nepal</th>
</tr>
</thead>
</table>
| 1. Increase the capacity of the prison management department and formulate the satisfactory budget for monitoring and appraising the prison administration effectively. | a. Utilize existing resources more efficiently.  
b. Distribute additional budget to enhance aptitude of the prison management department. |
| 2. Make the prison administrators responsive about the principles, objectives and international standards of punishment and imprisonment. | a. Circulate guidelines to the absolute prison for reforming prisoners, amplification of the principles, objectives and international standards of punishment and imprisonment. |
| 3. Endorse the synchronization within the budgetary policy and the prison management system. | a. Build the financial plan building process more see-through.  
b. Engender an environment for regular interactions between various echelon of the prison administration and the government officials of ministry of finance who are concerned with formulating budget. |
| 4. Put together, publish and distribute a clear budget on prison system counting the management of prisons, the reforms needed on infrastructural development of prison and fulfillment of basic needs of prisoners. | a. Carry out a study for preparing budget on prison, observing the country’s economic, social and infrastructural situation of the prison system. |
| 5. Broadcast the plans, programs and actions of the prison management department with the purpose that the budget can be formulated accordingly. | a. Make public and distribute regularly the reports of plans, programs and activities of the prison management department. |

In adding together, keep mentally ill, dependent children of prisoners, juvenile delinquents and drug abusers separately from other prisoners. Juvenile should segregated from adults and be accorded treatment appropriate to their age and legal status. They should be kept in separate correctional home in congenial environment.\(^{23}\) Separate them in prisons which have a sufficient amount of space. At the same time, relocate mentally-ill prisoners to places where treatment services are available. Equally, make it compulsory for medical doctors working in government hospitals to make available usual services to the prisoners. In support of this the government must allocate sufficient budget. The budget premeditated for the management of prison system should be greater than earlier one as well as fittingly operated. The adequate budget should be allocated by government of Nepal on behalf of providing the captives with skill development and

income generation activities, also helping the inmates in favor of participating in educational and constructive activities. Equally, the budget should be made available in order to construct kitchen, bedroom, toilet, water taps, and wells and to ensure good ventilation likewise to allocate a room with enough space as the essential minimum facilities which are deficient in countless prisons. On behalf of that the prison rules must be amended as well as the budget ought to be increased. The nutrition level in foods should be enhanced. Every penitentiary is believed to sort out income generation activities guaranteeing the products made can be sold at the local market. Besides, the drinking water has to be clean and suitably available also the bedding materials have got to be made accessible to prisoners the instant they go into prison.

Subsequently, there is a great inevitability for the co-ordination between the prison authorities, prison staff and the inmates. Inmates in prison may have low standard of living, they feel of retribution, mental melancholy and sorrow. As well as in prison staying idle without employment after going back to society they may have no incentive to work and due to no skill they may again get themselves indulge in crime. Equally, in prison the industrialist should be motivated to make them available with some sorts of works and lend hand to make the prisoner`s skilled, after leaving prison they will have employment opportunity and may not indulge in any crime. Providing skill makes them economically competent, and helps them to sustain their family life. The industry should be of handicraft and small cottages, and industrialist should be also help in financing, promoting and enhancing industries. The focus should be directed towards way of converting prison into social institution. No consideration has been given to reform the prison laws for making the prisoners entitled to enjoy their basic rights. The poignant point is, there is no provision for any counseling services to prisoners to prepare themselves for the release for the reason that, the budget itself is inadequate. Given that, the authorities have absolutely failed to become conscious about fulfilling the basic need of the inmates. A prisoner therefore has no opportunity to feel that s/he has been there for change and reforms in there behaviors. S/he is there only for the punishment purpose. The existing prison system focuses on punishment and there has not been any attempt to introduce a reformative and rehabilitative regime besides the budget has not been sufficiently allocated in regard of prisons. The Nepalese penal system never adopted a policy of reforming the convicted persons for the objective for his/her rehabilitation.

We should make adequate efforts to make prisons as a place for correction rather than punishment. Government has severely failed to realize the need of reforming jails and develop a policy that prison is a productive institution. The Government has consistently failed to understand converting prisons into productive institutions is helpful not only to reduce government subsidy in future but also rehabilitate prisoners back in the society. Rehabilitation should be a goal of modern correction. When the prisoners are rehabilitated and given education & vocational trainings. The rehabilitated offender understands society and willing contributes for the society.
1.6 Conclusion

From above we can come to the conclusion that the budget that has been allocated is not at all sufficient since the inmates are severely being deprived of their basic rights such as drinking water, medical amenities, entertainment facilities like materials for reading and writings. Numbers of jails do not even have proper and adequate lavatories which compels inmates to use their personal cells to the quad as lavatory. And also they have to line up for more than an hour to get access to the lavatory. This is a very inhuman and pathetically poor situation they are obliged to go through. Many of the prisons are on the verse of collapse and they haven’t been yet repaired and maintained. Sound and healthy prisoners and those suffering for infectious diseases and mental illness are over and over again incarcerated collectively and so does the infrastructure of the prison is in a very pitiable state and yet not being provided with the medical facilities. The budget allocated for the 73 prisons in Nepal is unsatisfactory as the inmates are facing numerous complexities inside the prison. The budget allocated each year is not competent enough to fulfill their minimum basic needs. The inmates are rapidly increasing and subsequently the number of prisons are in short supply as such the prisoners are crammed in a congested manner, in addition the Nepalese government have not taken any incentive on this regard the budget does not comply with the increasing number of the inmates. In the year 2001/12 the budget allocated for the prisons was greater than the prior year by 19.61%. Nevertheless the percentage of increment of budget allocated on the very year is not equivalent to the number of increment of the inmates plus the inflation in Nepal is speedily taking hike. As an output the inmates are being deprived of their basic right which come about to be a ruthless violation of human rights.

Thus the budget has a great collision on the prison system of Nepal. In upcoming days the government has to make policies for the overall development of the prison system of Nepal. The government has to make a study on the conditions of the prisons, overview the lacunas of the prisons and the evils faced by the inmates should be addressed. In the same way the strategies should be made to reform the inmates inside the prison rather that torturing them. Correspondingly the authorities should not fail to remember that the inmates are also the part and partial of the society. This does not imply that they will remain forever criminal after completing their span of punishment they have to return back in the society. Sequentially, to assimilate inmates back into society plus to ensure so as they will not again involve themselves in any deviant activities. Henceforth, the additional budget should be provided for the reformation through vocational trainings, recreational activities as a result this will lend hand to prepare those captives to comply back again with the social norms and values along with the social and legal standard set by the law and the society together. Though Nepal is a developing country it lacks a sound economy but the government here should realize that the economic condition can never be a reason to deprive any of their citizens from their basic rights which is indeed a foundation of human rights.