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The Press In Nepal: Past And Present

By

Shyam Bahadar K C
The Press In Nepal: Past and Present

By Shyam Bahadur K.C.

The Nepalese Press is today riding high on the crest of unbridled freedom wrought by the people's movement of February-April 1990 which also restored multi-party democracy in the Kingdom. Freedom of the press to which lip service had been paid not only by the previous partyless political dispensation but also by other authoritarian regimes the world over has now finally been institutionalized. This has been done in no less a document than the recently promulgated Constitution of the Kingdom of Nepal. As part of the fundamental rights, Article 13 of the Constitution of Nepal speaks of Press and Publication Rights. Sub-clause 1 of the article says categorically that "no news item, article or any other reading material shall be censored". Sub-clause 2 reads "No press shall be closed or seized for printing any news item, article or any other reading material" and Sub-clause 3: "The registration of a newspaper or periodical shall not be cancelled merely for publishing any news, article or any reading material." I believe closely aligned to the freedom of press article is the one on the right to information which comes under Clause 16 and reads: "Every person shall have the right to demand and receive information on any matter of public importance."

To those of us working in the media, and perhaps also to the academics, these clauses in the Nepalese constitution is a revolutionary step forward the like of which is hardly found in constitutions of most Third World, or, may be, even First World, democracies. But journalist also understand that notwithstanding what is written in the constitution, governments tend to exercise control over the press in one form or the other. Governments everywhere hope to bring the press to its line of thinking; whether they succeed or not is quite another matter. In this sense, the Nepalese journalists have now to be extra careful that the rights given to them by the constitution to keep the people better informed is not snatched away from under their noses either subtly or by deceit or by force, for whatever the hue of the government it carries with it a tendency to be secretive. However, with the Constitution clearly pro-press and related press act likely to be in conformity with the letter and spirit of the Constitution, the Nepalese press can look forward to a bright future. This has not always been so.
Historical Perspective:

The Nepalese Press is relatively young. The first Nepalese newspaper did not see the light of day till 1901 and even then it was a small four page tabloid sheet printed irregularly once a week by the Government and distributed to a select few. The age then was one of isolation with the heirarchical Rana Prime Ministers wielding unlimited power in the name of the King and ensuring that winds of change in whatever form and shape did not enter Nepal to change the feudal system. Nothing, therefore, could be had from the weekly that such a government put out. It was not until the advent of democracy in Nepal in February 1951 that newspapers other than the one being put out by the government, which was known as the “Gorkhapatra”, began to the published. The credit for the first publication after the onset of democracy in 1951 of a daily newspaper goes to “Awaz” (Voice) which was in the Nepali language, and which, however, did not survive long. It was only a matter of time before many others in different languages, but mainly in Nepali language, hit the streets. But the story was the same: most did not last long and some that did barely manage to do so. The 1950s decade saw the publication and demise of a large number of newspapers, both dailies, fortnightlies and monthlies, even though many of them tended to reflect the views of a large number of political parties which were then in existence and their demise came despite expectations that the parties possibly could be financing them.

The late King Mahendra took over power from an elected government in December 1960 and Nepal’s decade old experiment with parliamentary democracy was brought to an abrupt end. Whatever the justifications or otherwise of the King’s move, it did usher in three decades of authoritarian rule with the resultant gagging of the press, specially in the initial stages of the Panchayat rule when the authorities were totally intolerant of anything and everything.

This was done though a series of laws that forbade criticism in the press or elsewhere of the existing partyless Panchayat system and this went so far as to include, at later stages, any news or writings that could even remotely whip up party feelings as political parties were banned and the Panchayat ideologues apparently did not want political parties ever to make a come back in Nepal. In addition, there were laws such as the Security Act, Press and Publication Act (which in its initial stages did not permit the aggrieved newspaper when it was banned to move the Supreme Court though this was later rectified), State Offence and Punishment Act (used for subversive activities) and others that worked as discouraging factors for the growth of the Nepalese Press. Many journalists were put behind bars on one pretext or the other. Even then, however, it must at this stage be made clear that the press laws in Nepal even during the three decades (except for the first few years) were not as repressive as those prevalent in the communist countries. In fact, the libel laws appear to have been so lax that many, though by no means all, indulged in downright character assassination and sensation-mongering. Though this practice did
increase and enhance the sales of the concerned newspaper to some extent, Nepalese journalism was the loser. The authorities in the Panchayat system were only too happy to keep such newspapers indulging in such practices as this kept the papers away from the real issue at stake: true freedom of the press, the freedom to criticise those wielding real power, the freedom to criticise the government policies, the freedom to point accusing fingers.

It was under such a backdrop that the Nepalese press made whatever headway it could. At about the same time that democracy came to Nepal in February 1951, Radio Nepal, which in a predominantly rural country is the main media that reaches most Nepalese, came into being. Apart from its entertainment programmes, Radio Nepal was not allowed in the forty years of its existence to develop its network of news gathering staff or even to develop the news and current affairs programmes to the desired extent. This is a pity as in a country that faces formidable topographical challenges, the radio is the only medium that can reach the maximum number of people, something the print media is unable to do due largely to distribution problems. Television had been a late starter in the Nepalese media scene with the first television programmes being aired only in the mid-80s. But this is a medium which has a tremendous potential though it can reach only a select audience who can afford television sets and who have access to electricity. This then is the present mass media scene in the country.

Present state:

Press everywhere depends on the economic well being of the people, the literacy rate, the level of education, the development of transportation network and in all these areas Nepal does not have a very bright picture to present. Perhaps with the exception of Bhutan and the Maldives, the Nepalese press is among the least developed in the SAARC countries. The Press in India, Pakistan, Bangladesh and Sri Lanka, I think, have a much glorious and very much longer history than does the Nepalese press. Today there are upwards of 400 dailies, weeklies and fortnightlies. They have been at least registered with the government. It is another matter whether or not they are published regularly. Why has this happened?

During the thirty years of partyless governance of the country and also the years before that, newspapers were mostly being used as political vehicles by political parties in the 50s decades and by individual politicians during the partyless dispensation. This resulted in low credibility of newspapers and this sector was never developed as a profession. As a result investors never came forward to invest in newspaper production and this trend, unfortunately, continues to this day. Quite apart from political activism that newspapers in Nepal has shown all through, another reason being advanced for the paucity of investment in this sector during the 30 years of authoritarian partyless rule was that laws did not provide security to newspapers and that the government or the state could at any time ban newspapers at the slightest of pretext and that in-
vestors were obviously not going to venture into such high risk and low return areas. But quite apart from the prevalent legal systems, the sheer dimensions of handicaps and difficulties that any-one contemplating publication of newspapers have to face are quite daunting indeed. Press facilities are very inadequate, and good quality newsprint has to be imported all the way from Europe. Most of the people are illiterate and those who can read and write either do not have the habit of buying newspapers or do not have the money to do so. In addition, unless newspapers are able to win the confidence of the people, credibility cannot be established and the people begin to have faith in newspapers. Additional handicap is due to lack of circulation, and advertisers are not willing to place advertisements in such newspapers with the result that advertisement revenue which is the mainstay of any newspaper is just not there. Under such circumstances, unless one is highly motivated and is willing to suffer loss year after year, there is no point in going in for newspaper business.

On the other side of the coin are newspapers published by the Gorkhapatra Corporation, an enterprise owned by the government. The Nepali language daily, "The Gorkhapatra" and the English language daily, "The Rising Nepal" are circulation-wise by far the largest circulated dailies in their respective languages. During the previous dispensation, in certain key matters and issues, there was little or no public confidence in the news and commentaries carried by these newspapers but at the same time in other matters, the credibility of the newspapers were relatively high. This, I think, is because of the fact that these newspapers have been able to observe some journalistic norms which the others have not been doing. The ownership of the Gorkhapatra Corporation by the government, however, does not mean that the two national dailies are mouth-pieces of the government specially in the present context. This is because 1) the Corporation is a profit making company and does not depend on the government for any subsidies and 2) both the Prime Minister, Mr. K.P. Bhattarai, and the Communications Minister, Mr. Yog Prasad Upadhyay, have officially gone on record saying that the newspapers enjoy full autonomy. But though the government leaders have said this, journalists in the private sector as well as the bureaucracy have not been reconciled to this idea, and whenever the newspapers have taken independent stance on different issues - this has been more frequent now than in the past - the bureaucracy and the private sector press have not been tolerating this tendency arguing that the newspapers owned by an enterprise which in turn is owned by the government should not take independent stance.

The ownership of the private sector press is also interesting. In Nepal, most of the private sector newspapers are owned, published and edited by the same individual. This has several drawbacks and this also explains why newspapers are seeking government subsidies in the form of advertisements or cash grants or concessions on newsprint prices. Once obligated to the government in this overt manner, it stands to reason as to how privately owned newspapers can be more independent than government owned ones, the latter are making efforts with the agreement of the political leaders to legalise autonomy for the
government owned print media. This may be in the form of creating a trust with the government unconditionally transferring all its ownership rights to the trust or alternatively taking the corporation out of the government jurisdiction and making it responsible to the parliament. But whatever form the autonomy takes it will have to await the installation of a new elected government which, it is to be hoped, will act on this matter with a sense of priority.

No one is thus satisfied with the present prevalent press system in the country. True, the Nepal Press Council has just recently recommended to the Nepalese government drafts of a new Press act to replace the old one which has now become redundant, a new press council act and a working journalists act to protect the rights and interests of working journalists including job security.

**Media Regulatory Mechanisms:**

The government has announced a new press policy on the recommendation of the Press Council and the council itself has announced a code of conduct for journalists and newspapers. Some of the salient features of these are given below.

Some important features of new press policy of the government include:

1. Government will encourage the institutional development of a healthy and responsible press.

2. In conformity with the constitutional provision, no newspapers will be suspended or their registration cancelled. Right to information, freedom of expression and human rights will be protected.

3. The prevalent practice of monopoly of news collection and distribution will be reviewed and government will exercise in successive phasing out of Government owned newspapers. Government will facilitate expansion and development of electronic media.

4. Granting of facilities to the press as a priority sector and the possibility of granting industrial status to the press will be considered positively.

5. There will be no restriction on registering newspapers in any language and the registration procedures will be simplified and eased.

6. Encourage free flow of advertisement without prejudice and irrespective of viewpoints of newspapers on the basis of regularity, standard and seniority, and remove compulsion for the concerned offices to publish public notices in the state-owned newspapers only, as is the current practice.
7. Make newsprint available to specified extent at concessional rates along with other press equipment and materials necessary for printing newspapers.

8. Encourage training facilities necessary for journalists, and those working in printing presses.

9. Setting up of circulation auditing body to maintain record of circulation of newspapers and periodicals.

10. Establishment of Press Council as an autonomous body.

11. Legal provisions to protect the rights and interests of the working journalists.

Proposed Press Act:

For working arrangements, the previous Press Act has been thoroughly revised, and a new draft has been prepared at the recommendations of the Press Council. Some of the features of the proposed Press Act are:

1. The procedure of registration has been simplified and provisions have been made for the establishment of the office of Press Registrar specifically to deal with press registration.

2. Freedom of press provided in the Constitution has been guaranteed. Registration in no case, can be suspended or cancelled.

3. Newspaper or publications cannot be confiscated except on specific ground like National Security, National Interest, Public moral. Due compensation has to be paid if such charges are not proved.

4. Press can file suit against any action in a court of law.

5. Press can collect and disseminate information and news under existing legal provisions.

6. Restrictive and regressive provisions of previous Press Act has been dropped.

Proposed Press Council Act:

In keeping with the changed situation, the Press Council has submitted a draft of a new Press Council Act to the government which is giving it a positive consideration. Some of the highlights of the Act are:

1. The constitution of the Council has been so made as to include a proper representation including working journalists
and literacy journalists, representatives of institutions related with the press.

2. The tenure of the members are fixed for different periods so as to maintain continuity.

3. Council in entrusted with the task of contributing in the development of responsible press and safeguarding the freedom and right to information.

4. Maintain basic norms, ethics and morality of journalism and safeguard individual right and interest.

5. Make suggestions and recommendations in its report which has to be presented in the House of Representatives.

6. Prepare and implement code of conduct so as to develop responsible press and discourage yellow journalism.

7. The Press Council is authorised to ask press to publish specified material, comment, apology, contradiction etc.

Time and again there had been complaints by readers as well as by journalists themselves that some of the newspapers have in the past been indulging in yellow journalism. In order to check such undesirable practice, the Press Council has enjoined upon all newspapers to observe certain norms and the Council has enumerated these norms in the form of code of conduct the main highlights of which are:

1. Newspapers should refrain from publishing news and views which could create or develop bitterness, conflict or violence among different communities, religions or regions.

2. News which turn to be baseless or damages individual’s image should be promptly corrected.

3. Source of news should not be disclosed so as to maintain professional secrecy.

4. Baseless and unfounded news likely to result in character assassination and unnecessary intervention in the private life should be avoided.

5. Press should not be misused to promote individual interest. It is considered to be a serious offence if one tries to make financial or material gains at the cost of news.

6. Press should not have any preconceived notion against any person and in no way should news or views adversely affect the credibility and goodwill of any agency for self interest.
7. Should not publish any pornographic or erotic material or any thing that adversely affects the moral ethics of the society. Press should be equally cautious so that anything it publishes in no way aggravates the mental torture and suffering of the aggrieved party.

8. Press should maintain professional understanding and should not be unnecessarily involved in accusing or defaming each other.

Despite the favourable atmosphere generated by the restoration of multi-party system and the consequent advent of press freedom, the Nepalese press, separated as it were between the government-owned and the private press, has a long way to go. The main hurdle to a systematic growth of the Nepalese press at par with other SAARC countries is the paucity of finances which continue to haunt the Nepalese press. With little or no resources at their disposal, most Nepalese newspapers are unable to dig out stories or send their reporters and correspondents on assignments. Importantly, the lack of resources on the part of newspapers has hurt the interests of the national news agency which has unfortunately to depend almost entirely on government subsidies even to pay the salaries of its employees. Until the time comes when the newspapers themselves can fully pay for the running of the news agency or another news agency is set up without government subsidies, the prospect indeed looks bleak for the growth of a vibrant, healthy and independent press.

But I must put on record the fact that for the past 40 years, the pioneers of the Nepalese press as well as others who joined the profession later have been working against all odds to bring about a truly free press which they now have and can develop further. The same missionary zeal will be required for years to come, and given the past history, we can be sure that this will be possible. But in this the role of a generous, tolerant and encouraging government cannot be negated. For as long as big investment in newspaper industry is not forthcoming and the private sector fights shy of advertising in privately owned newspapers, there is no alternative but for the government to provide generous subsidies to newspapers without any strings and tolerate the criticism from a press that it is helping to run. But then that is the contradiction of the prevalent Nepalese press system.
Annex-1

Some Laws And Documents relating to the Press

1. Legal Law of the Government of Nepal (Fundamental Rights)
2. Act relating to Fundamental rights
3. Press and Publication registration Act. 1951
4. Press and Publication Act. 1953
5. Common Law (1910)
6. Constitution of the Kingdom of Nepal 1959
9. Press and Publication Registration Rules 1963
13. Press and Publications (Deposit) Rules 1971
14. Press Policy
15. Press Council (Working System) Rules 1973
17. Press Identify Card Rules 1975
19. Press and Publication Registration Rules 1977
22. Press and Publication Rules 1983
25. Press and Publication Act Propose
26. Press Council Act Propose
27. Working Journalist Act Propose
Annex-2

Press Agencies and Institutions

1. Nepal Press Club 1972
5. Press Institute 1989
6. Press Centre
7. Professional Journalist Association
8. Electronic Media Association
11. Reporter's Union of Nepal
12. Working Journalist Association
13. Pokhara Press Club
14. Journalism Journalist Committee
16. Nepal Journalist Association (Two)
17. Nepal National Journal Association
18. Nepal Free Press