

MEDIA POLICY, 2012

(Rev.0-3)

Ministry of Information and Communications

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Preamble

The People's Movement of 1990 brought significant improvements in the areas of the press and freedom of expression. The 1990 constitution incorporated press-related rights as fundamental. New legislation in 1992 also opened FM and TV broadcast licensing to the private sector. These changes brought significant increases in the numbers of private and non-governmental broadcasters in Nepal.

The People's movement of 2006 and following establishment of the new, inclusive democratic order in the country were historic developments for Nepal. Peace was finally initiated by the signing of the comprehensive peace agreement between the Maoist Party and the seven parties.

The old constitution was abolished and a new Interim Constitution was set up in 2063 BS (2006 AD) in harmony with the 12 and 8 point agreements between the CPN (Maoist) and the seven parties to remain in force until the new Constitution enacted by the Constituent Assembly. The 12 and 8 point agreements between the seven parties and the CPN (Maoist) party and the Interim Constitution of 2063 have already prepared the pathway for a new media regime in the country by guaranteeing the freedom of speech and expression, freedom of the media, right to information, and right to uninterrupted communication. Significant developments have taken place in both the media sector and the government following these historic events and various workshops, seminars and committees have made recommendations for the formulation of the country's new media policy.

The Interim Constitution of 2063 has laid down many mandates for the government in its directive principles. The government is responding to these mandates with the aim of securing the fundamental rights guaranteed by Constitution. The government is currently in the process of revising and annulling obsolete or oppressive media and communication laws and re-establishing genuine freedom of speech and expression and genuine protection for the right to information. Further, media-related legislation is presently spread out in an uncoordinated manner with various areas of overlap in different laws and statutes. The procedures for entering and leaving the media

industry can also be problematic. There is, therefore, a need to simplify, integrate and unify media laws.

The media have the vital roles of watchmen and promoters of democratic process in the new democratic order, which requires all media to be free, accurate, impartial, and accountable. The media need to be free from state and any other outside interference so that they can fulfill their duty as watchmen, always upholding the dignity of the media profession and adhering strictly to proper media codes of ethics. It is also in the spirit of democratic society to have a media sector that is open, liberal and exposed to business competition. The sector needs to be developed and mobilized in a businesslike manner on a profit-making basis but always in a professional and ethical manner.

Further, technology is advancing rapidly and the new digital era has begun. This is the opportune moment for the country to enjoy the advantages of digitalization in all broadcast media.

The Scope and Purview of Media Policy:

All areas of the mass communication media (namely MW, SW, FM and Internet radio broadcasting, television broadcasting (including cable, terrestrial, satellite and IP TV), printed media, advertising and cinema) come within the scope of this policy. All regulatory arrangements in broadcasting, the press and publication, advertising and cinema fall within the purview of this policy.

Guiding Principles:

The Guiding Principles of this Policy are as follows:

1. To ensure the fundamental guarantee of freedom of expression and the right to information enshrined in the Constitution.
2. To have the mass media contribute to the development of a healthy democracy by clarifying the responsibilities of the entities engaged in mass media activities.
3. To promote the welfare of the people on the basis of the principles of an open society by establishing appropriate media systems for all aspects of national life.
4. To establish and develop a healthy society on the foundations of justice and ethics by eliminating all types of economic and social inequality and establishing harmony among the various castes, tribes, religions, languages, races, communities and denominations and promote peace, fraternity and harmony among people.
5. To strengthen national unity by maintaining the cultural diversity of the country through the development of healthy and cordial relations among the various religions, cultures, castes, communities, denominations, races and linguistic groups, based on the principles of equality and co-existence and through the equal nurturing of the languages, literatures, scripts, arts and cultures of each.
6. To give priority to the furtherance of scientific and technological skills and also promote the development of local technology in the media sector.

Overall Objectives:

1. To enhance respect for the principles of accuracy, impartiality and fairness in the media.
2. To promote understanding of democracy and the inclusion of marginalized communities and promotion of harmony among different cultures and communities by ensuring freedom of expression.
3. To promote a healthy democracy by ensuring the functional independence of all media bodies.
4. To promote healthy journalistic practices and develop the media sector through the creation of independent mechanisms and by ensuring the transparency of the mass media.
5. To create awareness and consciousness among all oppressed and excluded people and minority communities, including women, *Dalits*, indigenous peoples (*Adhibasi, Janjati*) and *Madheshi*, to bring them into the mainstream of national development.

Overall Policy:

- 1-1. To ensure that no person without legitimate basis shall interfere with or regulate the activities of journalists.
- 1-2. To encourage the media and journalists to be fully aware of their responsibilities and duties regarding the furtherance of healthy media in society.
- 1-3. To revise all existing laws relating to the media sector, information and telecommunications under the administration of the Ministry of Information and Communications.
- 2-1. To develop media which shall be supportive of the furtherance of democracy and peace.
- 2-2. To encourage healthy investment in the media sector, including limited foreign investment.

- 3-1. To ensure that the media shall not disrupt public order or be offensive to public morality.
- 3-2. To encourage the government to ensure that all media sector shall not produce contents to block the promotion of a free and healthy democracy by supporting or harming any assertion of a particular organization or individual.
- 3-3. To ensure that funds donated individually by individual or by political parties shall be pooled to help media be managed in a sound manner and fairly used.
- 3-4. To create media as a platform for governmental and non-governmental organizations and the general public to practice the right to information, and develop the media as means to safeguard against all kinds of exploitation, discrimination, injustice etc.
- 3-5. To create appropriate mechanisms to limit ownership, media concentration and cross subsidies in the media sector in order to prohibit monopolies.
- 3-6. To create appropriate mechanisms to limit foreign investment in the media sector to 49% at most.
- 3-7. To allow 2-5 years' transition period to the concerned party to comply with anti-monopoly and ownership limitation provisions.
- 3-8. To abolish the conventional system by which the government has paid advertising fees to all media. The abolition shall be carried out in a certain period, by which time each media is urged to improve its financial situation.
- 3-9. To reduce commercial advertisement, unless otherwise specified by law, by ministries, departments, offices and other entities of Nepal government.
- 3-10. To limit publication or broadcasting of any content created by government ministries, departments, offices and other entities to a single publisher or broadcaster not to exceed 5% of total content of such publication or broadcasting.

- 3-11. To establish a Public Service Broadcaster (PSB, hereafter) on the basis of appropriate models.
- 3-12. To make the National News Agency more effective as a news agency by enhancing its capacities and revising related acts accordingly.
- 3-13. To establish the Nepal Press Council as a forum of self-regulated journalism sector.
- 4-1. To establish a high level independent media commission for the regulation and monitoring of content part of the media sector (broadcasting, print media, cinema, and advertisement).
- 4-2. To transform telecommunication authority to a converged broadcasting and telecommunication authority for regulating and monitoring of technical part of the media sector (broadcasting, and telecommunication).
- 4-3. To develop self-regulation and monitoring mechanisms within each media organization.
- 4-4. To establish guidelines for codes of conduct, editorial standards and other necessary guidelines by a high level independent media commission.
- 4-5. To encourage media organizations to produce an internal code of conduct and editorial standards based on the guidelines developed by a high level independent media commission.
- 4-6. To make the safety, security and welfare of working journalists a priority in order to provide an environment that is conducive to the free and impartial performance of their work.
- 4-7. To encourage a high level independent media commission to issue standards for minimum pay for working journalists (*Shramajibi Patrakar*) and publish them to the public.

- 4-8. To create mechanisms to ensure the financial transparency of media organizations.
- 4-9. To establish an independent national media education and training council for the development of media-related research, curriculum coordination, monitoring and promotion, encouragement of media professionals and securing of funds for the council's own purposes.
- 4-10. To ensure that an independent national media education and training council shall open its financial situation to the public each year.
- 4-11. To ensure that an independent national media education and training council shall not be managed for a commercial purpose. Management with independence shall be ensured.
- 4-12. To encourage an independent national media education and training council to make available to the public training methods and details it has developed, and promote them so that all media sector can use thus available results for its employee training programs.
- 5-1. To have the media play an effective role in creating awareness and consciousness on issues related to women and other backward or marginalized people through media coverage.

Sectoral Policy

6-1. Broadcasting

1. To consider "Public Broadcasting Service" to be a) accurate, fair, impartial and ensured to be autonomous b) supporting democratic norm and values without discriminating any person or community and producing standard programmes .
2. To ensure the equitable sharing of frequencies among the three tiers of broadcasting, whilst public service broadcasting should be allocated the most effective frequencies to ensure national coverage; the existence of clear, open and transparent frequency licensing criteria consistent with promoting the goals of pluralism and diversity of ownership and content;
3. To classify Prominent broadcasting entities as Prominent Broadcasting Company based on a) balanced diversity of program they broadcast i.e. agriculture, science and technology, culture, education, news, entertainment, b) their larger prospective impact and influence in the society c) their capability and infrastructure to continue broadcast without any interruption during disaster or emergency and d) their consent and commitment to disseminate specific information without any fee.
4. To apply the "Broadcasting Program Rule" to Prominent Broadcasting Company concerning its significant influence.
5. To determine basis to classify Commercial and non Commercial broadcasters and differentiate their right, privileges and obligation based on their category.
6. To determine basis to classify also Community, Local Government, religious, educational etc.
7. To determine and allocate available FM and terrestrial TV channels for different category of broadcasters i.e. for PSBs, Commercial Broadcasters and non Commercial Broadcasters.

8. To promote the use of new technologies to improve quality coverage and effectiveness of broadcasting and to increase channel availability where frequency spectrum is limited.
9. To incorporate in the appropriate legislation, the licensing process, fixed license period and method of renewing or re-licensing of commercial broadcasting based on multiple rounds, ascending bid auction process.
10. To limit ownership of any broadcasters except PSB for the desirability of avoiding monopolies in control of news to only one state (or Province)of the Nepal.
11. To formulate a general rule, except for PSB, to restrict only one broadcaster under one company, and a company cannot control the broadcasting company terrestrially more than 10% by voting rights and 1/5 on additional officer post.
12. To enable the whole population of Nepal to listen to/view (either of radio, television, satellite, or Internet)broadcasts (of PSB).
13. To promote broadcasting with respect for indigenous local cultures.
14. To encourage broadcasters to share their infrastructure and satellite bandwidth among them, for reducing expenses of foreign currency and for optimized use of infrastructure, on reasonable terms and conditions within the guidelines issued by Nepal Government.
15. To limit the investment and share holding ratio by any organizations or individuals interested in any broadcaster to 15% for maintaining its independence.
16. To abolish the conventional system by which the government has paid advertising fees to broadcasters. The abolition shall be carried out in a certain period, by which time each broadcaster is urged to improve its financial situation.
17. To transform Radio Nepal and Nepal Television as Public Service Broadcaster (PSB) with the target service coverage of 100% in order to provide necessary information for all the people of Nepal.

18. To ensure that PSB shall pay respect to indigenous local culture and play the role of a regional key station in promoting cross-cultural exchange in the country.
19. To ensure that PSB, as the driving force for promoting broadcasting culture in the country, shall make its own assets and intellectual property rights available to private broadcasters.
20. To ensure that PSB shall receive a fixed amount of or 50 % contribution from royalties, licensing and renewal fees paid by the broadcasters so that PSB's funds may not be affected by the government's budgetary appropriation and so that the government intention and view may not be reflected in any broadcast.
21. To ensure that PSB shall be allowed to generate revenue by its own effort, with due respect to business opportunities for private broadcasters, to the extent that activity is based on the purpose of PSB's establishment, and secure financial strength without dependence on the government.
22. To ensure that a high level independent media commission shall receive a fixed amount of or 15 % contribution from royalties, licensing and renewal fees paid by the broadcasters, film producers and Cinema exhibitors so that PSB's funds may not be affected by the government's budgetary appropriation.
23. To ensure that an independent national media education and training council shall receive a fixed amount of or 20 % contribution from royalties, licensing and renewal fees paid by the broadcasters, film producers and Cinema exhibitors so that the council's funds may not be affected by the government's budgetary appropriation.
24. To encourage an independent national media education and training council be managed so that both employees of PSB and private broadcasters may take equal opportunities for education and training.
25. To encourage the media specify the ratio of issues related to women and other backward marginalized people through its media coverage and actual results shall be announced in the annual program monitoring results.

26. To ensure that PSB shall make educational programs 20% and cultural programs 15% of all programs for the purpose of promoting broadcasts with due regard to harmony among multiple cultures and languages in Nepal, and local endemism.

6-2. Print Media

1. To ensure that optimum freedom of press and publication should be with the scope of prevailing laws.
2. To create an environment for journalists to perform their duty without facing any undue pressure or threat by making proper practical arrangement for their security to enact proper law to protect rights of working journalists.
3. To promote press and publication with respect for indigenous local cultures.
4. To encourage publication of newspaper in regional and local level and publication in local language.
5. To abolish the conventional system by which the government has paid advertising fees to newspaper and publisher. The abolition shall be carried out in a certain period, by which time each newspaper and publisher is urged to improve its financial situation.
6. To extend and coalesce scope of National News Agency to perform in a competitive manner in current change context by providing required resources, and by using modern technology in collection, editing and distribution of news and by involving private sector in management of the Agency.
7. To develop Gorkhapatra Corporation as modern publication house by restructuring it by providing modern high-tech publication equipment and to compete with private sector by involving private sector in the management of the corporation.
8. To promote Literature Journalism by concerned publisher to encourage publication of such literature.
9. To continue involvement of Gorkhapatra Corporation in publication of Nepali literature.

10. To develop self-regulation and monitoring mechanisms within each newspaper and publisher, and help them to implement press and publication properly. The monitoring results shall be widely open to the public every year.
11. To encourage the newspaper and publisher to produce establish guidelines for codes of conduct, editorial standards and other necessary guidelines, and publish them to the public to create an environment in which self-regulation can be observed.
12. To create a system of mandatory disclosure of newspapers to encourage the newspaper and publisher to disclose its income and outgo statements to the public each year, thus making fund raising and financial affairs transparent to the readers.
13. To encourage the media specify the ratio of issues related to women and other backward marginalized people through its media coverage and actual results shall be announced in the annual program monitoring results.

6-3. Cinema

1. To enhance the Nepali Cinemas as a medium of fresh and healthy entertainment for all the Nepalese people with promoting art, culture, literature, and education along with entertainment.
2. To develop self-regulation and monitoring mechanisms within each cinema production company, and help them to implement cinema properly.
3. To develop mechanism for objective and clear criterion based censorship of cinema through Censor Board.
4. To encourage cinema production company and distributors to produce establish guidelines for codes of conduct and other necessary guidelines.
5. To ensure that high level media commission shall provide secretariat and administrative service for censor board.
6. To develop a system to enforce intellectual property rights of Nepalese Cinemas as well as foreign cinemas.
7. To ensure autonomy and independence of the Film Development Board.
8. To create an investment fund for encouraging better script writings, directions, filming etc. which are fundamentals of a quality cinema.
9. To encourage cinema production company, made in foreign language and which earns specific amount currency, by providing specific privileges and exemptions to such cinemas.
10. To allow foreign investment in cinema production or infrastructure industry within the scope of Foreign Investment and Technology Transfer Act, 2049.
11. To revise or formulate the required legislation for effective implementation of these policies and established as a cinema sector as industry.
12. To widen the scope of cinema by including various mode of cinemas i.e. Celluloid, video, digital, animation cinemas within the definition of cinema.

13. To encourage foreign investment or co-production of cinemas which provides transfer of knowledge, skills and experience in cinema production; promotes international marketing of such cinemas; publicize Nepal or promotes tourism in Nepal.
14. To allow artist, technicians and manager from the third country during course of a foreign invested or co-produced film, only after finding such involvement justified and with pre approval of Nepal Government.
15. To develop self-regulation system based on individual guideline which is established by agency through a high level independent media commission.
16. To encourage and protect production of the cinemas which promote democratic values and principles, Nepali art, culture, publicize positive image of Nepal; assists in promotion of tourism, enhance harmonious relationship among various cast, tribes, languages of Nepal; protects interests of marginalized class and communities.

6-4. Advertisement

1. To create a separate legislation dealing the content, method, manner and all aspects of advertisement will be enacted. A separate guideline on use of different types of advertisements and roles and responsibilities of concerned authorities will be formulated and implemented until such legislation is enacted.
2. To determine basis to classify advertisement based on its content i.e. commercial, social, public information etc.
3. To develop self-regulation and monitoring mechanisms within each advertiser and help the advertisers implement advertising properly. The monitoring results shall be widely open to the public every year.
4. To fix maximum permissible ratio of content to advertisement for broadcasters and publishers and to discourage broadcaster and publishers to cross such limit by monitoring through a high level independent media commission.
5. To prevent being used for a specific political party, a political organization, and specific political activity.
6. To encourage and promote such advertisements which promote national unity, integrity, harmony among Nepalese people and useful for general public.
7. To make an arrangement to ensure reduced advertising charges for the advertisements which provide proper information during the time of disaster or which discourage different kinds of social superstitions.
8. To protect people from false information regarding any product or service by permitting publishers and broadcasters to verify legitimacy of any such product/service and legitimacy of manufacturer of such product or providers of such service.
9. To provide proper information through advertisement for optimum enjoyment of general people's right to have correct information about available products and services and enjoyment of right to choose option about product and services.

10. To ensure safety of people, pursue Metropolitan City, Sub-metropolitan City, and Municipality, Village development Committees to create and implement proper zoning of area where hoarding board, electronic displays, tower and high raised balloons are not permitted and develop system for preapproval of any construction erection of such construction.
11. To differentiate between news, other informative content and advertisement in any publication and broadcasting by issuing a guide line to separate advertisement from other content by visible or audible separators. To monitor compliance of such guidelines through a high level independent media commission.