

**Nepali Media:
Issue of
Ethics and
Sustainability**

**Media
Year Book
2021/22**



Press Council Nepal

Volume 2, No. 2, 2022

Media Year Book 2021/22

Nepali Media: Issue of Ethics
and Sustainability

Editors:

Liladhar Upadhyaya

Kamal Dev Bhattarai

Press Council Nepal

Published by:

Press Council Nepal

Media Village, Tilganga, Kathmandu

Phone: 014112678, 014112799

Email: presscouncilnepal@gmail.com

Website: www.presscouncilnepal.gov.np

Copyright : © Press Council Nepal

2nd edition : 2022

Printer : Rolwaling Offset Press, Kathmandu

Designed by : Bhakta Bdr. Karki

Press Council Nepal would like to sincerely thank authors for their contribution to this publication. The opinions expressed in this publication are those of the authors. They do not represent the views of the organization.

Press Council Nepal

BOARD OF DIRECTORS

Mr. Balkrishna Basnet
Chairperson

Mr. Bipul Pokhrel
Member

Mr. Ganesh Pd. Pokharel
Member

Mr. Chiranjibi Maskey
Member

Mr. Thakur Prasad Belbase
Member

Mr. Dipak Pandey
Member

Ms. Durga Bhandari (Poudel)
Member

Mr. Ram Prasad Dahal
Member

Mr. Lal Babu Shekh
Member

Mr. Sharad Prasad Adhikari
Member

Mr. Hari Prasad Joshi
Member

Mr. Shankar Nepal
Member-Secretary

Mr. Jhabindra Bhusal
Chief Administrative Officer

Foreword

Press Council Nepal (PCN) is delighted to present the second edition of the Media Year Book 2021/22 on the occasion of its 53rd anniversary. As a continuation of the previous year, the book is published under the theme of **Nepali media: Issue of ethics and sustainability**. It is PCN's yearly review journal on ethical conduct of media and its sustainability. PCN is relentlessly working for the promotion of professional journalism as its primary duty is to formulate, implement and monitor the code of conduct. Moreover, PCN conducts policy review, collects feedback from the stakeholders and offers recommendations and advice to the Government of Nepal for ethical and professional journalism.

A democratic society cannot survive without free press and media, and the only prerequisite for the press is to be dignified, ethical, credible and professional. Sustainability of media is another issue in the Nepali context as there are multiple challenges ranging from adverse situation created by various pandemics to resource crunch. Appreciable fact is that Nepali media is emerging gradually tackling several challenges and constantly informing the people on a wide range of issues facing the nation. Impact of COVID-19 is still an unforgettable reckoning for media and its sustainability.

PCN has brought the second volume of the English journal as its annual review. This review covers various dimensions of

Nepali media and discusses prospects, problems and solutions towards making Nepali journalism more ethical, credible and accountable. This review brings forth insights of experts and practitioners in the field of media and communication. This volume covers various topics of Nepali media. They include: Media literacy to enhance trust in media; Handling complaint: An unavoidable task; Newsroom and issue of gender equality: A critical appraisal; Existing challenges and future course of print media; Analysis of media situation in Bagmati Province; Fighting 'disinformation' and 'fake news' for media freedom; Coordination among multiple levels of government to implement media laws and policies; Global media scenario and Nepal's situation; Media in Madhes; Issue of RTI and its implementation in Nepal; Prospects of journalism in Lumbini Province; Ensuring inclusion and accommodating diversity in Nepali media; and Fact-checking against misinformation and disinformation.

PCN has been taking various steps for the greater good of the Nepali media amidst the challenges unleashed by the advancement of information technology. The Press Council Act 1992 (2048 BS) has given maximum responsibility to the Council to take initiative to issue and implement the Code of Conduct for Journalists to develop healthy journalism and to make journalism a dignified, accountable and prestigious profession. By updating the code of conduct, it has been interacting with the concerned bodies, experts and legal practitioners to address the introduction of technology and new trends in journalism.

To make the journalism profession responsible and accountable, in 2016, a new Journalist Code of Conduct had been issued after reviewing the earlier Code of Conduct. Similarly, the first amendment (2019) of the same Code of Conduct has been issued. In the meantime, various programmes are being

executed to implement it. PCN believes in holding the media and journalists accountable through effective adherence to the Code of Conduct.

PCN has been protecting and promoting both freedom of the press and responsible journalism. It adheres to the basic premise of holding the media accountable exercising freedom. It has supported the rule of law by making an arrangement that if objectionable, anti-social content is found disseminated through illegal, unregistered media outlets, appropriate action is taken to make sure this is not done within Nepal. There is a need to promote training, interaction, media dialogue, public hearing, and code of conduct awareness campaign at the province and district level so as to minimize the incidents of code violation. The state has to think realistically in this regard and increase significantly the amount of budget provided to the PCN to carry out these tasks effectively.

In order to empower media, the Council has given continuity to the supportive work including capacity building training, purchase of press materials, establishment of communication centre, subsidy, concession in treatment, etc. PCN would like to express its gratitude to all the expert writers who have diligently written research-based articles on contemporary media issues.

PCN is thankful to Liladhar Upadhyaya for taking the responsibility of Editorial Coordinator. His diligent work is appreciable. This publication would not have been successful without the editorial support provided by Kamal Dev Bhattarai. As the Member of Editorial Board, he worked hard to bring out this publication in its present form. PCN is also grateful to Ramesh Lamsal for thoroughly editing language of the articles. I am grateful to all board members, publication team

and staff at the PCN for their support to this publication. I am committed to make the media sector sustainable through effective programmes to maintain the dignity of Nepali journalism. Constructive comments and feedbacks are welcome for its betterment in the years ahead.

Balkrishna Basnet

Chairperson

Press Council Nepal

September, 2022

Abbreviations

AAN	: Advertising Association Nepal
ACORAB	: Association of Community Radio Broadcasters Nepal
AM	: Amplitude Modulation
AMARC	: World Association of Community Radio Broadcasters
BMT	: Bachelor in Media Technology
BS	: Bikram Sambat
CA	: Constituent Assembly
CBS	: Central Bureau of Statistics
CMR	: Center for Media Research
COVID-19	: Coronavirus disease of 2019
DoIB	: Department of Information and Broadcasting
FF	: Freedom Forum
FM	: Frequency Modulation
FNJ	: Federation of Nepali Journalists
FWU	: Far Western University
ICCPR	: International Covenant on Civil and Political Rights
ICT	: Information and Communication Technology
IFJ	: International Federation of Journalists
JMC	: Journalism and Mass Communication
KU	: Kathmandu University
MAN	: Media Action Nepal
MCJ	: Mass Communication and Journalism
MDC	: Master in Development Communication

MMT	: Master in Media Technology
MoCIT	: Ministry of Communication and Information Technology
MW	: Medium Wave
MWU	: Mid-Western University
NA	: Not Available
NEFEJ	: Nepal Forum of Environmental Journalists
NGOs	: Non-Governmental Organizations
NPI	: Nepal Press Institute
OJAN	: Online Journalists Association
PCN	: Press Council Nepal
PU	: Purbanchal University
RSF	: Reporters without Borders
SC	: Supreme Court
SIN	: Share-cast Initiative Nepal
TU	: Tribhuvan University
TV	: Television
UDHR	: Universal Declaration of Human Rights
UNESCO	: United Nations Educational, Scientific, and Cultural Organization

Contents

1. Media literacy crucial to enhance trust in media 1
- Kundan Aryal, PhD
2. Newsroom and issue of gender equality: A critical appraisal 13
- Kapil Dev Kafle
3. Existing challenges and future course of print media 31
- Kishor Shrestha
4. Analysis of media situation in Bagmati Province 42
- Rewati Prasad Sapkota
5. Fighting 'disinformation' and 'fake news' for media freedom 57
- Kosh Raj Koirala
6. Coordination among multiple levels of government to implement media laws and policies 66
- Liladhar Upadhyaya
7. Global media scenario and Nepal's situation 80
- Kamal Dev Bhattarai
8. Media in Madhes: Virtuous or vulnerable? 90
- Ram Kumar Kamat

9. Issue of RTI and its implementation in Nepal - Yek Raj Pathak	100
10. Prospects of journalism in Lumbini Province - Durga Lal K.C.	113
11. Ensuring inclusion and accommodating diversity in Nepali media - Namrata Sharma	128
12. Fact-checking against misinformation and disinformation - Umesh Shrestha	139
13. Handling complaint: An unavoidable task - Deepak Khanal	147

Media literacy crucial to enhance trust in media

Kundan Aryal, PhD*

Abstract

The concept of media literacy was first incepted as an idea to educate the audience, especially the younger ones to make them capable to construct the meaning of a message. In the age of a rapidly changing media landscape, it would be instrumental to escalate the extent of the interplay between the media and society. Different forms of Nepali media, in general, do not have the practice to encourage the audience to make them interactive. Since the media outlets have yet to present a set of self-regulations, self-evaluation and editorial policies in a written and conveniently visible manner, an audience is not equipped with a tool for appropriate assessment of the media performance based on their mandate. The qualitative data obtained in the course of the study reveals that the audience has not been exposed to a tool or the basis developed by media institutions themselves to assess their products. First, the media outlets are unable to present the set of rules of performance in the public domain. Second, they do not have a mechanism to

* Associate Professor Central Department of Journalism and Mass Communication, Tribhuvan University. email: kundan.aryal@cdjmc.tu.edu.np

receive substantive feedback. Consequently, the audience is bound to refrain from creating more conversation on the media message. Media outlets could plan to make a difference by encouraging active participation of the media literate audience to gain a higher level of public trust.

Keywords: Credibility, media literacy, set of guidelines, discursive power

Introduction

Over the centuries, it has been realized across the civilized world that journalists need to be aware of how much public trust they do possess every moment out of their performance. McNae (1997), in explaining the essence of a free press, notes that the journalist has no legal right to go anywhere, do anything, say anything, or publish beyond what is the legal right of any private citizen in these matters (Welsh & Walter, 1997, p. 1). To answer a very simple question of why the press or media occupies a crucial position, the judgement given by Lord Donaldson in the Spycatcher case in the Court of Appeal in 1988 in the UK would be appropriate to mention here. Donaldson (1997) views that the press occupies a crucial position, not because of any special wisdom, interest, or status enjoyed by proprietors, editors, or journalists. He reiterates that it is because the media are the eyes and ears of the general public. They act on behalf of the general public (Welsh & Walter, 1997, p.1). Hence, a media outlet's capabilities of being effective and functional among the people depends upon the sight and sound it represents.

There is a danger on the part of journalists. As Silverblat, Ferry and Finan (1999) state popular media narratives frequently depend upon unquestioned recognition and acceptance on the part of the audience (p. 39). In case the audience accepts, without question, premises with ideological overtones media would be deprived of vibrancy. Masterman (1999) observes that we do need to recognize that the

credibility of the media within democratic societies rests upon their ability to demonstrate some independence from government, big businesses and powerful interest groups (Silverblat, Ferry & Finan, 1999, p. 5). Hence, for a media outlet to be dependable for the general public or to gain a higher level of public trust media literate audience would be instrumental. As Muratova et al. (2019) note, the cooperation between media and information literacy and journalistic work is a fundamental issue for assuring the quality of journalism in the immediate future. There will be no quality journalism without citizens' quality participation in the public conversation (p. 6-7). Thus, media that encourage media literacy would be rewarded by a higher level of public trust.

Masterman, a teacher, was the first person to propose serious study of the mass media in schools, through the use of key ideas and concepts that would provide a way of studying, in a rigorous and disciplined manner, the diverse range of material which constitute media content. With the publication of *Teaching about Television* in 1980 and *Teaching the Media* after five years, his idea of promoting reflection upon media texts and developing a kind of questioning and analytical skills among the audience, especially among the youngsters, became influential across the developed world (Masterman, Interview, 2010).

In the context of Nepal, the notion of media literacy has been discussed for over a decade. However, media literacy, an ability to fully use many types of media safely, wisely, and responsibly, is low among media users. The number of complaints filed from the side of media consumers at the Press Council Nepal can be considered as one of the indicators to gauge the level of media literacy. The records maintained at the Council reveal that by 16 July 2022, in the fiscal year 2021/22, the total number of individual and organizational complaints and grievances reached 202. Among 114 individuals, 28 are women. Most of the grievances on the media outlets are about the baseless, fictitious and unbalanced content, as

many as 61. Likewise, as many as 17 complaints have invoked the responsibility of the individual media outlets.

Jolls and Wilson (2014) introduce the key insight presented by Masterman, a UK-based professor in the 1980's, as the central unifying concept of media education that of representation: media are symbolic sign systems that must be encoded and decoded (p. 69). Now, over time, media literacy has been established as one of the prominent subareas within the wider sphere of media education in a quest of reducing the potential discrepancy between reality and its representation in the mass media. Hence, though media literacy aims at empowering the audience to construct the meaning of the message independently, it is equally instrumental to the media practitioners to uphold their level of trust among the general public.

Against this backdrop, this write-up discusses the state of acceptance of the notion of a wider level of media literacy among the Nepali mass media. It aims to assess the efforts so far made by the major media outlets towards enhancing media and information skills and competencies among the audience. As a first prerequisite, they could make a set of rules or an effective and comprehensive and operational tool for their professional performance visible in the public domain. As a second prerequisite, for the wider level of interactivity with the audience, their digital avenues could be an effective platform to allow people to assess those set of rules or the editorial policies or operational guidelines.

The conceptual framework of the argument, in this write up, is based on 18-point basic principles for media awareness education presented by Masterman in 1989, precisely the lead of his manifesto which reads "Content, in Media Education, is a means to an end. That end is the development of transferable analytical tools rather than alternative content (Jolls & Wilson, 2014, p. 70)". Hence, the research question for this write-up is whether the different forms

of Nepali media are making their optimum efforts to encourage the audience towards a vibrant interplay between society and media.

Methods and materials

A manual by Braesel and Karg (2021) for DW Akademie, Deutsche Welle's centre for international media development, journalism training and knowledge transfer, states that the more media literate people become and the more they reflect the media's impact and their media behaviour, the less likely they will be to fall victim to media manipulation and technology hype (p. 18). The idea is that the accountable and professional media outlets can contribute significantly to combating misinformation and disinformation in an encouraging atmosphere for an active audience. In this respect, a mass media outlet can encourage a substantial way of interactivity on the web pages by allowing the audience to discuss the motive of their particular product to be questioned on particular media messages that may not be truthful, factual, or ethical. McQuail (2010), in explaining functionalism as media-society theory, states that society is viewed as an ongoing system of linked working parts or subsystems, each making an essential contribution to continuity and order. The media can be seen as one of these systems (p. 98). Describing the information function of media, McQuail (2010) quotes Lasswell (1948), according to whom, the main functions of communication in society, were surveillance of the environment, correlation of the parts of the society in responding to its environment, and the transmission of the cultural heritage (p. 98). A mass media outlet can effectively surveil society through active audience participation on its open platform.

Based on above mentioned conceptual framework digital avenues of select Nepali media outlets have been examined to obtain empirical data. As many as five websites of the major mass media outlets, including the big company running newspapers, television, radio

and online media, are examined. The visited websites represent both independent online media or extended versions of prestige broadsheet dailies.

Table 1: Complaints over the contents of different media outlets at Press Council Nepal, 2017-022

SN	Fiscal Year (BS)	No. of regular media outlets	Individual complaints, monitoring and collection of grievances from the public
1.	078-79	880	202 (including 28 for the Print & 150 for the online media)
2.	077-78	Print: 862 (including 43 registered this year) Radio & TV: Around 1000 Online: 2760	833 (including 155 online media)
3.	076-77	Print: 746 Radio & TV: Around 1000 Online: 2200	935
4.	075-76	Print: 712 Including a huge number of Radio, TV & Online	669
5.	074-75	Print: 953 Radio: 840 & TV: 153 Including a huge number of Online	166

Source: Records maintained at Press Council Nepal, 2022

Records (Table 1) of the number of media outlets and the total number of individual complaints, monitoring and collection of grievances from the public received at Press Council Nepal over five subsequent years up to this year reveal an interesting phenomenon. The grievances over the contents reached a pick in the third year and again went down by the fifth year. It could be interpreted as the frustration of the audience. So far, the only avenue available for complaints on the media content is Press Council Nepal. In case individual media outlets open the avenues to receive feedback, audience would be encouraged to file complaints over there. That would enhance the interplay between the individuals and the media outlets.

Results and discussions

A company, which claims to be Nepal's largest and fastest-growing media company relentlessly since 1993, contrary to its motto of dedicating the right to information of the people, still lists the name of the publications on the website even two years after the closure. The media outlets neither have convenient, formal and allocated space to receive audience views, nor have they placed the rules of the game, their stance, logic and policy in covering the contemporary socio-political lives.

Another media house that runs print, radio, television and online media presents audio and visual content, but there is no place for the audience to express grievances. Likewise, a broadsheet daily has no website to provide information about the publication house. A popular online news portal has options to like it on Facebook, follow it on Twitter, subscribe on YouTube and follow it on Instagram. But it also lacks a set of guidelines on editorial performance to encourage the media literate active audience. Another popular online news portal is no exception.

The initial effort to bring common code of conduct for the media people was made by the Nepal Journalist Association, an earlier media fraternity in the mid-1960s (Dahal & Sharma, 2009). Over the years, Press Council has been considered the custodian of the Journalistic Codes of Ethics in Nepal. Aside from the national or common codes of ethics, individual sets of rules, and operational guidelines formed by the individual media outlets are rarely in existence. Some could claim to have such guidelines, but they are not visible in the public arena. As a result, even in post-1990 Nepal, the media houses that are known for their professional performance are being criticized by the media and information literate intellectuals. Onta (2006) representing the chorus, states that our media practitioners often refer to themselves as the last bastion of democracy in our societies but they and the institutions in which they work are hardly democratic (p. 218).

A public quest for self-regulating and monitoring mechanisms within the individual mass media outlet surfaced after the republican era in Nepal. It was mentioned in the project launched as the Media for Peace Project (2010-2013) by the Government of Nepal and JICA, a Japanese initiative. The Government of Nepal's attempt to draft the Media Policy in 2012, thus, tried to pursue certain provisions such as developing self-regulation and monitoring mechanisms within individual newspapers, and creating a mandatory disclosure of newspaper's income statements to the public. That was an attempt to make print media transparent. Over the years, expectations from the media outlets have surfaced among the public intellectuals in a quest to enhance media accountability.

However, the quest for self-regulation within individual media outlets could not take momentum in absence of a wider level of consultations among the concerned stakeholders. Later, a high-level committee on information and communication to draft a National Mass Communication Policy formed by the Government of Nepal came up with a concrete recommendation for the first time in July

2016. The commission (2016) recommended to all forms of news media outlets publicize the set of guidelines for self-regulation, self-evaluation and editorial policy in a written and conveniently visible manner to a wider level of the audience for the development of fair and dignified journalism (p. ga).

Kharel (2001) expresses dissatisfaction, even in the new millennium, over the performance of the Nepali mass media as he states, "For, professionalism in tune with the universally accepted principles of journalism is yet to be developed to a reasonably satisfactory level - a fact regularly echoed at various public fora by people representing various cross-sections of society (p. 13). UNESCO (2013) reveals that more organized corporate media, smaller partisan weeklies and media owned – directly or indirectly – or supported by political parties are confronted with a lack of editorial independence when covering issues related to other parties, and their reports in this area are often closer to propaganda than journalism (p. 14). Though the revelation is based on discussions at meetings on self-censorship held in Ilam, Birgunj, Dhangadhi and Kathmandu in 2011, the situation, to a large extent, remains substantially unchanged in this regard. Hence, recommendations made by UNESCO (2013) are still relevant as they demand ensuring representation and including members of diverse social groups ultimately in the media content. Likewise, media outlets can be benefited from an active audience in making efforts for extensive awareness and knowledge-raising initiatives on editorial independence, including issues related to media ownership, cross-holdings and commercial and government influences on journalists (p. 28).

An aware audience with the embedded filter to construct the proper meaning out of the message would inevitably be instrumental for the creation of a professional and vibrant media landscape in any society. Because only the aware and skilled audience can explore the media representations of society and the lives of individuals. Prajapati (2012) presents two cases, which drew wide media

attention viz. labour union conflict with media houses and Conflict of Dabur Nepal with news media -- to assess the role of media ownership in shaping news content. In pursuing the argument that ownership widely affects the issues of advertising, especially when concerned media itself becomes a news event and in such cases, media cannot play a role of a watchdog. Thus, he suggests establishing a National Media Transparency Unit. The unit would oversee the activities of media, implement ownership laws to mitigate the negative effect on the independence of news content, and within media houses, guarantee editorial independence. The view is to make the media refrain from spreading propaganda and respect the rights of the public to obtain objective information (p. 1-2). Media literate audience would be central for safeguarding the public interest as the media ownership influence is one of the pertinent issues in the contemporary media sphere.

In absence of media literacy understanding, the audience may be shaped merely by the time and quantity of the content of the media consumption. A media literate audience would develop an embedded filter to cope with the adverse impact of the consumption by properly constructing and reconstructing the message. Thus, if taken seriously with some substantive and visible initiatives concerning the issue of uplifting the level of media literacy among the audience by the major media outlets they would be benefited from a higher level of public trust. They would be robustly effective to inform the general public in every walk of life. In the chaos created by rapid information flow, a culture of respecting and fulfilling public interest could be flourished through the escalated level of media literacy among the general public. The sets of editorial guidelines as publicly visible and comprehensive and easy-to-use tools to collect public grievances and feedback would enhance editorial independence, reduce clash of interests within newsrooms and encourage professional upliftment in return.

Conclusion

A media literate audience would be instrumental to enhance the quality and accountable journalism. As they converse about the contents in an active and aware manner, they greatly enhance professionalism, editorial independence and media accountability as well as the discursive power of the mass media. If media outlets could provide a set of self-regulation, self-evaluation and editorial policy in a written and conveniently visible manner, the audience would relentlessly sensitize them not to deviate from the rules of the game formed by themselves. By doing so, the audience could help the individual media outlets to refrain from the clash of interest.

The concept of media literacy was first incepted as media literacy education, especially for students in the developed world. Now, it is a robust way to discourage disinformation along with the other measures such as fact checks employed by the different forms of mass media. However, Nepali media outlets generally do not have the mechanism and practice to anticipate critical feedback from a wider level of the audience.

Reference

- Braesel, S; Karg, T. for DW Akademia (2021). Media and information literacy: A practical guidebook for trainers. Germany: Deutsche Welle.
- Dahal, K.R.& Sharma, B. P. (2009). Patrakar aacharsamhita ra byakhyatmak tippani [Journalist Codes of Conduct and Commentary]. Kathmandu: Press Council Nepal.
- Jolls, T., & Wilson, C. (2014). The Core Concepts: Fundamental to Media Literacy Yesterday, Today and Tomorrow. *Journal of Media Literacy Education*, 6(2), 68-78.
- Kharel, P. (2001). Functioning of Print Media: Problems and Prospects. In Media Issues in Nepal, ed. P. Kharel. Kathmandu: NAME.
- Masterman, Len Interview (2010). Voices of Media Literacy International Pioneers Speak Transcript. Date of Interview: Nov. 3, 2010, INTERVIEWER: Dee Morgenthaler.

- McQuil, D. (2010). *McQuail's Mass Communication Theory*, 6th ed. London: Sage.
- Muratova, N. et al (2019). *Media and information literacy in journalism: a handbook for journalists and journalism educators*. Tashkent: UNESCO.
- Onta, P. (2006). *Mass Media in Post-1990 Nepal*. Kathmandu: Martin Chautari.
- Prajapati, U. (2012). *Safeguarding Public Interest in the era of Corporate Media: Case studies on Impact of Ownership on News Content*. Kathmandu: Alliance for Social Dialogue.
- Suchana tatha sancharsambandhi uchhastariya samite (2016) [High-Level Committee on Information and Communication, 2016]. *Rastriya aam sanchar niti, suchana tatha sancharsambandhi pratibedan, 2073*[National Mass Communication Policy, Report on Information and Communication, 2016]. Kathamandu: Singhdurbar.
- UNESCO IPDC (2013). *Assessment of Media Development: Based on UNESCO's Media Development Indicators*. Kathmandu: UNESCO.
- Welsh, T. & Walter G. (1997). *McNae's Essential Law for Journalists*, 14th ed. London: Butterworths.

Newsroom and issue of gender equality: A critical appraisal

Kapil Dev Kafle*

Abstract

This study investigates gender representation in beat selection within the newsrooms of Kathmandu-based mainstream news media. The study is based on close observation of the newsrooms during a decade-long-experience as a news editor and manager. The study is also based on the qualitative data obtained from the interviews with women journalists. The findings demonstrate the situation of print and electronic media. There are three representative working women journalists with the experience of two decades and more to share their perceptions of gender discrimination in newsrooms. The study adopts qualitative approach and looks at the issue through the lens of social responsibility theories of the press, and feminist media studies, mainly liberal feminist theories and post-colonial feminism. This research is aimed at investigating whether there has been an increment and improvement of gender equality aspects in the newsrooms. The scope of the research is newsrooms of print and television media located in the capital of the country. It asks the

* Kafle is a Ph.D. Scholar, Central Department of Journalism and Mass Communication, Tribhuvan University, Kathmandu.

question: How has the gender identities representation been made in allocation of beat of news? The findings suggest that Nepali media have not given enough priority for gender equality in several aspects of news production. News media are found perpetuating gender inequality in print and electronic media despite national policies and the movements run by activists for years. Local governments take the scale of 40:60 for women and men though only limited to physical representation in most of the places, whereas media give poor ratio of less than 15:85 in the same categories either in newsrooms and entire media house as well. Absence of gender equality policy and the knowledge and attitude of the media owners and the leaders of the organizations are contributing factors for the gender discrimination in the press . Masculine culture and patriarchal system play the contributory role for reluctance to welcome women journalists to step in the mainstream media. Despite all these hurdles, gender sensitivity has been found improved in the newsrooms.

Key words: Gender equality, beat, discrimination, mainstream media, newsroom, access to power

Contextualizing the study

Nepal has adopted the Gender Equality and Social Inclusion (GESI) policy in line with the Constitution of Nepal promulgated in 2015, and almost all the political parties have also made their statutes and manifestoes with the similar spirit to some extent. As per the general observations of the Nepali mainstream media, there is no formal gender equality policy formed for neither the media organizations nor the newsrooms. Most of the women journalists associated with the media organizations don't see women-friendly environment within the newsroom and overall administrative policy and practices. Male journalists with the masculine attitude and patriarchal culture dominate the entire media houses.

Policy of the nation has acknowledged at least 33 percent of women's participation in all the sectors of the state. "Protecting and promoting social and cultural solidarity, tolerance and harmony, and unity in diversity by recognizing multi-ethnic, multi-lingual, multi-religious, multi-cultural and diverse regional characteristics, resolving to build an egalitarian society founded on proportional inclusive and participatory principles in order to ensure economic equality, prosperity and social justice, by eliminating discrimination based on class, caste, region, language, religion and gender, and all forms of caste-based untouchability" (Constitution of Nepal, 2015, p. 1) pledges the statute of the country. The constitution does not only plead for gender equality but also social inclusion in terms of gender. The depth of the spirit of the constitution and other legislative provisions has been found ignored in the media houses especially in their organizational set-up and internal administrative practices. Besides domestic policies, even the international provisions that were ratified by Nepal are also in favour of gender equality, but discrimination still prevails.

Gender and media

Gender is the role given to an individual by the society on the basis of his/her sex, as Oxford dictionary defines either of the two sexes (male and female), especially when considered with reference to social and cultural differences, rather than biological ones. As media is also a part of the society with the power to create impression and influences, it can play a vital role in the business of allocating the tasks to the people. Likewise, media is a medium to deliver and transmit the messages to the audiences. Gender and media are found highly influenced by each other. Media are sources of knowledge for the society that fix the role of men and women on the basis of their sexual identity. Similarly, media set the tone for the selection of the agenda as the society gives the role to them.

Since the society has been found biased to allocate the roles to the people on the basis of sex, media can play a crucial role to correct it. But, media has not been found to be dedicating itself to end gender-based violence and discrimination. Besides, media have not started the modification and changes on their own specially for gender equality. Roles of media impact the society in order to give the shape of culture and tradition, and change the practices as well. Media support to maintain the tradition, culture, and alteration and initiate new values and norms. Media have an important role to play in challenging fixed meaning and stereotypes that are not favourable to the society. However, various feminist media studies have concluded that media have become a part of the problem, rather than the solution (Koirala, 2018), but the code of conduct of the media expects an ideal behaviour towards the country and people from the media in all the situations.

"News is a cultural product that reflects dominant cultural assumptions about who and what is important, determined by gender, class and race" (Koirala, 2018, p. 3). Masculinity keeps making rounds to the power and authority. As such it is considered by the society that men are powerful and women are powerless. Women have been considered to be 'inferior' and men 'superior'. Women can be and are subordinate only if men are willing and enabled to subordinate them (Bhasin, 2014). Media, most of the cases, seem as part of patriarchal society, and support the patriarchy rather than playing roles of critic in order to guide the society towards gender justice. Rather than voicing against the wrong concept and practices of considering women as submissive persons, media support it just by ignoring women and girls, and giving importance to the men and boys praising their power. However, there are hundreds of issues raised by the media in order to end gender-based violence and sexist discriminations. Nepali media not only ignore the pleads of liberal feminist media theory and post-colonial media theory, but ignore the market and audiences who follow the times' demand.

Gender equality is crucial in the workplace. "Masses of people agree with the idea of gender equity in the workplace - equal pay for equal work" (Hooks, 2000, p. 2). The wrong minded notion of feminist movement which implied it was anti-male carried with it the wrong-minded assumption that male's space and dignity will be snatched by the feminists. Because of this type of cognition made by the media leaders and editors in the newsroom, they are trying their best to push back the concept of feminism and its principle. "I liked the definition of feminist because it did not imply that men were the enemy" (Hooks, 2000, p. 1). In fact, feminism is not a matriarchy, but it is just the principle of equality (Bhasin, 2014). Similar concept has been described by Hooks as well.

To allocate the beats of the news on the basis of sex is gender discrimination and sexist exploitation. "Simply put, feminism is a movement to end sexism, sexist exploitation, and oppression" (Hooks, 2000, p. 9). A substantial number of Nepali women journalists have been raising their voices in order to create an environment of non-sexist in the newsrooms and media houses, but their voices are found unheard and ignored mostly.

There was indeed a great deal of anti-male sentiment among early feminist activists who were responding to male domination with anger. As contemporary feminism progressed, as women realized that males were not the only group in our society who supported sexist thinking and behaviour - that females could be sexist as well - anti-male sentiment no longer shaped the movement's consciousness. The focus shifted to an all-out effort to create gender justice. (Hooks, 2000, p. 3)

But, because of the strongly entrenched concept of the patriarchy and masculinity, leadership of the media houses has been always scared of the concept of feminism. "Gender matters in journalism as it not only promotes diversity and plurality in the media, but also makes the process of communication more democratic by

ensuring women's rights to freedom of expression" (Koirala, 2018, p. 59). A study of masculinity can't be completed without having the knowledge of patriarchy. Kamla Bhasin (2014) defines that patriarchy is a social and ideological system which considers men to be superior to women, one in which men have more control over resources and decision-making. "Patriarchy is historically constructed and its form, context and extent can be different in different contexts, and at different times" (Bhasin, 2014, p. 8).

Theoretical approaches to feminism

Feminism, as a movement, aims to make women the social equals of men. This broad definition, popularized by the media and mainstream segments of the movement, raises problematic questions. "...women's liberation is a dismissal of race and class as factors that, in conjunction with sexism, determine the extent to which an individual will be discriminated against, exploited, or oppressed" (Hooks, 1984, p. 18).

Theory of feminism pleads for women's rights. It refers to the trust that women and men are equal and warrant equality in terms of opportunities to meaningfully participate in the resources of the state and structural framework of the social systems, and enjoy equal benefits without considering any types of background of the individuals. As the constitution (2015) guarantees no discrimination on the basis of sex, origin, region, religion, geography, colour and other forms of the identity of the citizen, feminist theory is also based on the similar principle and pleads for gender equality.

Not only in newsroom, even the entire media organization and other prominent sectors are indifferent to the real concept of feminism. Because of less attention towards feminism, true meaning of it is also blurred to the sectors. "A central problem within feminist discourse has been our inability to either arrive at a consensus of opinion

about what feminism is or accept definition(s) that could serve as points of unification" (Hooks, 1984, p. 17). Since the problem is seen in the developed country like USA on the clear meaning of feminism, it is not a big issue for underdeveloped countries like Nepal. In fact, feminism has been accepted as negative terminology that encourages women to create unrest and havoc in the society for 'more rights to women' and ignores all the other problems in the society as per the meaning of feminism grasped by the people groomed in the patriarchal culture.

Since the terminology 'feminism' is a movement of gender equality and treats not only men and women in equal footage, but also to the 'other' sex for the real meaning of it. Sexism has prevailed in the society which feminism tries to remove. "Sexism as a system of domination is institutionalized but it has never determined in an absolute way the fate of all women in this society. Being oppressed means the absence of choices. It is the primary point of contact between the oppressed and the oppressor." (Hooks, 1984, p. 4). Generally, almost all the women journalists are found dominated in the media houses.

Social responsibility theory asks the media to consider the responsibilities and form operational policies to be ruled by themselves. Peterson (1956) writes nothing in liberation theory establishes the public rights to information or requires a publisher to assume moral responsibilities. Freedom carries concomitant obligations; and the press, which enjoys a privileged position under our government, is obliged to be responsible to society for carrying out certain essential functions of mass communication in contemporary society (Peterson, 1956). Free press means it is not biased and running under the influence of the power that could be an authority of the government, economic influence and other open and hidden powers, so that media could not be pressurized to print and publish wrong information. But, in practice, 'free press' has been found most often as synonymous to 'free from the legal

control'. Responsibility is not just a matter of assumption, in fact, it is more than that.

Social representation has been one of the major issues even in Nepal, especially from the first decade of the twenty-first century, after the peace accord signed between the then Maoist rebels and the government. But, still the agencies of government and non-government ones are not fully respecting gender equality provisions till date. Media sector too is not any different from state agencies and the civil society in terms of representation. The top level management of most media organizations is dominated by men mainly belonging to the limited castes and social identities. Almost all editors and owners of media houses are men (Joseph, 2014).

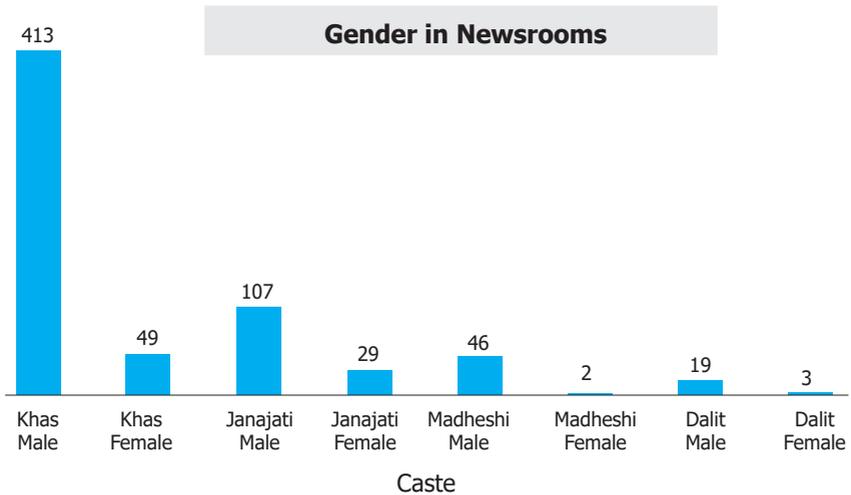
Newsroom in the eyes of women journalists

Saraswatee Karmacharya, senior journalist dealing with foreign affairs beat in television and print media based in Kathmandu, said, "Newsrooms in Nepal appear to present an unwelcoming workplace for women journalists. Women journalists find themselves in tiny numbers at all levels of the newsrooms. Most of the newsrooms don't follow gender equity policy as well as sexual harassment policy and maternity leave policy" (S. Karmacharya, personal communication, August 7, 2022). According to her, women journalists are paid low in comparison to their male colleagues, and are also fixed at the junior position, where journalists hold junior level reporting, editing and producing news. An example of the oppressed feeling can be found everywhere in the newsrooms, Karmacharya shares the story:

I can share my experience here about when I was working for a TV channel in Kathmandu. I was Bureau Coordinator of the foreign affairs beat. Our prime minister was scheduled to visit India and I did all the reporting and news analysis about the visit. Our media house decided to send a crew for that visit along with the prime minister. But, in between, my male colleagues of the political beat

started to lobby for snatching my opportunity to visit with prime minister. My editor didn't take a stand on my side, and decided to send a male colleague with a camera person. Finally, I was deprived of that opportunity. I believe, I was unable to please the editor because of my nature; generally almost all the Nepali women have not been associated with him in his evening drink party, and offering expensive liquor from the duty-free shop bought during the foreign visits. (S. Karmacharya, August 7, 2022)

As per the data of roughly monitoring of Nepali media, about 79 percent males and more than 21 percent females are found in the newsrooms (Kafle, 2020, pp. 14-27). After observing of five prominent daily newspapers published from the capital of the country, researcher has found the following picture of gender representation of the journalists in the newsrooms.



(Kafle, 2020, pp. 14-27)

Aarti Chataut, Deputy General Manager, and Board Member in Nepal Television, suggested that policy intervention is crucial in order to address the issue of gender equality in the newsroom.

Provision of reservation will be helpful for women even in the media sector. We know media houses in the capitalist world would not be polite with the women. They always run after the capital or money-making provisions. Government or policy of the state should pressurize the media houses to hire women as journalists and staff at least respecting the national policy of 33 percent. We must see the fact that as the policy was made for the reservation of 33 percent for the women in parliament, government sectors, the scene has been changed, but almost limited with this percentage. It means, masculine leadership has not possessed the awareness of gender equality, they are doing it because of the stick or provisions of the policy. (A. Chataut, personal communication, August 4, 2022)

In relation to addressing the issues of gender equality in media houses, Babita Basnet, Editor of Ghatana Ra Bichar, and women rights activist, agreed on the concept of formation and implementation of the gender policy, and monitoring it for proper application. "In order to address the issue of gender discrimination, we must implement gender equality policy in the media sector. Now, till date, we see the gender issues are addressed as per the media owners and editors' knowledge and interest, but it is time to be more assertive and formal to address the gender issues." (B. Basnet, in personal communication, August 7, 2022).

Similarly, Saraswatee Karmacharya, suggested to find out the issues of gender discrimination in order to resolve the problems.

First of all, media houses should ensure to implement gender equity, sexual harassment and maternity leave policy. They should follow justified equal payment for the same level and post. They should create growing opportunities along with providing the opportunity to gain recognition. Most importantly, women journalists should be encouraged as well as hired to the senior positions too where they can intervene in the policy as well as create pressure to implement

gender equity policies. (S. Karmacharya, personal communication, August 7, 2022)

All of three senior women journalists, interviewed by this researcher, agreed that one of the dominating gender-based discriminations is allocating powerless beats of the news to the women journalists and powerful beats for men. Aarti Chataut, Babita Basnet and Saraswatee Karmacharya have the same experiences of discrimination related to the beat allocations.

Those reporters who deal with the political and economic sectors, they are automatically connected with the power centres. They have excess to the political leaders, prime minister and authority as they talk to them for the news. But, generally women reporters are staged for the social issues like women and children. When reporters make their access to the power they get the positions in the media related organizations, but, as women reporters are aloof from the opportunity of access to the power, they never get the chance as such. (A. Chataut, personal communication, August 2, 2022)

Despite existence of painful distribution of powerful beat of the news, all three journalists admit the positive changes at this point too. "Now we see some women's names as interviewers on television and reporters in print media in the political and economic beat as well. In fact, we see the positive changes on the issues of gender equality. But, it is not enough, in fact, we have to go a long way to get complete gender equality in the media sector" (B. Basnet, personal communication, August 5, 2022).

Issues of gender discrimination and violation of women's rights have been found covered by the mainstream media with the prominent places and time, and kept followed till the end. Number of women journalists has also been increased if compared the timeline of today with a decade ago. But, thrust of 'more' that is used in the definition of feminism needs to be implemented for many decades to come.

Because, many aspects of the newsrooms are found discriminatory. "Discrimination in wages is still prevalent in media houses on the basis of sex. Women reporters and media personnel, not all, but some of them, are getting less wages and salaries in comparison to their male companions. But, all these practices are informal" (B. Basnet, personal communication, August 5, 2022).

Codes and guidelines only for formalities

Nepali press is governed by the Act, directives and guidelines. In addition to this, it has got high regard of the constitution of the country. Even the preamble of the constitution (2015) writes 'complete freedom of the press'. But in practice, it looks like a 'free press' means free for not being responsive to gender equality.

Press Council Nepal (PCN) is one of the agencies that takes care of press, especially for the code of conduct and guidelines. Since gender balance in the media is an issue of codes, responsibility and moral values, PCN can play a role to monitor the media organizations. At least, it can write a letter to the news media organizations asking for the profile of the media houses highlighting gender and social representation in the newsroom and administration sectors. Considering the responsibility, PCN has produced the directives named Women Responsive Communication Guideline, 2019 (PCN, 2021). It has focused on seven aspects of gender sensitivity in media houses as "1. All about the benefit and development of women, 2. Professional benefit and opportunities of women, 3. Promotion of basic equalities of women, 4. Publishing the gracious, positive news on women issues, 5. Responsibility and accountability, 6. Promotion of women's rights, and 7. End the discrimination based on sex" (PCN, 2021).

All seven points are focused on the production of the media. The conclusion of the points is news, articles and information published or broadcast by the media houses should not be against women's

rights. None of the points focuses on the internal administrative aspects of the media houses and the newsrooms. But, at the last chapter of the guideline named 'miscellaneous' and its No. 9 writes: "Internal guideline: 1. Every media house has to produce internal guideline for the gender sensitive journalism and follow the directive produced by PCN, 2. Media house is deemed to notify the internal gender sensitive guideline to PCN, and 3. PCN has the right to follow the internal gender sensitive guideline from time to time for the information" (PCN, 2021).

PCN has tied itself with the Women Responsive Communication Guideline, 2019, and fixed the provisions on its own, but seems implemented it very little. None of the letters has been found produced by PCN in order to address the No. 9 to the media houses. Similarly, it has not checked the media houses for number of women journalists and personnel in order to implement the national policy of at least 33 percent women's participation in the organizations and agencies of the country. Balkrishna Basnet, Chairman of PCN, says "We organize meetings with editors and publishers from time to time in order to check the implementation of guideline and internal situation of the media organizations. And, we are satisfied that substantial number of media houses have fulfilled the national policy of 33 percent of women's participation at least" (B. Basnet, personal communication, August 10, 2022).

Society has changed but media have not caught up with the pace of the society. Organizational infrastructure and the management of the media houses are still patriarchal, traditional and less gender-friendly. It is because of socialization process that impacted not only the men but also the women. It means, main culprit is the patriarchal system.

Men are not taught to respect woman boss in the office. Relationship between women and men is mostly sexual rather than co-worker and professional associations in our society. We see in Western society,

even the girls and boys are seen eating food from the same dish, hugging and kissing, engaging in field visits for weeks obviously out of home with male co-workers, but they rarely face the social taboo and blame of making sexual relations. But, we are not take the relations of the girls and boys that way. Even walking together, smiling for each-other are the issues, and taboo, reasons for social stigmatizations. In the recent years, we see increasing number of women journalists in Nepali media, engaged even in technical fields mainly in electronic media as camera person, editor, news reporter, news reader and many others. Controlling even at the entry gate of the media. Less number of women enter a media house comparing with men's number. This is because of natural role and social role of the women. So-called moral factor imposed on women is one of the major hurdles in order to enter into media field. (A. Chataut, personal communication, August 2, 2022)

Three of them see that patriarchy and masculine practices are the main sources of gender-based discrimination. According to them, men are not enemy of feminist movement and the advocacy for gender equality in the media houses. "There is some progress in recent days in gender equality in newsrooms, recruitment of women journalists has increased, and awareness of sexual harassment also improved. But recruitments are made only in junior posts and salary dissimilarity still prevails." (S. Karmacharya, personal communication, August 7, 2022).

"Because of strong policy of participation of women with at least 33 percent, our federal, provincial and local level parliaments or executive committees have been found respecting it, but main concern of ours is whether they have crossed the limited percentage or not. Unfortunately, they have not. It means, only the legal provisions can correct the newsrooms those are led by the people who are committed with patriarchy and masculinity mentally and practically" (B. Basnet & A. Chataut, personal communication, August 7, 2022).

"Most women journalists don't dare to risk family relations, social stigma and blame to pursue the profession of journalism. Maybe, Western society is fine with the practices of staying out of home at night, especially for women, but it may cost dearly in Nepali society" (A. Chataut, personal communication, August 10, 2022).

Women journalists are not encouraged in the newsrooms because of some right-violating behaviour of the so-called seniors and leaders of the newsrooms. Such perpetrators are still active in running the media houses as a leader with big names and fame, but they are perpetrators of workplace sexual violence. They see women journalists and personnel as sex toys, unwanted touching and titillating is common for them" (Anonymity, personal communication, August 11, 2022).

Addressing the problems

The conclusion of three senior women journalists the researcher talked to in the process of completing this article is gender discrimination is most strongly felt at the point of allocation of the beat. Women journalists are deprived of opportunities to gain skills or recognition from their male colleagues or sometimes from management, but all these aspects are gradually improving though the pace is really slow. However political, economic, legal and similar other beats more impacting and connected to the state power have not been found allocated to the women journalists generally.

One of the reasons that oust women journalists from the political and other powerful beats is the result of patriarchal mind-set, which is derogatory practice against women. Most of the political party leaders, business owners, executives and administrative officers are found in informal meetings with alcohol in the evening or odd time, and sometimes the meeting goes till midnight. Male journalists are fine with such informal meetings where they get the clues of the

news, whereas women journalists don't feel comfortable to join such parties and meetings because of so-called social values and practices.

Not only Nepali society, but most of the Asian societies have a practice of skepticism especially in the relations of women and men. If a woman walks, speaks and laughs with a man, society thinks she has a sexual relation with him. As religious and cultural value is conservative for the sexual relations in the society, people think that relationship between men and women is dominated by the same relationship.

Relationship between manager and personnel, editor and reporter, employer and employee, news-source and journalist are not recognized in the case of men and women, and sexual relations with other than married couple is taboo in the Nepali society. Leaving home even at night is common for men, but same thing for women is an issue of social values. Because of this discriminatory, patriarchal and masculine culture, women are deprived from professional opportunities. It was conceived in the late 1890s by the Austrian physician Sigmund Freud (1856–1939), who claimed that two persons with opposite sex are attracted with each-other regardless of other social and professional relations. "... Importance of sexuality in human motivation. It has shown that psychological events have hidden meanings" (Ward & Zurate, 2000, p. 9).

Most of the Nepali people have understood this concept without the comprehensive understanding of psychological status of the human. Yes, there is attraction between different sexes but it does not mean that attraction leads to sexual relations ignoring all other aspects.

Different levels of sexual violence are common even in newsrooms. In case employer and editor of the media is perpetrator of any type of sexual violence, most of the women journalists either give up the opportunities or fight for justice that is quite challenging either way

in the patriarchal society like Nepali one. The women journalists in Nepal are still active in running the media houses as a leader with big name and fame, but in some cases the male journalists are even found to be perpetrators of sexual violence in the work place. They see the women journalists and personnel as sex toys, unwanted touching and titillating is common for them.

In order to address the hurdles being faced by women journalists and the personnel in the media houses, recovery activities must be run proactively. We have Women Responsive Communication Guideline, 2019, promulgated by PCN, but it has not been found implemented properly, and requires to amend it to make the media houses more gender-friendly not only in their journalistic productions but also within their organizations and newsrooms. Guideline of PCN has legal provisions of punishment to the media houses that break the requirements. But, because of the poor focus of PCN on the Women Responsive Communication Guideline, 2019, none of the media houses who have less percentage of women journalists and personnel than the national policy of at least 33 percent women's participation have not got any enquiry letter to correct the situation and respect the national policy as well.

Prominent women journalists and activists have drafted the gender-based media policy with the vision that Federation of Nepali Journalists (FNJ) and PCN will be part of it in order to implement and monitor the implementation in the media houses (B. Basnet, in personal communication, August 10, 2022). Only the solution of legal provision has been found powerful to address the issues of gender discrimination.

Finally, it is deemed that some of the women journalists have enough encouragement and capacity to deal with the political, economic and several other powerful beats in the newsrooms, but society and the employers are not encouraging them. Despite several hurdles, some of them have been working in the political and economic beats more

competently. If they get conducive environment, they may leave behind their male colleagues in the newsrooms.

References

- Bhasin, K. (2014). *Exploring Masculinity*. New Delhi: Women Unlimited.
- Constitution of Nepal, 2015. (2015). *Constitution of Nepal, 2015*. Kathmandu: Kanun Kitab Byabastha.
- Hooks, B. (1984). *Feminist Theory from Margin to Center*. Boston: South End Press.
- Hooks, B. (2000). *Feminism is for Everybody: Passionate Politics*. Boston: South End Press.
- Joseph, A. (2014). *Country Report: Media and Gender in Nepal*. file:///C:/Users/Dell/Downloads/NEPAL.pdf: International Federation of Journalists (IFJ). ://nepalipublisher.com/files/download/Dayitwa-88.pdf
- Kafle, K. D. (2021). *An exploration of Gender Equality and Social Inclusion (GESI) Reepresentation in Nepali Media*. *Communication Journal*, 1(1), January 2021. Kathmandu: Central Department of Journalism and Mass Communication, TU.
- Koirala, S. (2018). *Gender representation in the Nepali press during pre-conflict, conflict and post-conflict period*. Oslo: University of Oslo.
- PCN. (2019). *Women Responsive Communication Guideline*. Kathmandu: Press Council Nepal. <https://www.presscouncilnepal.gov.np/np/2020/11/26/3764/>. Updated on November 26, 2020.
- Peterson, T. (1956). *The social responsibility theory of the press*. In T. P. Fred S. Siebert, *Four Theorie,s of the Press* (p. 74). Illinois: The Board of Trustees of the University of Illinois.
- Ward, I. & Zurate, O. (2000). *Introducing Psychoanalysis: A Graphic Guideline*. London: Icon Book Ltd.

Existing challenges and future course of print media

Kishor Shrestha*

Context and background

Media sector has taken a new dimension with the development of science and technology. The mode of information and communication has been refined in course of time. The postal services and letters are gradually displaced and the smartphones in everyone's hand have replaced mails and postcards. While meeting with friends after the completion of certain level of examinations, there was a trend of filling autograph for future memory. Now, this tradition has also disappeared. Yet, has the necessity of the gazette disappeared in the same way? Why did TikTok take the Number 1 position ahead of Facebook in terms of social networks and pushed it to the third place? While referring to the shrinking of print media's influence and expansion, the fact should not be ignored that the change in overall daily life of the people has started to be seen thanks to the communication revolution.

The tradition of the British-taught gazette still exists in India. The army's instructions come in the form of order No. 1 and order No.

* Shrestha, former Acting Chairperson of PCN.

2, while the police also send written circulars in the same way. No communication can function with exclusion of writing. Paperless technology has been introduced in the offices, but it cannot be done without signatures. There is a threat of digital misuse. Hence, while making annotation or endorsing it, the print exists until a certain stage. We see the information about lost passports, lost citizenship certificates and large tenders in Gorkhapatra which could have been done digitally as well but considering the threat of technological misuse, the paper process has not yet been replaced in any way. Recently, in the case of country's fiscal year budget preparation and guerilla style tax rate revision at midnight, the old and current comparative papers were not submitted for discussion. Rather looking at the CCTV footage, agitation, disobedience, anger, and dissatisfaction were born. We all have seen how it came to an end. The court will look into the case of character assassination and defamation due to the dissatisfaction of the newspapers' writing while online complaints are treated as cybercrime for which the law, time, context, requirements and dimensions are different. The content of the electronic media can be corrected, removed or edited but newspaper writing is like a bullet, once it is fired from a gun, it cannot be undone. Therefore, print media was, is and will continue to have a special place in terms of certain accountabilities and social responsibilities though the old medicine might have milder effect.

Meanwhile, popular magazines like New York Post and Asia Week in America and Hong Kong have closed down, but let's look at the Times of India in our own neighborhood. The Hindustan Times, Indian Express, Navbharat Times, Telegraph, Amar Ujala and The Statesman still have a strong market there. The era of cinemascope and Eastman colour has come in the film industry, but the old photographs taken in black and white have everlasting effects. The problem is not about appearance, colour and attractiveness. Rather, it is of quality. Still, print media can be searched, read, and taught and learnt.

Due to the rapid expansion of information and its easy access, the situation is different from the past when people used to go to the newsstand, buy it and read it. "Thirsty one goes to the shrine!" the context of this saying has now been changed. The compulsion of going to the stationery shop to buy a newspaper has now been replaced by the convenience of paying through mobile banking and home delivery along with the offers of cars, houses and gold. It has become a fashion to wear earphones and receive information from F.M. radios during morning walk without disturbing others. However, is the sweetness of reading a newspaper in hand less important than all these facilities? Certainly, the young generation lack interest in newspapers in the same way as they lack it in politics. The political parties could not attract the 3.6 million voters, who are increased after the 2074 BS election towards them in the election of 30th Baisakh, 2079. In the same way the newspapers could not win the heart of the youths. This is very true. The reason for this may also be the lack of selection of materials that are digestible and interesting to them. As a proof that sex is not the only thing that sells, where have the co-publications with colourful nude photos printed in the middle page of big media houses gone today? Today's media market is not only sexual. "Naya Sandesh" has already made unsuccessful attempt. Time is not always the same. Contents need to be refined. The current problem lies in the presentation of content related with their employment, interests and future. However, all the efforts seem futile in this regard.

Once printed in a newspaper, it is printed, done and irrefutable. Until a rebuttal or a response is printed next day or next week, the record remains like that for centuries. In this sense, from the point of view of preservation of records, this is the evidence that will be accepted in the court which is not the case in the case of voice. If we can develop it as such evidence, print media still has a future. Circulation and distribution may decline, sphere of influence may shrink but the value of the newspaper produced with effort will remain even if there are only 100 copies. There are millions and millions of pearls

in the sea. However, quality and valuable pearls are rare among them. The reference to diamonds extracted from the African Black Hills is the same. We have to try to become diamonds and pearls. That is too of a rare, priceless, and precious type. In this context, the state and journalism-related associations and organizations also have a role/responsibility. What have we done for the upliftment of this sector? Making this sector a ladder, a lot of people have risen up, even to the level of ministers. But once up there, people tend to forget their land, their history, and their past. Nothing else is needed, if the existing magazine can be saved by implementing a proportional advertising system that too will be worth millions. In this regard, efforts have been started since 2067 BS. Back in 2016 BS, even BP Koirala had paid for the publication of a newspaper to raise critical voices. The attraction towards journalism may have declined due to the growing trend of giving less time to the print media and using the profession as a side job or extra business. If journalism could sustain their livelihood, hundreds of journalists would not have migrated abroad until now. Many would not be in a position to quit this profession. Being tired of doing journalism, Govind Gulab from Jhapa came to Kathmandu and is living now in a rented room. Moreover, the journalists don't bring their children into journalism. Current, Chakshu, Rahasya, Rashtravani and Nepalbhoomi are exceptions, but neither Rameshnath Pandey made them, nor did other famous journalists send their children there. Because there are no descendants to hold the legacy of the seniors, the famous magazines Samaj, Matribhoomi, The Motherland, Commoner, Samiksha, Yugsamvad, Jana Jagriti, Yugdharma, Inap, Rajmati, Daily Diary, and Pratipaksha are not in existence.

Just like some doctors, pilots, engineers put their children on the same path, only a few examples like Gopal Das Shrestha have made their next generation journalists for a few years. But Kiran and Jyoti, both sons of respected Govinda Biyogi, did not want to indulge in this profession. Vinod, the son of Madanmani Dixit, could not pull and hold Samiksha. The pain of Maniraj Upadhyay's son Brajesh or

Narendraraj Sharma Upadhyay's son Nischal also has its place. The state should also take initiative to preserve the institutions connected with history and preserve their legacy. Had only the proportional advertising system been implemented, the newspapers would have flourished. But out of 7,000 registered newspapers, only 822 will fall into the classification with much difficulty. There are hardly 100 newspapers that are published regularly throughout the country.

Struggle

What is the reason behind this? Rather than the survival of the people who depend on them, these newspapers are struggling for their own existence. The distribution has become weak. The COVID crisis has made the situation worse. The tax exemption facility for importing the printing paper is enjoyed only by the big media houses while the smaller ones need to purchase it from the suppliers. The press and printing machines are also being shut down. In contrast the government needs another security printing press despite having a printing department. That is also for printing some materials. When there is a need for printing things in a new way, we also need to adapt the development of technology. The online edition should also be combined with the print version. Just like a separate press is needed for printing passports, excise stickers, licenses, print journalism should pay attention to the corresponding quality. King Gyanendra once tried the one-door policy. Proportional advertisement system was also implemented though on trial basis, making the Information Department a medium.

An advertisement board has been formed even now. However, there is a complaint that it is trying to control the given advertisement instead of giving new and proportional advertisement. A few government agencies, including water supply corporation, used to give advertisements. But it has sent a letter to stop it and now government advertisements are at a standstill. Advertisement is

given neither by the electricity authority nor by government agencies like the Nepal Airlines Corporation, or by the Ministry of Health. In this way, when the road from which the small advertisements were supposed to come has been blocked, the work of the advertisement board must be anything other than sending a small public welfare message given previously by the Information Department and queuing them up to receive monthly payments for it. The role of the board has become limited to that. This is not a scientific method. Journalism is not a compulsion; it is a choice of interest. It is also a social service through information. It is also a tough profession that earns some enemies. It is not a profession that makes rapid progress, availing house, car and property along with a prosperous life. This is the profession adopted by those who have a drive on their minds to find and communicate information. If there are people who prefer to take risks in this field, then their choice and perseverance must be appreciated.

Like the trade and business people have the freedom to do their business by registering them in company and tax offices and enjoy the facilities provided by the government, if the small investment and self-employed media are managed to operate within the scope of the tax and if tax could be deducted from their income, it would be fruitful. In our context, the adornments of democracy are the media. Hence the constitution has enshrined complete freedom of the press. How can we imagine a world of dysfunctional press if it is considered to be the fourth estate because it monitors other three pillars of the nation enjoying full freedom? While we are saying that the print media has collapsed, how many of 3,200 registered online portals are now functional? Many have taken the license for TV. Around 1,000 licenses were distributed for radio, but how many have actually been operating? When we look from that perspective, print journalism requires constant playing with letters, sticking hand in black ink, putting pen to paper. In other words, it is a dirty job. But diamonds come out of dirt. Mobil, petrol is extracted from deep down the surface under the sea. That too is black but that has

sustained the world and we have to make it sustain. Only in this way can the future of print media be secured. The government may not manage the door-to-door delivery of the newspapers but it can create an environment for the newspapers to sustain and that too will be counted as a big contribution. If proportional advertisement is implemented honestly, then those who can will sustain. For the others who can't continue, they are free to move on their own path as it is their choice.

There is an alarming statistic about the decline of newspapers; it is not the recent one. Don't just blame the present. Between 2005 and 2021 A.D., 2,200 US local newspapers have closed. From 2008 to 2020, the number of journalists working in newspapers has halved. Since 2009, metropolitan newspapers in America: Rocky Mountain News, Seattle Post, Intelligencer, San Francisco Chronicle, Detroit Free Post, Detroit News, Tucson Arizona, Tucson Citizen, San Diego Union Tribune, Wall Street Journal, Minneapolis Star Tribune have also closed.

American media tycoon Rupert Murdoch once described journalism as a 'river of gold' when his business was booming. However, when the media sector started incurring losses, he consoled himself saying that drought sometimes dries up even the river. The current situation is the same. This trend has prevailed all over the world. On top of that, there are many reasons such as disruption in distribution, advertising and staff cuts, material problems, physical and mental stress due to the COVID crisis. What is a little different about Nepal is that everything is highly politicized here.

Effect of politics

Due to leftist and democratic polarization after the revolution in 2046 BS, many Panchayat proximate newspapers were closed down by 2048 BS. Because their main source of sustenance was the advertising facility provided by the Panchayat regime. It was obvious that they

got closed as soon as the new government ceased to provide those facilities. And the readers also started to decrease. There used to be a ban even on newspapers. As in democracy, the era and the chapter has been changed, even a single newspaper is fragmented, going in many directions amid excessive politicization. For example, Pratipakshya and Prakash. Budhabar and Janaastha emerged from the fragmentation of Dristi. Since views are also intertwined with them, as the political parties are divided and reached today's level, a situation has been created where newspapers carrying one opinion are not read by those having other views and are boycotted. On the other hand, among royalists and Congress, Bimarsha, Nepali Patra, Suruchi and Desantar got fractioned. It is obvious to get squeezed as a consequence. The story of Kantipur, Annapurna Post and Nagarik is almost the same. Among the self-employed small investment media, this trend has prevailed especially in weekly newspapers. A minister came and made a newspaper start up out of his whim. But as soon as he departed, the source of income dried up as the media was based on that specific ministry-focused advertisement. Even today, the situation is same. In the past, Dristi used to be called the mouthpiece of UML, but today, after the party split, the situation is different.

At the same time, while the circulation was shrinking, the distribution may have increased a little after the CPN-UML and CPN-MC merged. But when the UML split after the party division, the followers were again divided and diverted. And newspapers close to Maoist party having the prefix "Jana" such as Janaadalat, Janasena, Janasarkar, Janasatta, Janaadesh, Janadisha and Janaawahana were also closed. A question is raised regarding which newspaper is now close to Maoist party? Thus, the overall situation of newspapers considered close to any party is similar. Parties use it with gusto during elections, then leave it, and the readership is divided. Weekly newspapers are no different from the practical universities of journalism. Their production is now running the current media sector. Either you go to the dailies or televisions; we will find the skilled human resources

trained in the weeklies. Nowadays, a trend of quitting a newspaper and going to run an online has emerged strongly. Due to this trend, there is also a shortage of skilled manpower in weekly or print media.

Invention of TV

Since the invention of television in 1950, print media had started to decline. In this way, print media started facing problems not just now, but since 78 years ago. Since they can publish a weekly newspaper toiling three to four a week and spend rest of the days for some other works, their attention become unfocused. Needs and expenses started to increase, prices also increased along with it. The options to run your own blog and YouTube are increasing. And it is true that the print media platform is now running like a dry river due to the job and career opportunities in NGOs, INGOs and International Diplomatic Missions. Meanwhile, the coronavirus pandemic came as a curse in such a way. Let's talk about America, where between the end of 2019 and May 2022, newspapers were closed at a rate of two per week. In this way, 70 million people were deprived of the services and facilities of those newspapers. It is also a bitter truth that people are losing interest in reading newspapers due to various reasons such as readers have less leisure time and increased busyness, the newspapers are carrying only false and exaggerated content including political debates, increasing depression among people, price hike in the market, and so on. If this rate continues, three newspapers a week will be closed in America by 2025. This is the conclusion of a survey report conducted by the Northwestern University of America.

Prospects and challenges

It was predicted nine years ago in 2013 that the future of American newspapers is not more than five years. It was said on the basis that the youth will not touch the newspaper, the older generation will

pass away, but that claim did not prove to be true. Yes, the number of readers has decreased. Newspapers are closed. But it does not mean that all newspapers will be closed down and the future will be dark. Neighboring India, China, Pakistan, Bangladesh and Bhutan are examples to say that if you can give a distinct taste, they will last. Newspapers like Japan's Asahi Shimbun are still running. It is not that there is no future in print media. Why did Jeff Bezos, who is considered one of the richest persons in the world, proceeded to buy the Washington Post in America, where it was predicted that the newspapers will cease to exist? Definitely, he did not shower money because he had excessive amount.

Why was the struggling Los Angeles Times bought by another rich man from Southern California? Why did a foundation take over Britain's The Guardian, Tampa Bay Times? Why did they win the Pulitzer Prize? Because it has a future, it will have a future, and it must have a future. Even in Nepal, why are the rich continuously investing in the media? It is not because it has no future; it is not because it is not beneficial, but because it is beneficial in one way or the other.

Another alarming fact is that not only newspapers have decreased; the number of readers reading newspapers has also decreased. Their interests and fields have diverged. When the dose found in newspapers after two days is immediately available in hand, on mobile, cheap, free and can be heard on the radio while walking in the morning and evening, then what is the approach to preserve those contents and not let such readers go somewhere else?

There is no doubt that electronic media is another reason to make newspapers fall behind. Because the published materials that they scrupulously put out all night is read online, on YouTube, on radio and television early in the morning without getting permission and without informing, why should anyone pay money to read the newspaper? Just like the copyright law in songs and books, it

is necessary to introduce a copyright law in newspapers as well. All concerned agencies should pay attention in this regard. There should be a clear-cut demarcation and domain of media. One media should not be allowed to copy content, idea and design of another form of media. Print media has its own prospects despite several challenges created by alternative media. Modern readers, audiences and service seekers are not satisfied with a single form of media. Moreover, all information cannot be disseminated through a single medium.

Analysis of media situation in Bagmati Province

Rewati Prasad Sapkota*

Bagmati Province is rich in media development -- in terms of number, access, and human resources. This inference was drawn after analyzing different indices that are used to gauge the situation of mass media like human resources, types of media -- print, broadcast online platforms -- and access to media.

As Kathmandu remains the capital city of the country, media are more concentrated in this province. It is far ahead of other provinces in media development. For instance, more than 66 percent of the total newspapers, radios, televisions, and online news portals are operating in this province. Research conducted by the Office of the Communication Registrar, Bagmati Province shows that 62 percent of families in Kathmandu valley have access to at least one mass media.

The same is only 38 percent in the other 10 districts of this province. Similarly, more than half of the population of this province watches television on a daily basis. But, it is gradually shrinking with the fast-growing digital platforms. A large section of the population watches

* Sapkota is Communication Registrar in Bagamati Province.

television to get primary and trusted national and international news. A large chunk of newspapers in this region was registered between 2001 to 2010, the period of political turbulence. Though the number of registered newspapers is high, 80 percent of newspapers do not show up on a regular basis.

Over the past few years, the registration of newspapers is in a downward trend thanks to the mushrooming growth of digital platforms. Like newspapers and broadcast media, 90 percent of the news portals of this province are in Kathmandu. The case of radio, however, is slightly different from that of print media. More than 36 percent of them are registered in Kathmandu Valley; remaining 64 percent are in the other 10 districts of the province. The period from 2006 to 2010 can be regarded as a golden age of radio in terms of both its registration and usage. Most of the radio stations in this province were registered between 2006 and 2010 and they grew with political movements.

In terms of transmission capacity, more than 200 radio stations including 100 watts, 250 watts, 500 watts, 1000 watts, and 2000 watts are in Bagmati Province. Under the Office of the Communication Registrar in Bagmati Province, nine radio stations are of 250 watts, 72 radio stations are of 500 watts, and 15 radio stations are of 1000 watts. Similarly, television stations are concentrated in this province. Of the 87 television stations registered in Bagmati Province by the end of 2019, 83 percent were registered in Kathmandu Valley. Television is not registered in Ramechhap, Dolakha, Sindhupalchowk, and Rasuwa districts. There are 36 television stations in our jurisdictions.

Now, let's turn to the online news portals which are rapidly booming. As per our data, until 2019, 92.5 percent of online news portals were registered in Kathmandu Valley, the figure could be even more. A total of 140 online news portals are registered in Bagmati Province.

Now, let's analyze the status of human resources. Nearly, half of the total journalists in the country are based in this province. Almost 50 percent members of the Federation of Nepali Journalists (FNJ) are from this province.

The number of journalists in Kathmandu Valley is nearly four times higher than the journalists of 10 other districts. The number of FNJ members is ever increasing, albeit the association of active journalists is comparatively low. Though the number of FNJ members is ever increasing, the number of active journalists is comparatively low but there is not a fixed number. There are many active journalists who are not associated with FNJ.

Registrar's office is encouraging steps to enhance and update the skills of journalists but most of the journalists are not interested to take skill development training and embrace fellowship schemes designed to enhance their professional capacity. We have already trained 200 journalists in different courses - mobile journalism, online journalism, and basic journalism.

More than 50 journalists have received fellowships to write stories but most of the stories do not meet minimum standards. We have already published six books related to journalism including Media in Bagamati Province. They are Battish Kon (assembling fellowship stories), Digital Literacy (based on research), documented experience of senior journalists, online journalism (based on research), and Bagamati Darpan (assembling fellowship stories).

Books on different areas such as online journalism, digital literacy, media in Bagamati and documented experiences of the senior journalists have drawn the attention of journalists. With the growth of media, there comes up the issue of professional security of the media. It has been more than two decades since the implementation of the Working Journalists Act but its implementation still remains a big challenge. There is always animosity between media operators

and journalists. Getting minimum wage is still a far cry for working journalists. The Covid-19 crisis further exacerbated this problem. On the one hand, journalists did not get their salary on time, and on the other journalists were expelled from their job which left many journalists unemployed.

Though Some Nepal Laws (Amendment and Revalidation) Act has made an amendment to National Broadcasting Act, stipulating jurisdictions for the federal and provincial government and local units, the correspondence and licensing process are still complex and tedious. This is happening because the federal government does not believe that the provincial government and local units can also recruit a skilled workforce. For example, 250 watts, 500 watts, and 1000 watts radios are renewed by the federal and provincial government which is not practical.

We are ready to handle all radio studios including equipment and license. As per Nepal statute, the constitutional spirit of service delivery should go through provincial levels but the federal government is rigid to depute its power. A proportional distribution system will ensure the equal distribution of advertisements by provincial and local governments. It will strengthen the media's economic health. Newspapers which are not qualified for the classification can't benefit from the proportionate advertisement distribution system. There are questions of transparency over the distribution of government advertisements to newspapers.

The distribution of proportionate advertisements must be channelized through provincial levels. This task could be deputed to the provincial government because they are equipped to do so. Advertisements must be provided only to those media which are in regular operation, those irregular and not available publicly should be denied such advertisement.

Now, it is desirable to delve into the status of human resources. Human resources play a significant role in the sustainability of the mass media. But as media houses fail to retain qualified human resources and they rely on new and inexperienced recruits, it obviously erodes their quality. Multiple studies show online media are misleading people. Likewise, media and qualification, character, and commitment of people involved are also found to affect mass media credibility. However, people seem to believe media content disseminated by mass media without any bias.

Journalism has emerged as a key profession, but there is no economic security in the long term, as it is not breeding a sustained source of income. Most journalists do not have a strong economic foundation which is leading them to change their profession. Entrepreneurship is yet to grow in Nepali media. With the dawn of new technology, the nature of media is changing but there are a few entrepreneurs. On the other hand, the professional skill of journalists is very weak. That is why investors are not getting the desired result from their outlets and they are always under pressure.

The small-investment media have also played a vital role in creating employment. So, attention should be paid to professional purification and proper management of advertisement so that local small-investment could be benefited. The legal provision of providing advertisement worth a certain amount of rupees in national newspapers as per the Public Procurement Act has also made things difficult for local media. Though efforts are underway to set up an autonomous office of Communication Registrar, it seems that it is not allowed to maintain autonomy in practice. If necessary legal and practical changes are in place, the media fraternity of the province feels that the Office of Communication Registrar can play an effective role in the development of mass media.

It is imperative to discuss how media are covering public issues. It is necessary to publish and broadcast news and information about

village areas. Follow-up reporting of news dispatched from far-flung areas is rarely done. Even local governments do not think that journalists should be empowered to raise local issues. The flow of information from villages to urban areas has substantially increased due to the fast development of the internet and social media. But, the tendency of digging investigative stories from the village level is minimal.

How can we enhance the capacity of journalists? Surely, there are multiple ways to do so. The federal government has unveiled plans to open National Mass Communication Training Academy, but the plan is yet to materialize. Also, educational institutions under universities have not been able to pay proper attention to the need for training. This has dampened the prospect of professional development in the field of journalism. Media houses also have a vital role in order to groom and retain quality human resources in the newsroom.

For this, we need qualified manpower in the management areas. Though media houses are somehow hiring skilled human resources, they have been failing to provide them with decent pay, and other facilities. As a result, skilled human resources do not stick to their employers for long and ultimately leave the profession. And, what is about the professional security of the journalists? Media houses need to be made accountable to ensure the financial security of journalists by providing them with appointment letters and minimum wage as per the existing law.

To disseminate a message that journalism, like another professions of the society, is secure and viable, voices are being raised that stringers working for more than five years be appointed as reporters drawing regular salaries and those above 60, who have completed a minimum of 20 years in journalism, be provided with a relief package for their livelihood. Such provisions guarantee social security to journalists.

The pension programme as provisioned in the Journalists Welfare Fund as per Article 54 of the Provincial Communication Media Management Act, 2018, is a step in this direction. The Provincial Assembly has arranged an amendment of the Act that has removed some flawed provisions on the punishment.

Conclusion and policy recommendation

Much has been discussed about the situation of media in Bagmati Province. It would be relevant to make some recommendations and sow the way forward.

Policy study and implementation

- In line with the norms of the federal governance system, the rights of distribution of journalist accreditation cards, distribution of public welfare advertisements, and registration, classification, and monitoring of mass media should be provided to provincial governments. To do so, current laws and policies should be revised.
- There is a need for a comprehensive study about the current status of the implementation of laws relating to the information and media community which contributes to maintaining quality journalism thereby contributing to the professional development of journalists at the provincial level.
- Though the existing National Communication Policy states that community communication centres will be established by involving the local community to increase people's access to information and communication, and the establishment and operation of community communication media will be encouraged, it does not include how it can be done. As most of the provisions in the policy overlook this issue, there is a need to formulate a separate

regional and local communication policy for the development and promotion of local media by conducting a detailed study.

- The federal government has laws, regulations, and guidelines related to the communication sector. However, in course of implementing federalism, provincial laws are being overlooked and some laws related to the communication sector contradict federal laws. Local units have also formulated different laws and policies, but they are indifferent in regard to providing facilities to mass media. It is necessary to conduct a serious study on the issue and take appropriate decisions at the soonest possible.
- Measures should be taken to promote local media at the local unit level itself. For this, the government needs to focus on infrastructure development.
- Taking note of the delay in formulation of concrete strategy at the provincial level for institutionalizing federalism, necessary policies need to be made and implemented at the provincial level for implementation of the Working Journalists Act.
- It would be appropriate to make legal arrangements like making mass media pledge a certain amount of money deposits by formulating regulations and guidelines which can be used to pay working journalists if they do not get paid by their employers.
- As wrong practices like exploitation of working journalists by denying them a salary, as agreed before, are defaming the entire media sector, there is a need to put in place an effective mechanism by bringing necessary laws to stop such malpractices.
- There is a need to foster coordination among different government agencies. Governance problems like the federal government could not accept easily press accreditation card issued by Office of the Communication Registrar Bagmati Province should be addressed efficiently.

- While looking for ways to ensure the sustainability of local mass media, there is a need to set up a policy mechanism under the Communication Registrar.
- It would be appropriate for the provincial government to take a policy of providing subsidies for infrastructure development of mass media that are in operation regularly and have maximum coverage at the local level.

Investment in media

- Provincial government must clearly outline the liability of media houses during their registration to prevent premature closure of media after they come into operation. To tackle this, the provincial government may seek a detailed business plan from investors which includes their source of investment as well as financial, technical, human resources and marketing plans. The provincial government must adopt a policy that requires media investors to guarantee capital for operating the media houses for at least two years. Likewise, separate minimum standards must be set for newspapers, radios, televisions, online media, and cable television outlets. It will address the issue of transparency in media investments.
- Necessary plans and policies need to be made for the effective development of journalism in the province, which also houses the federal capital Kathmandu, by attracting dependable investment in the mass media sector and also creating an environment for drawing investment in media content.
- At a time when questions are being raised against state-run media and the legal process has begun to convert Radio Nepal and Nepal Television as public service broadcasting entities, it won't be appropriate for provincial and local units to operate mass media with their investment. Instead, they should cooperate with

independent mass media for wide and effective dissemination of their activities and information. For this, the Office of the Communication Registrar should play a needful role by putting in place an appropriate mechanism.

Advertisement distribution

- The provincial government needs to address the complexities of uneven distribution of government advertisements at the policy level by bringing guidelines on the basis of the Provincial Communication Media Management Act, 2019, and Communication Media Management Regulations, 2019, or by bringing other appropriate laws.
- The provincial government needs to formulate laws with appropriate standards for the proportionate distribution of provincial information and advertisements to mass media in a transparent manner by putting in place a proportionate advertisement distribution system.
- The provincial government must draft necessary laws for the distribution of government advertisements to media outlets based in the province. To be eligible for government advertisements, mass media, however, need to have met the criteria fixed by the provincial government and arranged human resources as per the standards specified in laws related to working journalists, among others.
- At a time when Advertisement (Regulation) Act, 2019 has already been formulated, the Office of Communication Registrar has been opened, and a legal ground for forming Advertisement Board have already been created, there is a need to make relevant changes in public welfare advertisement and implement them accordingly. Relevant changes need to be made in advertisement distribution standards and implementation modality. A proportional

distribution system should be implemented in the distribution of all government advertisements. Such works can be done through the Advertisement Board.

- Local units also need to prioritize the distribution of their advertisements and adopt a policy of distributing advertisements to media outlets based in their area. If no mass media are present in their area, they should make a provision of distributing advertisements to media outlets in their district.
- Proportionate advertisement distribution system should be implemented to improve the financial health of local and provincial mass media. Such advertisements should be segregated and provided to radios, newspapers, televisions, and online media, accordingly.
- Realizing that public welfare advertisements play an important role in improving the financial health of communication media, it would be appropriate to provide advertisements to media that have higher coverage at the local level. The price rate of public welfare advertisements being distributed to the radios at present also needs to be increased.
- Facilities like public welfare advertisements need to be provided to mass media promoted by backward groups, classes, gender or castes targeting their own community.
- The Media Development Fund of Press Council Nepal also needs to focus on provincial and local media. Media owners themselves should take the necessary initiative in this direction.
- There is a need to create policy and legal grounds for registration of newspapers at local units themselves by ensuring that there is no duplication in names. However, the needful arrangement must be made to deregister newspapers that have not begun printing within 10 years of registration or after 10 years since their closure.

The timeframe can be discussed among the stakeholders to set up the legal framework.

Management of electronic media

- The government, after studying the demand for provincial-level media, should distribute a certain number of frequencies for FM radio stations.
- The government should clearly define FM radio stations as community and commercial in the law and specify facilities to be given to them accordingly. Such facilities could be financial assistance or subsidy in the procurement of equipment.
- The government should adopt a policy of encouraging the operation of television stations at the local level.
- A mechanism for establishing direct communication between the Office of the Communication Registrar and the agency distributing frequency is needed so that people interested to start a radio station do not have to return in despair. For this, the Office of the Communication Registrar of Bagmati Province should be able to reply on the spot by procuring the necessary software. To make this happen, the federal government should also connect to the software.
- At present, radio stations that complete the renewal process at the Office of Communication Registrar need to reach the Information and Broadcasting Department of the federal government for renewal of their radio equipment. Needful discussions need to be made at political and administrative levels to correct this impractical practice. As the Office of the Communication Registrar moves ahead by simplifying complexities in the radio licensing process as per the rights guaranteed by the constitution and other laws, other provinces won't have to face similar problems in the

coming days. There is a need to hold discussions among radio promoters, the federal government, the provincial government, and other stakeholders on the issue.

- There is a need to make arrangements for the renewal of the license of radio stations at the provincial level itself.

Human resource development

- Concerned media house, Federation of Nepalese Journalists, government and other institutions involved in the communication sector need to take initiatives for enhancing the efficiency of journalists.
- Media houses must implement the provisions of the Working Journalists Act. The government must monitor the implementation of this act and make policy and legal arrangements for stopping state facilities to media houses that do not implement this Act.
- There is a need to attract individuals having a good academic background in the journalism sector by specifying qualifications, training, and other standards for journalists, and creating an environment for their retention in the media industry.
- Tech-friendly journalism education is the need of the hour. There is no point in conducting training that teaches journalists to write news in the old-fashioned style. That is why training should focus on the use of modern equipment and imparting information technology skills and knowledge.
- Trained human resources for the media industry can be produced by working in cooperation with community-run institutions offering Bachelor's degrees in journalism and other competent educational institutions.

- Though training, study, and efficiency enhancement programmes need to be organized on a regular basis, it would be better to identify the type of training needed for journalists by holding discussions with journalists themselves. In general, training focused on new media is needed the most. Other training like writing enhancement, investigative journalism, beat reporting, the art of interviewing, photojournalism, media technology and media management are also needed. There is an utmost need to open a Mass Communication Training Academy at both central and provincial levels to provide training to journalists and also contribute in in-depth research in the field of journalism.

Information dissemination

- As news and information from rural areas are not being appearing as expected in mass media despite the expansion of road networks and communication facilities, the provincial government should look for ways to take journalists to rural areas. The provincial government should create appropriate mechanisms and programme in coordination with the federal government and local units to transfer innovations and knowledge from urban to rural areas, and news and information from rural to urban areas.
- It would be appropriate for the provincial government to develop a certain mechanism to ensure that journalists reach all local units for disseminating news and information from rural to urban areas, and skills and knowledge of rural to urban areas for drawing the attention of policymakers.
- One of the alternatives for bringing news and information from rural areas to urban areas could be the formation of an entity like the Provincial News Agency under the Office of Communication Registrar. Instead of setting up new agencies at the provincial level, which would burn financial resources, the office can work for increasing the access of journalists and mass media at the local

level. It would be appropriate to create policy and legal grounds by conducting a needful study for the production, processing, and distribution of news and information from rural to urban areas under the leadership of the Communication Registrar.

- It would be appropriate to distribute press identification numbers to journalists with their mobile numbers, email addresses and detailed contact information so that they can be contacted easily. A system should be developed to use such information to prepare the personal profile of journalists working in the province and update them periodically.

Fighting 'disinformation' and 'fake news' for media freedom

Kosh Raj Koirala*

Journalists and civil society activists in Nepal, along with the people, fought for press freedom for decades until democracy was restored in the country in 1990.

Nepali media fraternity celebrated the abolition of the Panchayat system, which put harsh restrictions on civil liberties including press freedom for 30 years. The reason behind their celebration was the promulgation of a new constitution that guaranteed press freedom.

The constitutional guarantee of press freedom heralded a new era in the history of Nepali media as a number of privately-owned independent media houses came into existence.

This also brought about a transition from 'mission journalism' to 'professional journalism' as 'accuracy, balance and credibility' began to be seen as guiding principles of journalistic practice. Journalism emerged viable like other professions.

But little over 30 years down the line, the issue of media freedom has once again been in the spotlight in Nepal. With the emergence

* Koirala is chief editor of myrepublica.nagariknetwork.com

of new digital platforms including social media, journalism itself is in a state of a considerable flux.

These new platforms have enabled novel forms of communications and greater global reach than at any point of time in human history. But at the same time, they have emerged as important tools to spread disinformation, misinformation and fake news. As a result, there has been a precipitous decline in public trust in traditional journalism, drawing harsh regulations from the government to curb media freedom.

Information in the age of social media

Until a decade ago, the only source of information to people was traditional media including radios, televisions and newspapers. People would eagerly wait to listen to the hourly news bulletin of radios and televisions and wait for the newspapers each morning to read the latest news.

This situation exists no longer with the proliferation of digital media platforms and online news portals. The increased access of people to internet has made it easier for them to transmit information on a real time basis and stay connected with anyone living across the world.

As of January, 2022, there are a total of 27.7 million (over 90 percent of the total population) broadband internet users in Nepal, according to Nepal Telecommunication Authority. Data released by Digital 2022 Nepal shows that there are a total of 13.70 million active social media users in Nepal as of February, 2022.

As social media platforms have transformed an ordinary person into a 'media content generator', they have proved to be a double-edged sword in terms of the credibility of media in countries like Nepal where media literacy is still not high. In general, young people are

most likely to get their news through online sources, relying heavily on mobile devices for their communication.

According to a research conducted by Pew Research Centre in 2021, more than 71 percent people get news content from social media. According to a survey conducted by Sharecast Initiative Nepal on new media trends in Nepal in early 2022, some 41 percent people get their news from Facebook.

The percentage of people getting news and updates through social media is believed to have gone up further as the number of mobile phone users exceeds the total population of Nepal.

Although social media are incredible tools to spread news, they pose a risk of spreading disinformation and misinformation because of the fact that anyone can become a 'content-generator' on social media. The mainstream media has a certain editorial process of news collection and verifying the news collected to ensure accuracy, balance and credibility through a rigorous gatekeeping process.

But with the rise of social media platforms and the ability of even ordinary people with no prior experience of journalism to start news portals, such editorial processes are often compromised.

According to the Department of Information and Broadcast under the Ministry of Communication and Information Technology, there are a total of 3,181 online news portals registered with it by the end of the fiscal year 2021/2022 i.e. mid-July.

The flip side of such a situation is that people tend to make 'uninformed' opinions about the media as a whole and increasingly question the credibility of the mainstream media. Both social media platforms and online news portals that do not follow strict editorial processes to authenticate news have largely contributed to disinformation, misinformation and even the dissemination of fake news.

Mainstream media ill-prepared to tackle disinformation

The COVID-19 pandemic hit all sectors of economy in Nepal. Media sector is probably the hardest-hit sector among them. As a consequence, media houses were forced to either lay off their employees and downsize their operation or suspend some of their publications.

The pandemic also made media houses unable to inject additional investment to enhance the skills of journalists to tackle the challenges posed by disinformation and fake news. The lack of investment to hone skills of journalists to tackle these newly-emerged challenges has a direct bearing on the credibility of media.

While the mainstream media have failed to effectively counter disinformation and fake news, they have, at times, fallen themselves prey to disinformation and misinformation. When fake news is published or broadcast by the mainstream media, the same content is picked up by social media. This has only made things worse. There are also concerns that mainstream media have not been able to cater to the 'information needs' of people, forcing them to rely on alternative sources of information.

A disturbing trend that has been observed in recent years in Nepal is that social media, including Facebook and TikTok have become the primary source of information.

As the country has a huge number of social media users, the spread of disinformation and fake news has been a major challenge. A private YouTube Channel or Facebook page or a Twitter account that serves 'spicy' contents may have more readers than mainstream media outlets that follow strict editorial guidelines before disseminating any news or information. Things only get worse when people believe more in the news disseminated by social media than the mainstream ones. A section of news portals are grossly misused

even to spread disinformation. These have raised questions on the overall credibility of media among people.

Disinformation challenge to media freedom

The constitutional provision alone cannot safeguard press freedom. The challenges of press freedom can be overcome only when the general public is aware of the importance of press freedom and extends support to the cause of press freedom when needed. But when media credibility is under scrutiny, public support for the cause of media freedom may see a sharp decline.

They may even support the idea of formulating draconian media laws. The rulers tend to seize such an opportunity to muzzle independent media as a whole. Nepal is no exception to this. The support for the cause of media freedom when then King Gyanendra Shah in 2005 restricted press freedom was a case in point.

Most independent media back then were fighting for the cause of civil liberty and restoration of democracy and people in general had faith in the media. It seems the level of public support that media enjoyed during those days has eroded significantly in recent years. It is worrying to see trolls against journalists on social media when they are harassed or physically assaulted. People are seen even involved in online trolling to support such actions, thereby encouraging the government authorities concerned to criminalize the media related laws.

In all democratic countries that honour press freedom, the media is governed or regulated by civil laws. In Nepal as well, Nepal Press Council-- an autonomous body with the representation of experienced media persons and lawyers in its leadership -- has been established to regulate the media and enforce the code of conduct for journalists and media houses.

But in recent years, the role of the Press Council Nepal (PCN) has been largely limited as laws meant to regulate media are being increasingly criminalized. This trend has increased significantly in recent years as evident in the arrests of a number of journalists as per the Electronic Transaction Act (ETA), a law originally meant to tackle cases related to electronic business transactions.

As a matter of fact, each successive government in Nepal in the past few years has been trying to introduce online media regulation or broadcast media regulation with an aim to curb their freedom. The controversial media related legislations such as the Information Technology Bill, Media Council Bill, Mass Communication Policy, Social Media Directives, Public Service Broadcasting Bill that the erstwhile government tried to introduce sought to curtail media freedom.

Following the footprint of the federal government, the provincial governments are introducing similarly controversial media related bills despite protest from the media fraternity.

The fact that a large majority of people support such draconian measures against the media clearly shows that media credibility has eroded significantly and the relation between media and ordinary public has already grown hostile. This is certainly not good for media freedom in Nepal.

Tackling disinformation and fake news

Disinformation and fake news are enemies of media freedom and democracy. Misinformation and fake news mislead and disempower people and undermine democratic exercise.

As the number of digital platforms is growing further and innovative journalistic practices are being experimented, the organized campaign of disinformation and fake news is likely to grow further.

It is possible to overcome the challenges of disinformation and fake news only through the collective efforts of all stakeholders concerned.

The immediate intervention that can be possibly made to tackle misinformation and fake news is to organize a massive campaign across the country to increase media literacy among people. Such a campaign would help people to distinguish misinformation and fake news.

The role of Federation of Nepali Journalists (FNJ) and Press Council Nepal, media houses and other stakeholders concerned could be important in this regard. The government bodies concerned can even consider imparting knowledge about disinformation and fake news to high school children through new curriculum. These initiatives could prove instrumental in promoting news literacy and professionalism in journalism.

The role of news organizations to tackle the challenges posed by disinformation, misinformation and fake news is equally important. Mainstream media organizations can debunk misinformation and fake news generated by outlets that masquerade as actual media sites by producing and disseminating verified information.

But the business as usual attitude of mainstream media in Nepal cannot help address these challenges brought about by the onslaught of the digital media platforms. Media houses need to make additional investment to equip journalists with necessary skills to tackle these challenges. They should make additional efforts to produce investigative pieces to distinguish themselves from social media contents.

An additional investment in human resources means saving the media's credibility and safeguarding media freedom that otherwise is under threat as a result of misinformation and fake news spread mainly through social media platforms. In many Western

countries, fact-checking organizations have been working to debunk misinformation and fake news.

They have played a very important role in making the media accountable and neutralizing disinformation campaigns. In Nepal too, a few such organizations like South Asia Check, Nepal Check and Nepal Fact Check have been working in this area. Such organizations should be promoted to make the media accountable to their contents. The FNJ, PCN and other stakeholders concerned can work together with such organizations to promote media literacy to tackle the menace of disinformation and fake news.

Organized and systematic efforts to spread disinformation and fake news pose challenges not only to the media fraternity, but also to health of democracy in the country. In a democratic country that observes a periodic election to choose its leaders, real danger lies in the campaign to mislead voters. Since the technology companies such as Facebook, Twitter and YouTube are equally responsible to unleash a barrage of misinformation and fake news, the government agencies concerned must work in close coordination with these technology companies to tackle these challenges.

The technology companies should be encouraged to invest in technology that can find fake news and identify it for users through algorithms and crowdsourcing. Since Nepal does not yet have contact offices of these technology companies, it is high time the government initiated a process to nudge them to have their offices in Nepal too so that the government's regulatory bodies can immediately intervene against any disinformation campaign or fake news.

Conclusion

With the proliferation of digital media platforms, Nepal has already started experiencing challenges of misinformation and fake news.

The most recent example of misinformation and fake news was the controversy surrounding the Millennium Challenge Corporation (MCC) Compact Agreement that the federal parliament endorsed in February, 2022.

Fake documents were produced to discredit certain journalists, media houses and civil society leaders as the country was sharply polarized over the MCC issue. As the elections to the provincial assemblies and federal parliament are scheduled for November, there are already growing concerns that disinformation and fake news are likely to proliferate.

Fake news and sophisticated disinformation campaigns are especially problematic in democratic systems as such campaigns have a potential to divide people, polarize their opinions and destroy the very foundation of democracy. All stakeholders concerned including the government, businesses, media houses and consumers of news need to work together keeping in mind that the scourge of disinformation and fake news cannot be tackled by the effort of any one sector.

The collective efforts to fight disinformation and fake news may range from organizing media literacy campaigns, promotion of strict norms on professional journalism, supporting investigative journalism and reducing financial incentives for fake news. Since the fight against disinformation is a fight for media freedom and democracy, it is high time all concerned stakeholders including the government bodies worked together to tackle these challenges before it is too late.

Coordination among multiple levels of government to implement media laws and policies

Liladhar Upadhyaya*

Abstract

Unlike the unitary system, there are multiple levels of government active in law making in the federal system of governance. There was a single government responsible in law making under the centralized system of governance, but now multiple governments are active in lawmaking under their respective jurisdictions. Instead of federal government, seven provinces and 753 local governments are free to exercise their rights of formulating necessary laws. Several laws are formulated accordingly by the provinces. The provinces and local levels want to exercise their powers to monitor the media. Federal, provincial and local governments should coordinate with each other in terms of media laws and policies. They should not only coordinate in making laws and policies but also in their implementation. Present situation is not so satisfactory in view of making laws relating to media and their implementation. If we compare with the American system, which is considered a model of modern federalism, there are approximately 87,000 governments in

* Advocate Upadhyaya, who holds LL.M. degree in Constitutional Law from TU, is associated with The Rising Nepal Daily.

the United States of America--one national, fifty states, and the rest at local level. Of course, federalism demands coordination among multiple levels of government which is also called intergovernmental relation. This is an analytical study based on related literature, laws and the constitutions. A comparative and observation approach is also applied in course of writing the article.

Key words: Media laws, policies, intergovernmental relation, coordination, cooperation.

Introduction

The scope of media law and policy has broadened with the implementation of federalism under the provisions of the Constitution of Nepal. Federalism, a new experiment, was formally implemented in Nepal with the promulgation of the new constitution in 2015 by the Constituent Assembly. Multiple levels of governments are in operation accordingly. The three-tier governments--federal, provincial and local-- have the duty to monitor, facilitate, regulate and promote media in line with the constitution and laws. The governments should play the role cautiously so that freedom of speech and expression is not infringed under any pretext. Protecting freedom of speech through a system is the duty of the democratic government. The media operators and users should also be aware of negative consequences of unethical use or misuse of media.

So, the changed scope has created challenges as well as opportunities in the present context where multiple forms of media are in operation under their respective domain. Operation of online portals, different social sites like Facebook, TikTok, Twitter, WeChat has created separate identities among the users or general public. The information disseminating tools like smartphone have become accessible from the urban to the rural areas. The legacy of print media, TV and radio is also not lacking among the users despite the introduction of various alternative media.

Federal, provincial and local governments should coordinate with each other in terms of media law and policy. They should not only coordinate in making laws and policies but also in their implementation. Present situation is not so satisfactory for making laws relating to media and their implementation. If we compare with the American system, which is considered a model of modern federalism, there are approximately 87,000 governments in the United States of America--one national, fifty states, and the rest at local level.¹ Respective governments work under their respective jurisdictions in the USA. Of course, federalism demands coordination among multiple levels of government which is also called intergovernmental relation.

Constitutional provisions of intergovernmental relation

The Article 232 of the Constitution of Nepal has envisaged an intergovernmental relation and that shall be based on principles of cooperation, coexistence and coordination. Principles of cooperation, coexistence and coordination have broader meaning and context in Nepal. First, Nepal has followed cooperative model of federalism. Cooperative in the sense that all levels of governments--federal, provincial and local-- cooperate with each other as per the spirit of the constitutional norms. The governments should play cooperative role in every aspect of state affairs. A single government is not allowed going into operation on its own without cooperating with other levels of government. It indicates harmonious relation among the multiple levels of government. Second, the constitution has envisaged one level of government should accept the existence of another level of government. If they accept each other's existence, there shall be harmonious relation among the governments. When there is a harmonious relation, the very concept of federalism shall

1 Laurence J. O'Toole Jr (ed) (2007). American Intergovernmental Relations, Foundations, Perspectives and Issues. Washington DC: CQ Press. p. 3

work under the federal structure, which is new in Nepal in terms of system and practice.

Similarly, the Constitution of Nepal has also provisioned the legislative relations. As per the article 232 (1) of the Constitution of Nepal, the federal law may be made to be applicable to the whole of, or, if required, to any part of, the territory of Nepal.² A state law may be made to be applicable to the whole of, or, if required, to any part of the territory of the state. Likewise, if two or more states make a request to the government of Nepal to make laws on any matter enumerated in Schedule-6, the Federal Parliament may make necessary laws. Such laws shall be applicable only to the concerned states.³ The constitutional provision of inter-state council is also there to settle political disputes arising between the federation and states, and between states. Prime Minister shall have a coordinating role and finance minister, home minister and chief ministers are the members of the council.

Intergovernmental relation under the federal structure has significant importance as it is the backbone of federalism. It is not only determined by the constitutional and legal provision, but also fixed by the federal culture of the political leadership. The political leadership and bureaucracy should join hands to steer the intergovernmental relations towards the right direction.

Legal provisions

The federal parliament has enacted the law named Federation, State and Local Level (Coordination and Interrelation) Act 2020. The new law not only reflects the spirit of the constitution but also gives a guideline for all levels of government working under the federal structure. The law is a tool for the governments to exercise

2 Constitution of Nepal, Article 232 (1)

3 Ibid

the powers enumerated under exclusive and concurrent lists under various schedules of the Constitution of Nepal.

If we observe the preamble of the Act, it is stated that the law is enacted to strengthen federal democratic republican system of governance and systematize the interrelation between federal, state and local levels which are exercising state powers on the bases of cooperation, coexistence, coordination and mutual cooperation as per the provision of the constitution.⁴

As per the newly enacted Act, basic grounds which should be followed by the state and local levels while drafting the laws include: Basic issues relating to national interest; protection of national pride and unity; following and implementation of nation's directive principles, policies and responsibilities; implementation of fundamental rights; respecting national policies and contribution in their implementation; integration and coherence of constitutional provision; building socialist-oriented economy based on democratic norms and values; protection of physical and natural resources; promotion of good governance and control of corruption; mutual support and cooperation; following proportional inclusive and participatory system of governance and so on.⁵

Similarly, the federal level shall not encroach into the exclusive powers of the state and local levels and there shall be the role of federal, state and local levels to remove duplication while implementing any subject.⁶

The newly introduced Act has several provisions regarding the cooperation, coordination and interrelations between federal, state

4 Federal Parliament Secretariat (2020). *Federal, State and Local Level (Coordination and Interrelation) Act*, Preamble, Kathmandu: Author.

5 Ibid, Clause 3

6 Ibid, Clause 4

and local governments for the effective and smooth implementation of federalism. It is the guide for formulating laws, policies and programmes, implementation of exclusive and concurrent powers, investigation of crime and adjudication, coordination and consultancy, publication and record of law, preparation of projects and implementation and support and co-work.

The Act has the provision of formation of National Coordination Council under the chair of the Prime Minister to manage coordination and interrelations between federal, state and local governments.⁷ Members of the Council include: Finance Minister, Law Minister, Home Minister and Federal Affairs Ministers of the Government of Nepal, State Chief Ministers, Opposition Leader or designated person by the Opposition Leader, seven persons from each province under the principle of inclusion having at least three women members chosen by the Prime Minister and from among the chief or deputy chief of village executive, municipal executive and district coordination committees.

The Act has a provision of Provincial Coordination Council under the chair of Chief Minister of each province to look to manage coordination and interrelations between state and local governments or local governments of more than one district.⁸ The Clause 26 of the Act has defined the coordinating role of the District Coordination Committee.⁹

This law is the basic guideline for maintaining uniformity and consistency among the governments while drafting and implementing laws.

7 Ibid, Clause 16

8 Ibid, Clause, 24

9 Ibid, Clause 26

Multiple governments active in media related law formulation

Unlike unitary system, there are multiple levels of government active in lawmaking. Instead of federal government, seven provinces and 753 local governments are free to exercise their rights of formulating necessary laws. Several laws are formulated accordingly by the provinces. The provinces and local levels want to exercise their powers to monitor the media.

For instance, Province 1 enacted laws to manage Radio, FM and Television Broadcasting and Provincial Communication Authority Regulation, Madhes Province has enacted laws to Manage Media at Provincial Level 2020, Law to Manage FM Radio and Television at Provincial Level and Province Communication (First Amendment) Regulation 2020.

Similarly, Bagmati Province has enacted Province Media Management Bill, 2019 and Province Right to Information Act. Likewise, Lumbini Province has enacted law to Manage Broadcasting, Law to Establish and Province Communication Policy, Law Relating to Operation of Information and Communication Technology Authority and Bill Formed to Manage Media (2021).¹⁰

Need assessment

Concerned governments and agencies should assess the need before introducing laws. Moreover, they can conduct extensive research on proposed laws and its issues. Federalism is not the system which creates duplicate structure in the provinces. Copying from the centre and another province may not be helpful to address the local issues. Proper research in particular areas should be conducted. It

10 Liladhar Upadhyaya (2021). *Media monitoring under federal structure in Nepal*. In Laxman Datt Pant (ed) PCN Year Book 2020/21). Kathmandu: PCN. (pp. 88-102)

is equally applicable in formulating media laws and policies as it is associated with the fundamental rights of freedom of expression and right to privacy and so on. These are basic democratic norms. The concerned authorities should be aware of not infringing on the constitutional and fundamental rights of the people.

Role of Press Council Nepal

Press Council of Nepal is a regulating umbrella body in the area of media operation. Moreover, it enforces the code of conduct relating to media and journalism with the aim of making media credible, professional and ethical. It can play a vital role in facilitating law formulation by maintaining relations between multiple levels of government as per the spirit of the Constitution of Nepal. Besides its other works like media monitoring, PCN can develop human resources which will assist the subnational governments in formulating laws and media policies. Duplication in lawmaking shall be avoided if there is a role of overseeing body. Press Council of Nepal can also play the role to help maintain uniformity in laws so that several anomalies shall be removed. People shall build trust in the laws enacted by the subnational governments with these activities of the regulating bodies. Law implementation shall be easier when people build trust in the laws enacted by the respective governments. Some media related laws were dragged into controversy because of the lack of coordination and cooperation among the multiple levels of governments and their agencies.

Role of federal government

Federal government has a vital role in maintaining smooth relations between the multiple levels of governments. The government can facilitate the provinces and local governments by providing technical as well as policy-level support. In terms of technical support, it can depute human resources for drafting laws and for policy-level

support, and it can issue directives and sample laws to facilitate the subnational governments. For instance, it can help formulate laws under the jurisdiction of concurrent lists of powers shared by three levels of government. Unlike the unitary system, the federal government has a coordinating role. Federalism works smoothly when the concerned authorities fulfill their respective duties and exercise powers without encroaching other's jurisdiction.

Role of sub-national governments

The Constitution of Nepal has envisaged three levels of government. Although there is more coordinating role of the federal government at the centre, the sub-federal governments have equal responsibility to cooperate with each other. The seven provincial governments and 753 local governments should also cooperate with the federal government on various issues without compromising their autonomy and independent functioning. However, it is observed that the respective governments lack coordination. They are running on their own which is against the spirit of the Constitution of Nepal. There is a need of cooperation among federal and sub-federal governments for the implementation of media laws and policies because these ingredients are associated with freedom and liberties of the people.

Power devolution on media matters

The Constitution of Nepal has devolved powers to the respective governments.

Various Schedules of the Constitution of Nepal have stated the media related power division between three levels of government. The powers or jurisdictions also overlap in some cases. For instance, federal government is entrusted with the powers relating to telecommunications, allocation of radio frequency, radio, television and postal matters while provincial governments also have powers

relating to operation of radio, FM, and television. Local levels also have powers relating to FM operation. Federal and provincial governments share matters related to means of communication under concurrent powers while all three levels of government share powers relating to newspapers.

Powers relating to radio and television overlap between federal and provincial governments. Local levels also share powers relating to FM operation. In this way, the constitutional powers on the one hand are not clear and powers or jurisdictions overlap on the other. These issues are very pertinent and problem creating while implementing and exercising powers by the respective governments. There should be a clear guideline to avoid jurisdiction overlap and duplication of structures from federal to local levels. Smooth intergovernmental relation is necessary to avoid possible conflict among the governments. Observations show that all levels are exercising media related powers, but there is a risk of duplication of activities as well as wastage of resources if concerned authorities do not handle the issue cautiously.

Challenges

There are several challenges to maintain intergovernmental relations to advance federalism in Nepal. As relation between federal and sub-federal governments is based on cooperation, coordination and coexistence, the three levels of governments should pay attention towards smooth intergovernmental relation in line with the principles of federalism. The federal and sub-federal governments have challenges, particularly in formulation and implementation of media related laws and policies. Some of the challenges are discussed briefly here:

1. Overlapping jurisdiction

As mentioned earlier, the constitution has divided powers relating to media between federal, provincial and local levels. For instance, powers relating to radio and FM are included under the list of federal as well as provincial governments. Similarly, the local level governments also have powers relating to FM operation. These kinds of overlapping jurisdiction definitely create confusion among the service providers as well as service seekers.

2. Duplication of laws

There is a trend of duplicating laws made by the federal government by the provincial governments. Laws should be based on the need of the particular areas or provinces. Laws may differ as per the need of the particular area, but copying laws from central government does not give solution, rather it adds challenges. Another trend is that several laws are copied from another province.

3. Duplication of structures

Provincial governments are creating duplicate structures of the federal government in the provinces. Creating duplicate structures, sometimes, adds burden to the state coffers and expands areas of taxation, which is not the demand of the people who desire for federalism. The provincial governments should perform their duties in an innovative way.

4. Ignoring role of another level of government

Coordination among all levels of government is the spirit of the constitution and Nepali federalism, but the government, either federal or provincial, is running the business being indifferent to another level of governments. Ignoring other governments is not good for smooth operation of federalism. It is seen in the media sector also, which is a challenge.

Prospects

There are numerous prospects of intergovernmental relation under the federal structure. As federalism demands smooth functioning of intergovernmental relation, there are various prospects to advance the democratic federal system of governance. Moreover, if intergovernmental relation or coordination is maintained in line with the spirit of the constitution, it will help monitor and regulate media related laws and policies.

1. Helps sustain federalism

Federalism functions smoothly when all levels of governments function by maintaining intergovernmental relations. If there is a good relationship among the authorities under the federal democratic constitution, Nepali federalism will sustain to yield better results.

2. Helps maintain uniformity in media laws and policies

Intergovernmental relation helps maintain uniformity in media related laws and policies. Complications may emerge if ideas and provisions are dispersed with duplication and complex structures. People or service seekers will feel comfortable if there is uniformity in laws and policies, particularly in the areas of media operation.

3. Generates trust in public institutions and regulating bodies

There are several institutions and regulating bodies regarding media operation. For instance, Press Council of Nepal, communication related ministries and departments are in operation to facilitate media and related issues. However, they are working singly due to lack of effective intergovernmental relation. There should be intergovernmental relation between the authorities working at the federal and sub-federal governments.

4. Helps implement code of conduct of journalists and other laws relating to media

Implementation of code of conduct and other related media laws is a challenging task in the present diverse society, particularly it is being challenged by the new media. If there is effective and meaningful relation among the multiple levels of government, there shall be multiple scopes to implement journalists' code of conduct and media related laws.

Conclusion

As intergovernmental relation is the key to advance federalism in Nepal, it is equally important to implement media related laws and policies in line with the federal principles. Duplicate structures and laws may not only create confusion but also add extra burden to the service seekers and state treasury. Governments and authorities should pay attention to maintaining intergovernmental relation as per the spirit of the constitution. Cooperation, coexistence and coordination are the key mantras for intergovernmental relation to sustain Nepali federalism.

All three levels of governments are responsible to handle media related laws and policies. They have created respective structures and laws to monitor, regulate and operate media under their respective jurisdiction. Smooth intergovernmental relation helps maintain cooperation among the multiple governments by avoiding possible conflict between them. As intergovernmental relation is about dealing between federal and sub-federal governments under a federal structure, there should be smooth relations among the agencies working for media laws and policies. Their coordination and cooperation based on laws and constitution shall maintain uniformity in the areas of formulating laws and policies relating to media as it is an important component for change and development under a democratic system.

References

- CA Secretariat (2015). *Constitution of Nepal*: Kathmandu.
- Constituent Assembly Secretariat (2015), *Constitution of Nepal*. Kathmandu.
- Constituent Assembly Secretariat (2066 BS). *Report of the CA Committee on State Restructuring and Distribution of Powers*. Kathmandu.
- Federal Parliament Secretariat (2020). *Federal, State and Local Level (Coordination and Interrelation) Act, 2077*. Kathmandu.
- O'Toole, L. J. (ed) (2007). *American Intergovernmental Relations, Foundations, Perspectives and Issues*. Washington DC: CQ Press.
- Upadhyaya, L. (2021). *Media monitoring under federal structure in Nepal*. In Laxman Datt Pant (ed) PCN Year Book 2020/21). Kathmandu: PCN. (pp. 88-102)
- Watts, R. L., (2008). *Comparing Federal Systems*. London: McGill-Queens University Press.
- Wheare, K.C., (1963). *Federal Government*, 4th Ed. London: Oxford

Global media scenario and Nepal's situation

Kamal Dev Bhattarai*

With the rapid growth of digital platforms, traditional media—radio, television, newspapers and magazines—are at a crossroads. They are undergoing multiple challenges and some of them are on the verge of collapse. The first and foremost challenge is revenue crisis; traditional model is crumbling but new one is yet to emerge.

First, let's ponder the challenges faced by print media, the oldest form of journalism which has a glorious history of six hundred years. For the newspaper, there are three major sources of revenue which are advertisement, newsstand sales and subscriptions. But all sources are drying up. For the advertisers, print media is no longer a priority platform to promote their goods and services because they find multiplying audience in the digital platforms.

In the developed countries, online platforms of print outlets are generating money through advertisements and digital subscriptions but not at the level of sustaining media houses. Newsstand sale is going down as audiences are consuming news and information through social media platforms. Due to the same reason, people are unsubscribing the hardcopies of newspapers and magazines, badly hitting revenue collection.

* Bhattarai is a journalist and a researcher.

Growing numbers of media outlets have been forced to cut down on staff or close their doors permanently. Just two companies, Google and Meta, now receive approximately half of all global digital advertising spending (UNESCO, 2021). In order to make revenue, newspapers are seeking sponsored or paid content which is likely to have a detrimental effect on professional journalism. This has led to the growing corporate influence on media contents.

Some international newspapers are making remarkable progress in the area of digital subscriptions; others should follow them. For instance, The New York Times, world's popular and influential newspaper, aims to achieve ten million subscribers by 2025, majority of them will be digital subscriptions which means print edition is going down. In the first quarter of 2021, they reported 7.8 million subscribers, 6.9 million from online news or cooking and games apps. Also, as of June 2021, The Wall Street Journal reported 2.63 million digital only subscribers with 3.5 million overall (Forbes, 2021).

In order to sustain, some internationally acclaimed print outlets such as The Guardian are seeking donation from readers and businessmen. Under the title Support our journalism with a contribution of any size, The Guardian says:

"Your support helps protect the Guardian's independence and it means we can keep delivering quality journalism that's open for everyone around the world. Every contribution, however big or small, is so valuable for our future."

Electronic media— mainly radios and televisions—are facing a similar situation. Unlike newspapers, which have multiple sources, the only source of income for TV is advertisement. With the rapid growth of YouTube, Netflix and other platforms, people are spending less time in front of TV sets. As television audience are decreasing, advertisement has migrated to other digital platforms.

Worldwide, satisfactions with the television sets are waning. According to broadcaster watchdog Ofcom, satisfaction with the BBC among its most loyal audiences is showing "signs of waning" for the first time. Yet overall audiences are "in gradual decline", it said, and the corporation's reach among adults has fallen by 5%, from 92% to 87%, over the past three years (BBC 2020). Similarly, various surveys show listening to radio is on the decline. When media become weak, governments and other actors try to exert influence offering the sources of revenue. This is also forcing media houses to make a compromise on their journalistic ethics and professionalism.

Take the example of India. As media houses are becoming weak in the financial front, corporate houses and powerful Bharatiya Janata Party are gradually maintaining their strong influence in the media. Mainstream media are becoming less critical on the misdeeds of Narendra Modi-led government. Of late, big businessmen who are close to Indian PM Modi are bailing out the media houses purchasing their big share. Such trends are evident everywhere, and it is more evident in South Asian countries.

Another global trend is increasing assault on freedom of speech and expression. The wave of populism, nationalism, growing repressive regimes and growing conflicts in some regions is affecting media freedom. Not only in the autocratic regimes, media are under attack even in big democracies such as India and America. Reporters Without Borders' (RSF) World Press Freedom Index measures pluralism, media independence, the robustness of legislative frameworks and the safety of journalists in 180 countries and five regions to paint a picture of media freedom. According to its report, Eritrea has the worst press freedom followed by North Korea, Turkmenistan, China and Djibouti.

RSP report further states that Europe ranks first as the region with the greatest press freedom. However, violence against journalists

has increased. With the rise of digital platforms, countries are formulating laws to regulate them but they go against the basic principle of freedom of speech and expression guaranteed by international treaties and conventions.

Such tendencies are rife in those countries where the foundation of democracy is weak, and passing through a phase of political instability. Take the example of South Asian country Bangladesh. Bangladesh's 2018 Digital Security Act (DSA) which came into force on October 1, 2018, has become the government's and ruling party activists' preferred weapon to muzzle critics and stymie their freedom of expression, especially in cyberspace (Carnegie, 2021). There are similar attempts in other South Asian countries such as Pakistan and the Maldives.

The report published by RSF (2022) says:

A global decline in press freedom, hastened by repressive laws introduced during the COVID-19 pandemic, has resulted in only 12 countries being deemed as having a "good" environment for the media. During the pandemic, nearly 75% of countries blocked the media to some degree.

Not only in the autocratic regime, media are under attack even in vibrant democracies. There is increasing trend of formulating media laws in the way of controlling the media.

There is an increased attack on journalists world-wide. Physical threats to journalists have been increased. Reporters Without Borders' (RSF) annual report (2021) says: A record number of journalists – 488, including 60 women – are currently detained worldwide, while another 65 are being held hostage. Meanwhile, the number of journalists killed in 2021 – 46 – is at its lowest in 20 years.

Now, Afghanistan, Myanmar, Syria, Ukraine and Russia have become dangerous place for the journalists. Afghanistan had 547 media outlets prior to 15 August 2021. One year later, 219 ceased their activities. And of the 11,857 journalists tallied prior to 15 August 2021, there are only 4,759 now.

Women journalists have been impacted the most – 76.19% of them have lost their jobs (RSF 2022). In Afghanistan, women journalists are hit the hardest. Of the 2,756 women journalists and media workers employed in Afghanistan prior to 15 August 2021, only 656 are still working. Of these, 84.6% are working in the Kabul region (RSF, 2022).

In February 1, 2021, Myanmar army staged a coup. After that press freedom continues to erode. The situation of press freedom in Myanmar continues to worsen one year on from the beginning of the military coup on February 1, 2021, with 46 journalists and media workers detained, one killing and crushing restrictions on the nation's media (IFJ, 2022). Even the international journalists are facing strict restrictions in Myanmar.

Ukraine which is facing the invasion of Russia also faces a tough situation for the journalists. According to UN data, seven journalists have been confirmed killed since the Russian invasion on 24 February. The alert from UN-appointed independent rights experts, including the UN Special Rapporteur on freedom of expression, cited "numerous reports" that journalists have been "targeted, tortured, kidnapped, attacked and killed, or refused safe passage" from cities and regions under siege (UN 2022).

Similarly, there is huge restriction on media freedom in Russia. Along with physical threats, digital attacks and surveillance on journalists are increasing at an alarming rate. International studies have shown that sophisticated technologies are being used to attack, harass and monitor the activities of the journalists. The phone numbers of over

40 Indian journalists appear on a leaked list of potential targets for surveillance, and forensic tests have confirmed that some of them were successfully snooped upon by an unidentified agency using Pegasus spyware (The Wire, 2021).

The Wire report says:

The Pegasus Project, a consortium of news organizations that analyzed this list, has reason to believe that the data is indicative of potential targets identified in advance of surveillance attempts. The presence of a phone number in the data does alone not reveal whether a device was infected with Pegasus or subject to an attempted hack – technical examination of the phone’s data is needed for that.

It is not only about India, journalists from other countries are also being targeted from digital surveillance.

Nepal is not insulated from these global trends of the media. Nepal’s situation is even more dire than that of other countries given our poor economic growth. First, circulation of newspaper has substantially declined but media houses are not prepared to go for the digital subscriptions for the income. Before going for the digital subscriptions, media houses have a daunting task of improving their contents which is expected to contribute for the digital subscriptions. But, Nepali mainstream media do not have any concrete plan to go for the digital subscriptions. But due to lack of resources and training journalists, media houses are unable to provide investigative, in-depth and analytical contents so that they can survive in the face of digital challenge.

Similarly, over the past one decade, the mainstream media which have relatively more resources and country-wide network failed to digitize their newspapers. Now, there are some influential news portals beyond the mainstream media which are making

good revenue. So, the mainstream media have a big challenge of providing investigative, in-depth and analytical contents to compete with online platforms. Otherwise, mainstream media will face further crisis.

Radio stations which blossomed after 2005-2006 became a major source of news and information mainly in the far-flung areas are now passing through a very difficult situation. During the peace and constitution drafting process, many non-government organizations provided financial support in the form of programmes.

Dozens of local FM stations which can play a vital role for the social and economic transformation at the local level are now on the verge of closure. The number of television stations is growing day by day but it has become tricky how they are sustaining in terms of money. Like in print and radio, the amount of advertisement is dwindling but there is still a craze to set up new TV channels.

There is a mushrooming growth of online platforms. The growing numbers of online media have provided audiences with multiple choices of news and opinion which in a way is a good development. At the same time, it's not sure whether such a large number of media outlets will sustain in the small market. Similarly, some online news portals have become a vehicle of misinformation and disinformation.

Worse, many online portals are compromising the principles of journalism in order to make money for the survival. So, regulation of online media has become a daunting task for the government agencies. Press Council Nepal is taking a series of steps to empower the online media for the effective implementation of journalistic code of conduct but they do not seem committed and continue to violate the journalistic code of conduct. In order to regulate the digital platforms, Nepal government has come up with some drafts of laws which have plunged into a controversy. Government and other stakeholders are not engaged in a serious discussion on how

to formulate the laws without infringing freedom of speech and expression.

Misinformation, disinformation and fake news are also posing serious threats to mainstream media which are practicing professional journalism. So, big mainstream media have to take measures to cope up with the rising wave of disinformation but they are not well prepared to do so. While the mainstream media have failed to counter disinformation or fake news, they are, at times, falling prey to disinformation and misinformation (Koirala, 2022). In its 2022 World Press Freedom Index, the Paris-based Reporters Without Borders (RSF) said Russia's invasion of Ukraine has contributed vastly to the spread of fake news and propaganda (Voice of America, 2022). The report further states that 'a global rise in disinformation and propaganda is having a disastrous effect on independent news around the world.'

Conclusion and way forward

The digital media poses a serious challenge to traditional media. It is not sure how they survive in the coming days if they fail to transform themselves. In Nepal's context, there is still a relevance of radio, televisions, newspapers and magazines; they can survive if they think out-of-box.

In our context, mainly televisions and local radio stations are playing a vital role in the rural areas. Nepal is yet to achieve 100 percent literacy rate, radio is still a preferred and effective media in the far-flung areas for information, education and entertainment. In exploring revenue model, Nepali media should learn lessons from international media. They should explore the alternative and new ways of making money while sticking to journalistic ethics and values. But, many internationally-established models may not be applicable in Nepal given our economic status. New models can be developed that can suit the local context.

Regulation of digital media remains a single-most challenge world-wide. Many countries have come up with repressive draft of laws in order to regulate the digital platforms. As stated earlier, many countries have already implemented the repressive laws drawing criticisms from international rights-based organizations.

Over the past few years, successive governments have come up with the draft of laws in order to regulate the digital media but they have landed into a controversy. There is a lack of clarity among the policy makers and politicians about the differences between traditional, digital media and social media.

We need to formulate laws to regulate those platforms but those laws should not infringe the freedom of speech and expression guaranteed by Nepal's constitution and international conventions and treaties. Contradictory understanding among major stakeholders on the provisions of drafted laws is delaying their passage. Due to the divergent opinions between government or political parties and media fraternity, law-making process has been completely stuck. So, law-making process should be expedited through an informed and mutual consultative process.

References

- Reporters Without Borders. 2022. Afghanistan has lost almost 60% of its journalists since the fall of Kabul. Retried on August 24, 2022 from <https://rsf.org/en/afghanistan-has-lost-almost-60-its-journalists-fall-kabul#:~:text=Afghanistan%20had%20547%20media%20outlets,them%20have%20lost%20their%20jobs>.
- UNESCO. 2022. World Trends in Freedom of Expression and Media Development, retrieved on September 1, 2022 from <https://www.unesco.org/reports/world-media-trends/2021/en> on September 1, 2022
- Reporters without Borders. 2022. Number of journalists in arbitrary detention surges 20% to 488, including 60 women . Retrieved from on August 28 from <https://rsf.org/en/number-journalists-arbitrary-detention-surges-20-488-including-60-women>.

- United Nations.2022. Ukraine: Journalists targeted and in danger, warn top rights experts. Retrieved on September 1, from <https://news.un.org/en/story/2022/05/1117462>
- Forbes. 2021. Newspapers Have Been Struggling And Then Came The Pandemic. Retrieved on September 3, 2021 from <https://www.forbes.com/sites/bradadgate/2021/08/20/newspapers-have-been-struggling-and-then-came-the-pandemic/?sh=51a4e80012e6>
- British Broadcasting Corporation. 2022. Over-55s growing less satisfied with the BBC. Retrieved on August 29 from <https://www.bbc.com/news/entertainment-arts-55076608>
- Carnegie Endowment for International Peace. 2022. How Bangladesh's Digital Security Act Is Creating a Culture of Fear. Retrieved on August 30, 2022 from <https://carnegieendowment.org/2021/12/09/how-bangladesh-s-digital-security-act-is-creating-culture-of-fear-pub-85951>
- International Federation of Journalist. 2022. Myanmar: Press freedom in strife one year on from military coup. Retrieved on August 20, 2022 from <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/myanmar-press-freedom-in-strife-one-year-on-from-military-coup.html>
- The wire. 2022. Snoop List Has 40 Indian Journalists, Forensic Tests Confirm Presence of Pegasus Spyware on Some. Retrieved on August 23, 2022, from <https://thewire.in/media/pegasus-project-spyware-indian-journalists>
- Myrepublica. 2022. Nepal: Press freedom under threat as 'disinformation' and 'fake news' erode media credibility. Retrieved on September 1 from <https://myrepublica.nagariknetwork.com/news/nepal-press-freedom-under-threat-as-disinformation-and-fake-news-erode-media-credibility/>
- Voice of America. 2022. Disinformation, Censorship, Trigger Global Retreat of Press Freedom. Retrieved on September 2, 2022 from <https://www.voanews.com/a/press-freedom-advocacy-group-says-propaganda-a-global-threat-to-free-media/6554791.html>

Media in Madhes: Virtuous or vulnerable?

Ram Kumar Kamat*

Press freedom is essential for the survival of democracy. Media outlets can protect and serve citizens' interests only when they are free from pressure. A free press is necessary to hold the government accountable. Any restriction on media outlets criticizing the government or reporting on issues of public importance is harmful to democracy.

American scholar and one of the framers of the American constitution, Thomas Jefferson, had said: If I had to choose between "a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter." Jefferson was of the view that if enough checks were not maintained against the government, even the new US government formed after the revolution would start acting like wolves against the people.¹ Although the situation of press freedom remained satisfactory in the last year with no major violence against journalists or media houses, there is no room for complacency. Media freedom is essential to the protection of human rights and fundamental freedoms.

* Journalist Kamat is Bureau Chief of The Himalayan Times daily.

1 <https://oll.libertyfund.org/quote/jefferson-s-preference-for-newspapers-without-government-over-government-without-newspapers-1787>

Only free media can provide people with accurate information and informed analysis which can help them to hold the government to account for its action or inaction. In Madhes, there are 716 newspapers registered with the government agency out of which 172 media outlets have been classified by the government agency. There are 47 community radios, 11 television stations, and 161 online media out of which 13 have been registered. Fifteen media outlets are not in operation.

Incidents of press freedom violations

Madhes Province recorded six incidents of violation of press freedom.² According to the Federation of Nepalese Journalists' annual report, 75 incidents of press freedom violation occurred between May 4, 2021, and April 25, 2022. This data shows an increase in such incidents in comparison to the previous year when only 45 incidents of press freedom violations occurred. No incidents of murder or forced disappearance were recorded last year. A total of 272 journalists and nine media outlets were affected by 75 incidents of press freedom violations. FNJ report says that there were six cases of press freedom violation in Madhes Province in 2020-2021.

Here are some representative cases of violation of press freedom in Madhes as reported by FNJ. On August 16, 2021, Rautahat-based journalist Mojibullah was arrested along with his motorbike driver. The CCTV footage of Green Signal hotel showed that mobile police personnel Umesh Kumar Yadav and Manoj Sah were involved in planting drugs on the motorbike. He was targeted by the police mainly because he exposed the smuggling racket and black marketeering in the border areas.³

2 <https://myrepublica.nagariknetwork.com/news/75-incidents-of-press-freedom-violation-recorded-in-a-year/>

3 <https://www.himalkhabar.com/news/128137>

On January 5, 2021, the Administrative Officer of Rautahat District Administration Office, Ram Kumar Timilsina, abused journalist Prem Chandra Jha when he went to register his online media. On September 9, 2021, Kundan Mishra, a resident of Dhankaul Rural Municipality-4 threatened to kill Radio Rupantaran 106.3 MHz journalist Nagendra Sah for broadcasting a news report. On May 27, AP 1 television journalist Nabin Chaudhary was abused by Jaleswar Municipality-1 resident Sanjeev Kumar Roy for taking pictures of local development projects. The abuser also forced the journalists to delete those pictures. On December 2, 2021, Madhes Province's Ministry of Women, Children, Youth, and Sports issued a press release condemning a news report published in Kantipur daily titled 'Minister's aide-de-camp terrorizes people.'

There are additional freedom violation incidents that were not covered in the FNJ report. On March 27, Rautahat-based journalist Shailendra Jha was threatened by District Public Health Office employee Paspas Ray Yadav when the former went to inquire him about unsettled arrears worth 9.7 million rupees.⁴ FNJ Rautahat chapter and Press Chautari Rautahat chapter issued separate press releases condemning the threat and demanding action against Paspas Ray Yadav for threatening to kill journalist Jha. On May 14, Janakpur-based journalist Shital Sah who works for Radio Janakpur 97 MHz FM was threatened by Provincial Hospital employee Jugals Yadav and two other employees for reporting irregularity in the hospital.⁵ The three employees went to the radio station and threatened to attack journalist Sah.

Watchdog is not watching

All media outlets in Nepal and elsewhere need to play the role of watchdog, continuously writing against the abuse of power

4 <https://ratopati.com/story/225186/2022/3/8/madhes-province>

5 <https://nepalkhabar.com/society/26976-2020-05-14-09-25-09>

and informing the public of the actions and inactions of those in power that raise questions of accountability. In the federal setup, provincial media outlets and journalists of Madhes Province also need to play the role of watchdog by continuously writing about the misuse of government funds, nexus of politicians and sand mafia, smugglers, abuse of government authorities, police brutalities, government bodies' policies, actions and inactions that impede empowerment of Dalits, women, and other deprived communities, violence against women, particularly dowry-related violence, caste-based discrimination, environmental degradation due to haphazard extraction of riverine materials from Chure range, and nexus between politicians and contractors, but provincial media outlets have failed to raise these issues strongly.

Environment activist Dilip Kumar Mahato of Mithila Municipality, Dhanusha district was killed on January 10, 2020, for protesting against illegal sand mining. Media outlets of Madhes Province have not done major follow-up stories on the killing of the activist. The media should scream louder against such incidents but that is not happening. Media outlets of Madhes Province are expected to expose incidents of corrupt nature but often mainstream media outlets seem to be doing that. In the last four to five years, provincial media outlets have hardly exposed any major corrupt practices. Says journalist Chandra Kishore there is a narrative that if corrupt people can entice journalists, they can run their illegitimate business activities unabated. There are examples of elected representatives of Madhes Province recruiting journalists' family members in the elected bodies, creating a case of conflict of interests for journalists.

Janata Samajwadi Party Nepal leader Pradip Yadav raised this issue publicly during the local election campaign accusing the then Mayor of Birgunj Metropolitan City Bijay Sarabagi of recruiting the spouses

of some journalists.⁶ When elected representatives provided employment opportunities to a journalist's family members then the journalist cannot write against the abuse of power by the elected representatives. Journalists who have conflicts of interest with local representatives have compromised on their duty to inform the public.

Political parties' influence on journalists

Journalists' associations in press organizations that are sister wings of political parties- such as Press Union, Press Chautari, and Press Centre - also adversely impact press freedom. During major parties' general conventions, 27 chiefs of FNJ district chapters contested political parties' elections.⁷ This is a clear breach of Section 32 (2) of the Federation of Nepali Journalists Statute which stipulates that any office bearers of FNJ whether FNJ Central Committee, provincial committee, or chapters, cannot work as a member of a committee of any political party or its sister organization. Journalists associated with political parties' press wings often tend to avoid writing critical news against the representatives of the party which their press organization is associated with.

Journalists continue to face threats over the phone from those people against whom they write/report in their media outlets. This happens almost every day but they report such incidents to the Press Council Nepal only when they fear for their safety. Journalists face such threats mainly when they write about unsettled arrears in elected bodies, corrupt practices, extraction of riverine materials, nexus between politicians and contractors, and environmental issues. Political leaders of local and provincial governments often tend to use their power to put pressure on them not to write follow-up

6 <https://janganasodaily.com/>

7 <https://www.himalkhabar.com/news/128137>

stories on allegations of corruption. While on the one hand, genuine journalists face threats from politicians, elected representatives, and contractors for exposing corrupt practices, a new generation of journalists also makes mistakes while covering the events. They tend to misuse their journalistic ethics by shooting videos and recording audio details without respecting people's right to privacy. This happens mainly because of journalists' ignorance of the code of conduct and legal provisions.

Problematic media laws

Madhes Province enacted media laws in 2020 - Management and Regulation of Province Communication Act and Operation of Provincial FM, Radio, and Television Act. These two Acts go against the provisions on freedom of expression and best practices, including constitutional and international standards. These laws are not in line with the constitutional list of the division of province power and the provisions of article 17 and article 19 of the Constitution of Nepal.

These laws have created multiple institutions and those structures have the representation of ministers and government officials which raises questions about the independence and autonomy of the institutions. These laws require everyone to register for all sorts of media outlets and compulsory press passes for journalists. Apart from that, these two institutions do not have enough budget and human resources to carry out their intended activities.

Often federal laws of a country describe what the media outlets can and cannot publish. There are reasonable restrictions in democratic countries. Federal laws often make it clear what media outlets can publish and where they are supposed to maintain restraint. Media freedom is one of the important fundamental rights and on this issue, provincial governments should follow the federal law's scope. As far as fundamental rights are concerned, a provincial law cannot add more or lessen the scope of its laws compared to federal laws.

Institutions working to promote media freedom had opposed the formation of Madhes Media Council in Madhes Province, arguing that the MMC was a parallel institution to Press Council Nepal. While it is okay for provincial governments to have institutions to protect journalists and promote their skills in provinces, it is not appropriate to have an institution parallel to a federal institution. "It is wrong for the provincial government to describe what media outlets can and cannot publish/broadcast," said Executive Director of Freedom Forum Taranath Dahal.

In Madhes province, there are very few media outlets that make enough money from their own revenue to sustain their operations. As far as print media is concerned, Janakpur Today is the only media that is self-reliant. Political leaders are financers of some radio and television stations. These media outlets cannot write anything against their financers. True professionals should run media houses, not politicians or business houses. There are around 200 journalists in Madhes Province working for various media outlets- print, online, radio, and television.

Only a few media outlets have enough revenue sources to sustain their operation. Professional people are hardly making any investments in media outlets. "When a media outlet lacks enough source of revenue, then the media tend to please business houses to get advertisements," said senior journalist Ram Bharos Kapari Bhramar. As per the Advertisement (Regulation) Act, 2019 media owners can be jailed for advertisement-related offenses. The Act has incorporated a one-door policy on distributing government advertisements to the private media.

The Act has provisioned up to one-year jail and up to Rs. 10,000 fines for media owners if their media is found publishing or broadcasting any advertisement defined as 'offensive' by the same Act. Advertisements containing false information, affecting fair competition in products and services, advertisements containing

information that is contrary to law or is confidential as per law, and making comparisons between goods, products, and services can land media owners in jail.

The Act has introduced a one-door policy on advertisements to be made available by government agencies. Due to this policy, the government may control the advertisement to private media and those critical of the government. Media outlets in Madhes Province or any other province have reasons to oppose the government's one-door advertisement policy.

If an advertisement of a local level in the Janakpur area is run in provincial media outlets, particularly in media outlets of Janakpur, that will serve the purpose of the local level but if that advertisement is placed in Kathmandu-based media or another province, that might not have any relevance. The current laws on advertisement policy do not ensure that. Madhes media outlets believe that the current advertisement policy serves the purpose of Kathmandu-based mainstream media outlets which had their say in the advertisement policy. Attacks on journalists and media houses are the most serious form of censorship and thus the biggest threat to media freedom. Federal, as well as provincial governments, should therefore demonstrate their commitment to protecting journalists from verbal abuse, assaults, online and offline harassment, and physical threats and harm.

Conclusion and way forward

Government authorities need to thoroughly and swiftly investigate all attacks on journalists, including verbal abuse and mental harassment, in line with international commitments to the safety of journalists. Federal and provincial governments need to strengthen civil society organizations that can check irresponsible practices of media and journalists. If journalists are the watchdogs

of democracy, civil society organizations are the watchdogs of press freedom.

Only a strong and functioning civil society can raise questions when media outlets compromise on the dissemination of information. The public has the right to get information and civil society members can check any kind of censorship on the dissemination of information. Media owners are required to pay their editorial staff a minimum salary set by the Working Journalists Act, 1995. On the one hand, there is a need for raising the minimum pay for journalists, on the other, the government needs to enforce the existing laws as many media houses continue to refuse to pay minimum salary to journalists.

FNJ, the journalists' umbrella body, has time and again reminded media organizations about the need to pay minimum salary. Their call for compliance has, however, gone unheeded. According to a study by the Minimum Wages Fixation Committee, 38 percent of working journalists are at work without an appointment letter.⁸

When a profession is financially unrewarding, it increases journalists' vulnerability leading to a compromise on professional independence and ethics. There are reports of some journalists from Madhes Province getting funds from elected bodies for their trips abroad. Regulatory bodies need to investigate such incidents and do enough to discourage journalists from indulging in such activities as a result of which conflict of interests occurs.

8 <https://onlineradionepal.gov.np/2022/02/27/256617.html>

References

Annual report of Federation of Nepalese Journalists, 2022, FNJ Central Publication Department, Kathmandu

<https://oll.libertyfund.org/quote/jefferson-s-preference-for-newspapers-without-government-over-government-without-newspapers-1787>

<https://myrepublica.nagariknetwork.com/news/75-incidents-of-press-freedom-violation-recorded-in-a-year/>

<https://www.himalkhabar.com/news/128137>

<https://ratopati.com/story/225186/2022/3/8/madhes-province>

<https://nepalkhabar.com/society/26976-2020-05-14-09-25-09>

<https://janganasodaily.com>

<https://www.himalkhabar.com/news/128137>

<https://onlineradionepal.gov.np/2022/02/27/256617.html>

Madhes Province gazette relating to Mass Media Authority Regulations, 2020, published by Ministry of Internal Affairs and Law

Madhes Province gazette relating to Communications Act, 2020, published by Ministry of Internal Affairs and Law: Date August 19, 2020

Madhes Province gazette relating to Communications Regulations, 2021 published by Ministry of Internal Affairs and Law: Date January 12, 2021

Issue of RTI and its implementation in Nepal

Yek Raj Pathak*

Introduction

Information simply means fact, figure, message, and data with a certain meaning. But now-a-days the definition of information is not limited to this. It has become a way of life of human beings. Information is an opportunity or the source for the people. It is regarded as the power of the people because information is knowledge and knowledge is power. The present age is an information age, where information has become a commodity with social and cultural implications. Information, by virtue of its significance, has been perceived as power. The power that information generates is refined, subtle and even more effective than that of muscle and money. Previously, power would be determined by weapons, missiles and money. But now-a-days any country across the globe is a powerful one, which holds information. With the passage of time, every source, including physical or economic, is superseded by the informational power. Right to information is simply a process of knowing anything that holds public importance. This right is an

* Pathak is editor-in-chief of National News Agency (RSS).

essential pre-requisite for democracy in any part of this globe. As we cannot live without oxygen, democracy becomes only a tag without substance in absence of information. It empowers the people and helps them to be responsible citizens. So right to information is regarded as a means of empowerment and tool for development and good governance.

Right to information is a state-warranted process of knowing things. This right is an essential pre-requisite for practices relating to good governance and truly democratic system. Just like oxygen in an animal's breathing system, information plays a vital role in society. Without information, democracy becomes only a tag without substance. Information empowers people and helps them to be responsible citizens. Hence, in today's world, right to information is regarded as a means of empowerment and a tool for development and good governance.

Background of RTI in Nepal

The Constitution of the Kingdom of Nepal 1990 had opened the door to the right to information, along with other fundamental rights. The 1990-constitution had incorporated the right to information in the Article 16 that stated citizen's fundamental right to seek and receive information of any public importance. Along with the right to freedom of expression and opinion in the same constitution, the constitutional provision of RTI at least paved the way for its advocacy and media-related consideration for a concerned Act. The then government, though founded on a democratic constitution, appeared reluctant to go for an RTI Act. Yet, the important orders issued then by the Supreme Court had opened the door for citizens to seek information on the basis of this constitutional provision of the RTI. The Supreme Court had ordered the government not only to make public the information on national and public concerns but also to manage the people's RTI by making a relevant Act. While

the Supreme Court went on issuing orders in favour of RTI, Nepal's media sector and other actors strengthened their demand for a separate RTI Act. After about 15 years, the country got the RTI Act. It was approved by the parliament on 19 August 2007.

The Constitution of Nepal 1990 inscribed the right to information as one of the fundamental rights. Article 16 of this constitution reads:

Every citizen shall have the right to demand and receive information on any matter of public importance.

Likewise, the Interim Constitution Nepal 2007 also has guaranteed the right to information in its Article 27. It says:

Every citizen shall have the right to demand or obtain information on any matters of concern to himself or herself to the public.

Provided that nothing in this article shall be deemed to compel any person to provide information on any matter about which confidentiality is to be maintained according to law.

Constitution of Nepal 2015 also has guaranteed the right to information in its Article 27. It says:

Every citizen shall have the right to seek information on any matters of concern to her/him or the public.

Provided that nothing shall be deemed to compel any person to provide information about which confidentiality is to be maintained according to law.

Information as civil right

Right to information is a fundamental right of the people. It is also essential for the effective exercise of various other rights guaranteed by the constitution, particularly the right to freedom of speech and expression and the rights of the mass media. As a fundamental

right of the people, it holds a special status and any kinds of other ordinary laws cannot change or supersede it.

Within the UN, freedom of information was recognized early on as a fundamental right. In 1946, during its first session, the UN General Assembly adopted Resolution 59 (1) which stated:

Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the UN is consecrated. In ensuing international human rights instruments, freedom of information was not set out separately but as part of the fundamental right of freedom of expression, which includes the right to seek, receive and impart information.

In 1948, the UN General Assembly adopted the Universal Declaration of Human Rights (UDHR). Its Article 19 guarantees freedom of opinion and expression as follows:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The International Covenant on Civil and Political Rights (ICCPR), a legally binding treaty, was adopted by the UN General Assembly in 1966. The corresponding provision in this treaty's Article 19 also guarantees the right to freedom of opinion and expression in similar terms.

RTI and media

The right of the media persons to access public records is based upon their duty and responsibility of keeping the nation informed on all matters of public concern. The effective exercise of the right to information also restrains the state from improperly encroaching

upon the rights and the freedom of the people and to a great extent ensures that those rights and freedoms are not made ineffectual by the government and other state agencies. The mass media are the most important vehicles for information, knowledge and communication in any country. They are the most accessible, cost-effective and wide-spread sources of information and platform for expression. They have an ideal and unbiased role of an honest broker of information for their readers, viewers and listeners. Through the media, people get access to the vital information that matters in their lives. The media are the most accessible and affordable means for concerned institutions and individuals to get information they need.

What media can do?

Firstly, the media can advocate for RTI nationwide. They can encourage people to use their RTI as the RTI Act exists for them to utilize. Media advocacy in favour of RTI can promote people's awareness in connection with maintaining transparency by combating irregularities and corruption in the country. By frequently advocating for the RTI and its use status through articles, news stories, interviews and editorials, the media can inspire individuals and institutions to make use of their RTI as much as they can.

Another pivotal function of the mass media regarding the utilization of the RTI for the majority of the people is to use the RTI Act adequately to inform and empower people, who need to be encouraged to use their right individually as well. The media can play an exemplary role first to encourage ordinary people to seek information through the RTI Act. As to using this right, the media can emphasize on seeking and producing public information on corruption, fraud, waste, inefficiency, cronyism, nepotism, abuse of authority and similar issues. Furthermore, they can use the RTI to investigate and expose bigger corruption scandals.

Through frequent follow-up coverage on the status of RTI implementation, how it has been used, why it has been little used, and what the chief barriers are, the media can push the government to properly implement the RTI. This can even promote public awareness on the RTI.

People generally do not know about what lies in the RTI Act. They have a pre-conceived view that the right to information is for the media. To eliminate this misunderstanding, the media have to sensitize people on who the RTI and its Act is for, in essence. To convince people about the need for them to use the RTI and its Act, the media have not reported a lot about the possible and proven practical benefits that people get through the use of information in their day-to-day life.

The media undeniably constitute the bridge between public agencies and people. Regarding the implementation of the right to information too, the media can play a bridging role. Did people ask for information? If they did, did they receive information? If not, why? What is the government's attitude to providing information to information-seeking citizens? The media can seek answers to these and many other questions to highlight the status of right to information and to create an atmosphere for more RTI-related exercises.

The mass media need to sensitize the grassroots people through the coverage of widespread corruption. They can stimulate the people against corruption through continuous publicizing of irregularities. The people will defend the mass media should they take an initiative to break the network of those indulged in the embezzlement of public resources while concealing information. Hence the need of anti-corruption campaigns from public interest perspectives.

The media can prioritize the task of publicizing how citizens have consciously asked for information from public agencies. Especially,

success stories of those who struggled to use the RTI should be highlighted. If the media highlight such incidents of consciously seeking information, including success stories, people will know what types of information they can seek and obtain from public agencies. The media can present success stories in the form of news stories, interviews and articles. Moreover, they can allocate some space for the regular coverage of RTI. This will further motivate citizens to consciously seek information that matters to them.

The right of the media persons to access public records is based upon their duty and responsibility of keeping the nation informed on all matters of public concern. The effective exercise of the right to information also restrains the state from improperly encroaching upon the rights and the freedoms of the people and to a great extent ensures that those rights and freedoms are not tampered with by the government and other agencies. The mass media are the most important vehicles for information, knowledge and communication in any country. They are accessible, cost-effective and widespread sources of information and platform for expression.

Public bodies under the RTI Act are obliged to classify, update and disclose information on a regular basis. The Act provides a concrete list of information that is mandatory for public bodies to disclose proactively. Although the Act seems to be lacking in providing clear guidelines about the process of making information public, it states that the public bodies may use different languages and mass media while publishing, broadcasting or making information public. Media is naturally on the winning side in this.

Implementation scenario

The Right to Information Act had been introduced in Nepal about a decade and half ago. Though it was assumed that there would be an onset of campaigns in the field of transparency, openness and good governance after the issuance of the Right to Information Act 2064,

they were a far cry in reality. There is a strong law and a commission established as per the act, yet the campaign to demand information has not gained a nationwide momentum. The commission had to be able to run operations all over the country as a national campaigner encouraging demands for right to information, but it has not been successful to do so. The reason is too obvious: it is just waiting for complaints and appeals.

On the other hand, the government has not done what it should have and the parliament has followed suit. For example, the prime minister should have presented the reports of the National Information Commission at the parliament, which has not been done. The parliament itself could have issued a ruling to bring the reports into the house, which also has not occurred. The government has not been able to define and classify thousands of public bodies spread all over the country. The classification of information is not done as per the law but the government officers have their upper hand in everything. The records of nationwide demands for right to information could have been maintained so that apt information regarding the queries could be easily accessed when and as needed, it has not been maintained though. Summing up we can say that in these 15 years after the introduction of Right to Information Act in the country, the drive for the demand of information has not moved ahead as it should have. Some of the weaknesses and drawbacks have been presented here.

Suggestions not implemented

The commission has suggested that for the effective implementation of the appointment of information officer and publication of information without being demanded at all public bodies, the responsibility should be taken by a high-level body. The commission had suggested after a short time of its inception that a coordination committee be formed for the implementation of right to information

under the prime minister or his recommended deputy prime minister. This has not materialized as of today. Similarly, after the country switched to the federal form of governance, the commission has advised for the formation of the high-level coordination committee to monitor the public bodies at local and provincial level with the chief minister of the state as the coordinator. This suggestion also has not been implemented.

Similarly, the commission has advised to appoint as the information officer an officer who is second in hierarchy to the chief of the office. The commission has also suggested establishing a separate information branch for the easy dissemination of information at public bodies that have a large number of staff and a budget of more than 20 crores. Both suggestions have been waiting for implementation, however.

An easy and conducive environment is necessary inside the Singhadurbar for the citizens to access information. The main secretariat of the country, where all the ministries are situated, has its gates closed for the general public. The commission advises that either people have to be permitted to enter the Singhadurbar or an information cell has to be arranged at the gate for the convenience of the people. This suggestion also has fallen in deaf ears.

Clause 27 of the Right to Information Act talks about the classification of information; there is a practice among the offices to classify the information themselves. The court has, however, prohibited this as most often they cross the legal boundaries and run into disputes. Adding to the woe, no steps have been taken as to classify information. Another necessity is the regulation for the safety of the information provider and the commission has been advocating for it. At present, there is a huge risk of the information provider's identity being leaked. One reason why immoral and illegal activities like corruption and abuse of authority are not being exposed is that there is no guarantee about the safety and security of the information provider.

The commission has been suggesting that to make the information published and circulated by public bodies to be accessible to maximum number of citizens, it is necessary that local languages be used. Some local bodies have been providing information in local languages but that can't be considered enough.

Another suggestion of the commission is that political appointments should not be made and that those punished for not providing information or not executing orders and decisions made by the commission should not be promoted. This suggestion also shares the same fate as others mentioned above and waits to be brought to practice.

Annual reports not presented in the parliament

The National Information Commission has done its work but its work and suggestions have not been implemented. One profound example is that the commission has submitted 12 annual reports to the government but they have not been discussed in the parliament. The best assumption one can make is that they are somewhere in government lockers.

The prime minister receives the report of the commission and all prime ministers give positive response for the implementation of reports. They also assure that they would send the reports to the parliament for discussion. Till date, not a single report of the commission has been tabled and discussed in the parliament. The reports contain the problems, challenges and other aspects in the field of right to information that have been observed every year. The implementation of the suggestions, therefore, would help strengthen the execution of right to information. That would help the citizens become more informed and aware and they would feel pride in using this right. This, however, seems like a far-fetched dream at present.

Though the commission has made its report public every year, it has not been discussed in the legislative parliament and the parliamentary committees. There is a provision of presenting the commission's annual report at the provincial assembly through provincial government and the federal assembly through the federal government. The parliament is the platform for discussion and debate for the sovereign citizens in countries practicing democratic system. Here not the private and personal affairs of a peoples' representative but issues of public concern and importance are discussed. Information is a matter of public importance and concern. Therefore, the deliberation of reports prepared and presented to the government by the National Information Commission, in the sovereign parliament is of utmost importance. Moreover, the National Information Commission is an organization established as per the law of the country to promote and implement the right to information.

From the last year

The National Information Commission has taken actions upon 33 office chiefs for not providing information as mentioned by the Right to Information Act. Those punished by the commission as per clause 32 of the Right to Information Act, 2065 were office chiefs who had not provided information, just partially provided, or not implemented the right to information since the establishment of the commission. Out of them, there were seven exam controllers from the Tribhuvan University, four chairs from the TU Service Commission, one chair of education of TU, four office chiefs of local level, four school and campus chiefs and 11 others.

There were 763 complaints and appeals in the commission about inability to receive information in the fiscal year 2077/78, out of which the commission has dealt with 742 complaints and appeals. This is about 98.5 percent of the total number of cases. The local

levels have been found to be the worst providers of information sector-wise. A total of 546 cases of information denial are from that sector as per the annual report of the National Information Commission which is about 73 percent of the total cases registered. In fact, the first stepping step of governance for the people is the local level. There can be two schools of thoughts as regards the large number of complaints of the local level.

First, since this level comes in contact with the citizens directly for most of their work, there can be a large demand for information and that might have been the high number of denials of information. Another way of thinking can be that the direct government of the people which should be able to provide more than 90 percent of the services to them hesitates to provide the information that the citizens demand.

Second to local level governments are the education and health sector, which are followed by bank and financial institutions with 32 complaints. This year six office chiefs were listed for retribution. In its annual report of 2077/78, the commission has also put an order to conserve information.

The way forward

The Right to Information Act mentions only 'public bodies'. What and how many are the public bodies in Nepal? A regulation is required to clarify this ambiguity. There has to be a clear definition as to distinguish between non-governmental organizations and the private sector. Reports that have to be published without being demanded or periodically are also not being published. There should be monitoring of such carelessness or discrepancies. Those who are found irresponsible should be punished and the information providers should be rewarded. The modality to provide information should be short and easy whereas the information itself has to be classified as general, of medium sensitivity and complex according

to its gravity. The time duration to provide information can then be arranged likewise.

There has to be a provision of accessing information through electronic and digital medium. The regulation has to be prepared and modified such that online appeals can have legal status. All universities should have a separate department for right to information. Schools and colleges must have right to information in their syllabuses.

Laws must be enacted for the protection of the information providers. All 753 local levels have to be enabled to disseminate information. All facts and figures have to be kept in digital format so that citizens can use and share the statistics at public bodies easily and without obstruction. It's the duty of the federal government to implement the important suggestions of the commission as well as the responsibility of the ministry of information and technology to further the progress of information distribution. Hence, the implementation of suggestions in the annual reports should be prioritized.

Since talks regarding an open government practicing transparent, participatory, inclusive and accountable governance have started to surface in Nepal, environment should be created to add right to information as a necessary element of good governance. For this, a central monitoring unit of the government has to be formed.

The National Information Commission has recommended the government to implement its suggestions this year too. The commission has requested the government to understand the gravity of the matter and take the unimplemented recommendations of the past and the major suggestions of the other annual reports seriously which the government should pay heed to.

Prospects of journalism in Lumbini Province

Durga Lal K. C.*

Abstract

Journalism of Lumbini Province is taken as the milestone for the development of journalism outside the Kathmandu Valley. Media and journalists are contributing for long time from this state. Most of the journalists are following the code of conduct practising ethical journalism. However, there are still numerous works to do for responsible and credible journalism.

Rupandehi, Dang and Banke districts have multiple prospects for the development of media as these districts are gradually developing as hub for political and economic development. These districts have also contributed a lot in the area of journalism. According to Federation of Nepali Journalists (FNJ) central committee, 1,806 journalists are working in Lumbini Province out of 13,077 in Nepal. Among them, 1,462 are male and 344 are female. Many journalists are working without getting the membership of FNJ. Online journalists are increasing day by day with the growth of online news portals. According to the Department of Information and Broadcasting,

* K.C. is a journalist.

there are 320 print, 152 radios, 23 televisions and 234 online media in this province.

As the COVID-19 pandemic affected normal life very badly across the country, media and journalists were also affected during the pandemic. Media houses closed for a long time, journalists couldn't get salary in time, and some of them lost their jobs, but also journalism continued in its own way. Journalists and media houses didn't stop their journey. Not only during the pandemic, journalists and media houses of this province never compromised with any government. They didn't bow their heads and pens in front of Panchayat system, monarchy, rebels and direct rule of King Gyanendra. Media regularly get involved in generating awareness among the people for democracy, human rights, justice and social change. Lumbini is taken as the fertile land of journalism. This article discusses journalism in Lumbini Province.

Key words: Journalism, journalists, media, ethics.

Introduction and methodology

Geographically, Lumbini Province consists of 12 districts including Nawalparasi west, Rupandehi, Kapilvastu, Palpa, Arghakhanchi, Gulmi, Rukum east, Rolpa, Pyuthan, Dang, Banke and Bardiya .This state contains all features of Nepal and has become mini-Nepal according to the average statistics and indexes as mentioned in the website of the State Assembly, Lumbini Province. The state, geographically is made of Terai, hills and mountains. It is culturally diversified as it has cultural combination of Tharu, Magar, Madhesi, Muslim and Khas Arya.

This state has been constituted by the name of Lumbini which is located in Rupandehi district, the birth place of Lord Gautam Buddha recognized across the world as the incarnation of peace. Tilaurakotin Kapilvastu district is also an important place, where Buddha spent his childhood and adolescent time.

There are 1,806 journalists and 729 media are in operation in this province. Here is a great possibility of developing media. There are so many industries, spreading the business cities, increasing the population pressure in urban areas and improving the educational status. So media has opportunity to spread market. Journalism can flourish in this province in terms of profession as well as business. Major objective of this article is to explain the situation of journalism in Lumbini Province, to explore the problems of journalists and media in Lumbini Province, to discuss the possibilities of media and journalists in Lumbini Province and to analyze ethical journalism in Lumbini Province. So far as methodology is concerned, the article has been prepared conducting library research, field observation, interactions and interviews with various stakeholders. It just portrays the picture of print, broadcasting and online journalism in Lumbini.

Media and journalism scenario in Lumbini Province

Lumbini is a leading province in the development of journalism. Many organizations related to journalism are led by journalists from this province. There are many senior journalists in Rupandehi and Banke who have national recognition. There are different types of media according to the need of the time. According to a book 'Pradeshma Media' published by Centre for Media Research Nepal in 2078, journalism of Lumbini started from hand written newspapers. Palpa district is considered a leading and pioneer place to develop journalism in this province.

Pathpradarshak (2006), Sangharsha (2008) and Pragati (2009) were handwritten newspapers which were prepared and disseminated in Palpa district. Nai Disha (2008) was prepared in Banke. Naya Sandesh weekly (2011) was published in Banke in Hindi language. Butwal weekly was published from Rupandehi in 2012. (Pathak et al., 2078). Then publication of newspapers spread in other districts. Rolpa started the publication of newspaper only after the mass

movement of 2062/63 BS. Rukum East, the new district, has no newspapers till now.

Radio was also started from Palpa. Radio Madanpokhara got license in 2055 BS but broadcasting started in 2056 Chaitra. Lumbini FM started in Rupandehi from 2056 BS, Magh. Radio Sworgadwari started in Dang from 2058 BS. Radio Bheri Aawaj was started in Banke in 2060 BS. Television also started from Palpa. News broadcasting through Ratna Cable Television was started in 2049 BS from Palpa. Online media have been registered in every district.

There are 320 print media, 152 radios, 23 televisions and 234 online media in this province. Print media is dominant in this province. There are 44.57 percent newspapers, 31.06 percent online, 21.17 percent radios and 3.2 percent televisions running in this province. (Pathak et al., 2078).

There are 320 newspapers registered but only 71 newspapers are published. And only 41 newspapers are regularly published out of 71. The district-wise details of media registered at the Department of Information and Broadcasting and Press Council Nepal are listed in the table below.

Table 1: The description of print media in Lumbini Province

S. N.	District	Description of Newspapers										Total
		Daily	Half Weekly	Weekly	Fortnightly	Monthly	Bio monthly	Tri Monthly	Yearly			
1	Nawalparasi	2	0	15	0	3	0	0	0	0	20	
2	Rupandehi	23	4	56	7	12	0	2	0	104		
3	Dang	11	1	15	0	1	1	5	0	34		
4	Pyuthan	1	0	5	0	3	0	0	0	9		
5	Gulmi	0	0	6	1	0	0	1	0	8		
6	Palpa	2	1	15	3	1	0	2	0	24		
7	Banke	31	1	38	0	0	0	1	0	71		
8	Kapilvastu	1	0	11	0	1	0	1	0	14		
9	Bardiya	5	0	12	1	0	1	1	0	20		
10	Arghakhachi	0	0	6	1	0	0	1	0	8		
11	Rolpa	1	0	6	1	0	0	0	0	8		
12	Rukum East											
Total		77	7	185	14	21	2	14	0	320		

Source: Press Council Nepal

Table 2: The description of broadcasting media in Lumbini Province

S.N.	District	Description of Broadcasting Media			Total
		Radio	Television	Online	
1	Nawalparasi	10	2	2	14
2	Rupandehi	27	5	63	95
3	Dang	19	3	46	68
4	Pyuthan	7	0	7	14
5	Gulmi	8	1	5	14
6	Palpa	10	6	16	32
7	Banke	21	2	53	76
8	Kapilvastu	16	1	22	39
9	Bardiya	9	0	5	14
10	Arghakhachi	9	2	8	19
11	Rolpa	10	1	3	14
12	Rukum East	6	0	4	10
Total		152	23	234	409

Source: Department of Information and Broadcasting

Situation of press freedom

Press freedom violation is threatening the journalism. Annual Report on Press Freedom and Security of Journalists prepared by Federation of Nepali Journalists in 2079 has documented 75 cases of press freedom violation in one year. Total 272 journalists and nine media organizations are affected by these events. Total 239 male and 33 female journalists are the victims in these cases. Two violation cases are from Lumbini Province out of 75. Three male journalists are the victims of these cases. Most of the cases are from Bagmati Province having 54 cases. Sudur Paschim province has no cases.

Gopal Bhandari, FNJ Lumbini Province member and Kapilvastu reporter of Avenues Television, was misbehaved by chief district officer Chakrapani Pande on 4 Jeth, 2078. Pande had misbehaved with Bhandari stopping him to take photos of delegation of civil

society. Jitendra Budhathoki, reporter of Radio Purbi Rukum FM and Bikram Pariyar, reporter of Lumbinin Voice Online, were misbehaved by Sur Bahadur Roka, ward chairman of Putha Uttar Ganga Rural Municipality in East Rukum. They were shooting a video of a debate about the payment of development projects of wards in ward office on 21 Baisakh, 2078. Ward chairman forcefully stopped to take videos and wrongly behaved with journalists.

Annual Report on Press Freedom and Security of Journalists prepared by Federation of Nepali Journalists in 2078 has recorded three cases that happened in Lumbini Province among 45 of misbehaviour and three journalists were misbehaved in this province in one year. Among them, two males and one female journo were included. Dinesh Pande, vice chairman of FNJ Rupandehi and Bhagabati Pande, reporter of Lumbini Television, were misbehaved by Roshan Pande, a police inspector of Commission for Investigation on the Abuse of Authority, on 19 Shrawan, 2077. Their camera was confiscated and he misbehaved physically. Journalists were just taking the photo of checking of vehicles on the road at Saljhandi of East-West Highway. Police inspector had misbehaved at that time.

Sabin Priyasan, chairman of FNJ Dang, was misbehaved in Ghorahi on 29 Jeth, 2077. Priyasan was misbehaved while he was discussing road blockade movement by local people on the issue of tripper. Locals had interrupted the trippers on the road; Priyasan was called to attend the press meet there. He participated in the programme and facilitated the local movement. At that time, Sajan Bhandari and other youths of locality mistreated him.

One event of violation of press freedom has taken place in Dang which has not been recorded in FNJ report. Shivaraj Khanal, member of FNJ Dang and station manager of Radio Deukhuri, was mistreated at Lamahi on 8 Jeth, 2078. He was threatened by Shivaraj Neupane, Chief of Animal branch of Lamahi Municipality over a published news. Khanal had published a news about selling the illegal seeds of paddy

from Sworgadwari Agrovet Centre which was owned by Neupane. Khanal was threatened on the road and misbehaved publicly.

Impact of COVID

COVID badly affected the media and journalists in Lumbini Province. According to the report prepared by Bharat KC, advisor of Federation of Nepali Journalists of Lumbini Province about impact of COVID on journalism of Lumbini, most newspapers were closed for 20 days during the lockdown. Very few journalists were present in the media houses in lockdown time. Many reporters worked from home, they got internet and mobile recharge cost to work from home. (KC, 2078).

Some of the journalists lost their jobs and some worked at half salary. Radio and television reduced the programmes. Newspapers reduced pages. So stringers were in critical situation. Media owners said that they couldn't get advertisements and were unable to pay the salary. Journalists couldn't report the news as usual. They took the support of social media, telephone, email and internet.

Two journalists were kicked out from a radio in Nawalparasi. Journalists of a radio didn't get salary for six months. They demanded the salary through a delegation but also their voice went unheard. According to FNJ Lumbini, five journalists died of coronavirus and 121 were coronavirus positive. Among them, 30 in Banke, 27 in Dang, 25 in Rupandehi, 10 in Palpa, seven in Kapilvastu, six in Rolpa, six in Bardiya, five in Nawalparasi, two in Pyuthan, two in Gulmi and one journalist in Arghakhachi were infected with the coronavirus. A total of 877 journalists were coronavirus positive in Nepal. Among them, 20 lost their lives. Most of the journalists who had died had not taken coronavirus vaccine. Coronavirus and lockdown had a negative impact on Nepali journalism and communication sector. (Acharya, 2078).

Most of the media houses had not managed any safety measures in the media houses. Neither they had provided any safety materials to the journalists. (KC,2078). Journalists were in psychological trauma. They had to work for the media but they didn't get salary. On the other hand, they had a fear of transmitting coronavirus to their family. Journalists were going out of home daily for reporting in lockdown period too. But they didn't have any separate room for isolation. They had obligation to share the same room and house with the family.

After realizing this difficulty, Federation of Nepali Journalists (FNJ) district branches established isolation centre at FNJ office. Then journalist's self-confidence increased to become ready to work freely. It was an important action taken by FNJ for journalists. It was very difficult to get oxygen and bed in the hospital. So journalists could get bed, oxygen and treatment in isolation centre established by FNJ.

A survey carried out by FNJ Dang shows that most of the journalists were in mental pressure about transmitting coronavirus to family members. They were working all over the day out of home and directly went home in the evening. There was no security measure at home and media. Media houses also showed different excuses for not paying salary. Many journalists waited for the salary for long. Newspapers were closed for one week to one month. Radio curtailed the programme and news time. This situation created mental pressure on journalists.

According to the media survey on 'Impact of COVID-19 on Media' by Federation of Nepali Journalists, 22.7 percent media owners agreed that they were unable to provide salary to the journalists during COVID pandemic. Some 4 percent journalists lost their jobs. Ten percent journalists were in a dilemma of whether continue the job or search for another one. About 2.5 percent media owners thought of closing their media house.

Ethical questions

No doubt, journalism must be based on ethics. Every journalist should obey the code of conduct but many journalists and media are violating the code of ethics in different contexts. Many online media spread rumours about the unauthentic information. Every journalist has online media. There is no system of editing and following journalistic norms. Our consumers are influenced by online media and social media. They are unable to filter the suitable media.

A total of 3,571 online media are listed in Press Council Nepal till 2079 Bhadra. The number of online media is increasing day by day. Some of the print and broadcast media are also violating the code of ethics. Journalists are running after money. They just seek money, not the news. When they find money, they praise anyone. When they can't get any financial support, they go against. This is the common nature of journalists. These types of journalists have hampered the ethical journalists. They are criticized by the public. All journalists are generalized and admonished badly.

Journalists are found to be bargaining with business persons, government officials and management levels of any organization. We have found some cases where journalists bargain with police too. Nepalgunj Police arrested two journalists in Shrawan, 2078 accusing them of bargaining with police for 160 thousand rupees. (Bishu, 2078). They had tortured the police demanding for the money. They had warned the police to release a video about taking bribe from the passengers at Jamunaha border between Nepal and India. Another journalist was also arrested in Jamunaha border when he was collecting money wearing the identity card of media.

Journalists are not following the code of conduct seriously. This has damaged the image of journalists in the society. Code of conduct 2016 point (7) has a provision that misuse of photo and visual is not ethical. Sub-point (1) mentions that journalists and mass media

should not publish or broadcast news materials with the distortion of photos, video-scenes, sound or facts without any comment or clarity in such a way to change the impression or give wrong impression or convey wrong message.

Point (3) of the Code of Conduct talks about professional dignity and behaviour. Journalists and mass media should engage in objective, fair, decent and trustworthy journalism. Journalists and mass media should collect and disseminate information decently and politely. Journalists and mass media should use decent language and work respecting reputation of readers, listeners and viewers, while at the same time showing social courtesy in one's professional conduct.

Journalists are not following these points of ethics in their profession. They are just showing their hegemony in the society. They point out their camera like a gun. They are using their equipment as weapons of threatening people and collecting money. This is a very serious issue for discussion in the field of journalism. Social media like Facebook, YouTube and TikTok are misleading the people more badly. YouTubers are broadcasting information without any verification. They are releasing the personal matters and violating the rights of privacy. These activities are misunderstood as journalism by the consumers and generalized as the bad conduct of all journalists.

Challenges

Media and journalists are facing so many challenges in the present context. Financial problem, professional insecurity, violation of ethics and sustainability in profession are some of the major challenges. Media houses are facing the financial crunch in this province. Media are not only getting the financial problem due to lack of advertisement sources but it has also become the main obstacle to quality journalism. (Pathak et al., 2078).

Journalism is being a challenging profession because of different obstacles. Journalists are depending on copy-paste news. Media houses are not ready to invest for investigative stories. Journalists are not stable in this profession. Coming and quitting the job is so simple. Journalists are feeling insecurity in media. Media owners are also very pessimistic about the future of media. According to a report about impact of COVID-19 prepared by Press Council Nepal in 2020, advertisements have gone down by as much as 80 percent in radio.

Newspapers couldn't run for a long time. Income sources were totally blocked at that time. So its impact was seen in the media house and journalists. Many media with low investment are in great crisis because of coronavirus. (Bidrohi, 2020). Media out of valley are not getting local advertisements to grow.

Journalists did not get regular salary during coronavirus pandemic. Not only in pandemic, it happens in normal time too. Many journalists are on strike demanding their salary. FNJ is also regularly requesting the media houses to provide salary in time. Sometimes FNJ also participates in strikes with the journalists to build pressure for timely salary.

So, it is a great challenge to journalists for their survival. It is very difficult to get the salary and other facilities according to law and rules. And more journalists are not getting the salary in time which was fixed on internal understanding (Birahi, 2020). Journalists are working without appointment letter. Media houses are not ready to pay the minimum remuneration.

Journalists are searching and following different ways to survive. Many genuine journalists are joining new jobs. They have not seen their future in journalism. Many media were closed in pandemic. Then journalists had to quit the job all of a sudden. These events have created fear among journalists. So coronavirus and lockdown have shaken the foundation of journalism.

Lack of media literacy is the main challenge to journalism. Most of the people are unable to differentiate the authentic media from social media. They are using social media as the mainstream media and getting wrong information. This trend has challenged journalism.

Recommendations

There are so many problems in media and journalism. We have faced two waves of COVID pandemic. There may be many such phases, so we have to learn to live with this type of problem. We must adapt our lifestyle.

We can change our working trends in media to survive. Government should implement some effective plans for the promotion of media. We must review our strengths in journalism and its future. It is getting late to have objective review about our time. (Aryal, 2078). So we must prepare a roadmap for the journey ahead.

We have seen the problems and their solutions too. If we can't run media in printed version, we can focus on digital version. Everyone has easy access to digital platform, so we can deliver message through online medium. We can prepare all safety measures in time. We can train the reporters regularly for quality and safety reporting.

We must have back-up to run media in the difficult time. We didn't get lesson from the disasters. We forgot the earthquake and violated the norms of building construction; in the same way, we will forget coronavirus and go on carelessly. Then, it will suddenly affect the media and the society. We must make strong foundation of media financially. Then only can we sustain in any type of crisis or pandemic.

Journalists are not getting reasonable salary. Media houses must make their financial status strong and provide salary in time. Journalists should be provided appointment letter and minimum

salary. Journalists can't sustain in this profession without decent salary.

Another main problem is to make journalism ethical. We have seen lots of misinformation in online media. Many journalists are bargaining for money. So, Press Council Nepal and FNJ should strictly monitor the media. Journalists and media must be warned to follow ethical journalism. Then only, journalism can be a respectable profession. Otherwise, we will feel humiliation to introduce ourselves as journalists.

References

- Acharya, S. (2078). Corona Kaharma Patrakarlai Kasse Herne? Samhita. Press Council Nepal.
- Annual Report on Press Freedom and Security of Journalists. (2078). Federation of Nepali Journalists.
- Aryal, K. (2078). Covid 19 ra Mediako Naitik Daitwo. Samhita. Press Council Nepal.
- A Study Report about Impact of Covid 19 on Nepali Media. (2077). Press Council Nepal.
- Bidrohi, M. (2078). Samranchhyan ko Parkhaima Mofasalka Sanchar Maadhyam. Samhita. Press Council Nepal.
- Birahi, Y. (2078). Shramjibi Patrakarkalagi Mahasankat. Samhita. Press Council Nepal.
- Bishu, G. (2078). Mofasalka Patrakarkanamemabikritibadhdai. Nagarik Daily. 12 Bhadra, 2078. <https://nagariknews.nagariknetwork.com/social-affairs/610351-1630163169.html>
- Code of Conduct 2016. <https://www.presscouncilnepal.gov.np/np/2021/02/28/4379/>
- Freedom of Press and Security of Journalists Annual Report (2078). Federation of Nepali Journalists Central Committee.
- Freedom of Press and Security of Journalists Annual Report (2079). Federation of Nepali Journalists Central Committee.

<http://fnjnepal.org/np/page/members>

<http://pradeshsabha.p5.gov.np/>

Impact of Covid 19 in Journalism, A survey Report. (2077). Federation of Nepali Journalist and Sharecast Initiative Nepal.

KC, B. (2078). Impact of Covid on Journalism of Lumbini Province. Federation of Nepali Journalists Lumbini Province.

Pathak, T., KC, B. & Acharya U. (Ed.). (2078). Pradeshma Media. Centre for Media Research Nepal.

Ensuring inclusion and accommodating diversity in Nepali media

Namrata Sharma*

Journalism through print media came into formal existence with the publication of government-owned Nepali vernacular Gorkhapatra in 1901 A.D. although researchers claim that there were other print media carrying journalistic content before the publication of Gorkhapatra. But it is a widely accepted fact that Gorkhapatra was the first and foremost print media, which had come into existence with the support from the state.

Over the past one hundred and 25 years, there has been a big change in the political set-up thereby cementing the status of press freedom, particularly after 1990 which led to mushrooming growth of the private media.

The ingredients of press freedom were further incorporated and strengthened with the promulgation of the new constitution in 2015. Digital platforms have proliferated, posing a serious threat to the existing traditional print media. Even in the federal setup, media are predominantly managed and regulated from Kathmandu or it is highly centralized despite the federal structure of the country.

* Sharma is a writer and researcher.

Of late, local media outlets which give priority to local news and issues have blossomed. The media has been playing a vital role in progressive political changes. Their proactive role in bringing about an end to the monarchy and the establishment of a Federal Republic is duly lauded.

One of the main objectives of political revolution was to establish a federal republican country thereby giving voices to the voiceless people. However, the media faces a big challenge as to its role in giving the marginal communities their voice and ending gender disparity.

The Global Diversity and Inclusion Benchmarks: Standards for Organizations around the World Publish Year says:

"Inclusion refers to how diversity is leveraged to create a fair, equitable, healthy, and high-performing organization or community where all individuals are respected, feel engaged, and motivated, and their contributions toward meeting organizational and societal goals are valued."

Nepal's constitution guarantees equal rights to all its citizens. It has also made special provisions for those who have been discriminated against on the basis of gender, caste, class, religion, ethnicity, or other factors. Nepal also has a National Plan of Action (NAP) for implementing Gender Equality and Social Inclusion (GESI) in all cross-cutting sectors and policies.

The media's watchdog role is to see if policies made by the government and guaranteed by the constitution are accessible to all, especially those who have been excluded from their rights. It is, therefore, important to examine carefully what role Nepal's media has played in making those who are not aware of their rights in learning what rights have been guaranteed to them, and how they can actually access their rights. Has Nepal's media given

enough space to the voiceless now that Nepal has become a federal republic?

A series of stories have covered several issues related to Gender Based Violence (GBV) that the media has covered during the past year. This includes violence from the state, from employers, at home, in the workplace, in public places, and in different communities both in the urban and rural areas. Such issues have included various rights related to Nepali citizenship, and the distribution of tickets to contest the elections by women and members of marginalized communities including the Dalits, Madhesis, people with disabilities, and sexual minorities.

But, when one reviews such coverage over the last year, a consistent pattern of exposing the inequalities based on gender and social inclusion of the different marginalized communities, mainly girls, women, and sexual minorities, so that they access their rights may have been commenced but not fulfilled completely. Regular follow-ups and effective investigative reporting to highlight various issues of inclusion that are guaranteed as rights but have not been accessed by people should be highlighted by the press of any country.

Nepali press has done exemplary work in this regard, but there are several examples where the proper covering of issues may be lacking and demanding even more attention. This article reviews a few important issues related to inclusion that were addressed by the media during the past year. There were some good examples but there were things that could have been done better. Some issues are those which have been carried over several years and some issues that were specific to last year. Let us review a few issues and explore how press coverage were carried out.

Elections: Discriminations against marginalized communities, women and sexual minorities occur frequently in politics. The media has not covered those events in a comprehensive way. For example, during

the recently-completed local elections of 2022 and the upcoming national elections in Nepal, media reporting revolves around politics.

It is a fact that women and people from marginalized communities are generally sidelined when the election tickets were distributed. There were no concerted efforts to highlight the good work and leadership abilities of female and marginalized community leaders -- and portray the possibility of their being able to lead their communities and establish accessibility of rights for the communities they represent.

Many female deputy mayors have done exemplary works but others were barred from getting the party tickets to fight for Mayoral positions to enhance their political careers. Also, there were no media reporting on how the Dalit leaders or leaders from other minorities fared in their first tenure. There were 33.5% women parliamentarians in the federal parliament after the first elections of 2017, which was the first election under the 2015 constitution. There was also 42% women representation at the local level. Nepal was well above the global average of 23.8% women parliamentarians.

The average for countries in Asia is 19.8%. In fact, following the first elections after Nepal became a republican country, Nepal within Asia had the highest percentage of women in the National Parliament. According to Inter-Parliamentary Union (IPU) 2018, 5 ranked at 37 out of 193 countries--Afghanistan 55, Pakistan 93, Bangladesh 95, India 147, Bhutan 170, Maldives 178, and Sri Lanka 180.

That election also saw dramatic increases in women's formal representation as elected representatives at both the provincial and local levels. Looking at this positive data, there should have been a major increase in women being fielded in the position of Mayors, Deputy Mayors, and ward chairpersons. Many deputy mayors elected

in 2017 wanted to be elevated to the position of Mayor in 2022 but due to the electoral alliance, they did not get sufficient space.

In the 2017 elections, seven mayors and 11 women chairpersons of rural municipalities were elected into local governments. After the 2022 local elections, according to a report Gender Analysis of Nepal's Local Elections-May 2022 by the Centre for Gender and Politics, there are 13 mayors and 12 chairpersons elected as chiefs, but in the case of deputy mayors and vice chairpersons, the decreased number compared to previous elections. According to the 20th May 2022 Election Commission bulletin, 41.21% women were among the total elected compared to 40.9% in 2017.

The nominal increase of women in the 2022 local elections shows that although priority and support were not given to deserving women candidates in the 2022 elections based on their good performance after the 2017 elections, the higher victory displayed by them indicates that they do have increased credibility.

This data related to the women candidates and the local election 2022 is a point to be explored to unpack how the media could have taken up this issue of inclusion so as to have a positive impact on the way tickets were distributed.

Although, there are a few mentions in the mainstream media every now and then, the fact that tickets were not given to deserving candidates because there was a domination of patriarchal mindset. Male leaders mostly belonging to one community and those who have been at the helm of political parties for decades again dominated the ticket distribution process.

The election coverage of mainstream newspapers and online media was satisfactory, but a consistent follow-up of the possible deserving candidates who are female and people from the marginalized

communities including the deserving Dalit, Madhesi, Muslim, and other candidates was not done.

One of the main reasons for the lack of inclusion in any nation is the lack of access to the provisions that the constitution and the laws of that country have made, equally for the needy citizens. This lack of access to these provisions is often because the voice of the targeted population is not in a critical mass in policy-making positions.

In the national elections too, parties may repeat the same mistake. The media has still not been able to unpack the gender and social inclusion angle, and how it might reflect on the overall national leadership after the elections. Policymakers and change-makers are the ones who can effectively implement the provisions of inclusion, especially if they belong to the same gender and community for whom these provisions are made for. During the last year, although the Nepali media has made effective coverage of different aspects of the local and national elections in 2022 in Nepal, their coverage from the GESI lens has not been very strategic and effective.

Citizenship: The Citizenship Bill (first amendment) is an example where the media has done continuous reporting thus providing space for the opinions of activists and the opinion makers. This had succeeded in preventing the bill from getting the Presidential stamp even after the House of Representatives had passed it with a majority on August 1, 2022. With active reporting from the media and opposition from activists and outrage expressed via social media, the President returned the first amendment of the Citizenship Bill back to the parliament on August 14, 2022, for reconsideration. It has now been passed with a majority. The press, for several years now, has given proper and good coverage to this issue. It is now important for the press to continue reporting on facts related to the Gender Equality and Social Inclusion (GESI) angle of the amended bill that does not address the basic rights of all citizens in the country. The media's role in putting the facts related to this to

address equality and equity is indeed very important in the coming days.

Rape: Till last year, rape cases were reported very frequently by the media both in the traditional print and online media. Each media may not have reported regularly, but incidents of rape have been reported in one or another media almost every day. At the same time, this GBV was covered intensely via social media. There has been a tendency of glamorizing the issue rather than getting at the crux of the matter. The rape and murder of the 13-year-old Nirmala Pant in 2018 is one case where the media is accused of having missed out on the opportunity of uncovering a crime and arresting the perpetrators. This case was also covered by the media last year together with other rape cases. This has now just remained a “case” that gets referred to whenever other rape cases are reported. The media has made the violence and injustice faced by the 13-year-old as a reference matter now. In the case of actor Paul Shah being accused of rape, and the case of accusation and the testimony of a beauty pageant contestant of her being raped since the age of 16 by the owner of the beauty pageant company she was associated with creating a lot of sensitization and glamorization during this last one year. This was covered by both the mainstream media and social media. It is now important to follow how the media takes this up to ensure justice for the survivors. It is also important to investigate and get into the facts on why and how the rape victims and survivors back out after some time.

In sensitive cases like rape and all forms of Violence against Women and Girls (VAWG), it is important that the media respect the rights of privacy of the victims and survivors to protect their names, pictures, videos, and other private details from being exposed. It is equally important to expose the identity and the crime of the perpetrators. The media in Nepal in the past year gave space to issues of GBV and VAWG; however, there has been a lack of continuous follow-ups and

joint investigations to put facts against the perpetrators and help in bringing justice for the victims and the survivors. While covering issues related to crimes like rape there has been a strong voice from the youth that have come up in support of the victims and survivors both on the social media and in reporting by young journalists from mainstream media. Social media, on the other hand, has often been used to rally from the side of the accused, and in cases related to Paul Shah, the names of female activists' supporting the accused rather than the accuser has created a backlash to the feminist movement in the country.

It is important to review how this has impacted our factions among activists and journalists of different generations. One more point to be alert for the Nepali media while covering issues like rape, sexual assault, and harassment is that they should not do anything to disempower and alienate the victims and survivors and also those who have the courage of bringing such issues out in the open.

Inclusive media: While reviewing how the Nepali media covered inclusiveness in the country last year, it is also important to review how inclusive the Nepali media industry is. Nepali newsrooms have increased the number of female journalists as reporters, sub-editors, stringers, and presenters on the radio and television but there are still not many female editors and members of the LGBTIQ community in the mainstream media. This definitely has an impact on the content produced by the media. Although several media houses are now adopting a GESI policy inside their organizations, just having policies is not enough. There has to be a way of addressing the issues and taking action where required.

Inclusivity in sources: The media needs to be inclusive at the level of staffing and also while getting information. The sources, be it at the government, private and community level, expression of opinions, views, and information should be given to people covering all the diversities and the angles. The Nepali media during the

last year, while reporting or during opinion-making interviews on television, print, or online forms, usually brought the same so-called experts as interviewees. On issues covering politics, economics, foreign policy, development of the country including hydropower, electricity, construction, various technologies, and online market mainly same male individuals who have been giving opinions for the last several years or even decades were invited. Incidentally they also usually fall into the same community. Female experts, people from the sexual minority, and different communities including Dalits, Muslims, and Madhesis are usually interviewed or asked for quotes only on issues they see as “theirs” like women’s issues, sexual minority issues, Dalit issues, Muslim issues or Madhesi issues. The media now needs to explore the professional, political and diplomatic expertise of all and get their views to be expressed in diverse areas so as to bring out factual and new views which can pave the way for the future of Nepal.

Press freedom: The 1990 political change was a watershed moment in terms of press freedom. The free press has played a pivotal and exemplary role in establishing Nepal as the Federal Republic. However, there have been several challenges that the media has had to face due to sanctions applied by the Nepal government time after time to curtail press freedom. Now, with the advent of the new media, the government, irrespective of the ruling party or the coalition, has tried to bring stringent laws which make the work of journalists difficult and risky. This process was applied several times during the last year. The Freedom Forum Report of 2022 clearly states that one out of ten journalists in Nepal has faced digital threats and women journalists are harassed sexually online more than male journalists. This is one area where all journalists have to come together and raise their voices against atrocities against freedom of expression and speech in Nepal. No matter which political affiliation or which media house, journalists have come together to oppose clauses in the digital acts and otherwise

which curtail press freedom in the country. As a result, according to Reporters Without Borders, the Press Freedom Index of Nepal has climbed up 30 places from its rank of 106 in 2021 to 76 in 2022 out of 180 countries. This is a substantial ascent and could be a result of concerted efforts of journalists to join hands to fight against censorship from the government.

Conclusion and way forward

The famous quote when everyone is included, everyone wins by Jesse Jackson, the black rights activist of the USA, stands true in our present context. In order to make sure that everyone is included those who are not need to be aware that they have rights granted by the constitution. They also need to be aware that there are special provisions for the excluded community and they can access them in a legitimate way.

Just like even by facing challenges, the journalists have been able to consistently write against attempts of curtailing press freedom, and have succeeded in climbing 30-step up the ladder last year. It is important now to review where we may have gone wrong to bring the excluded groups into the mainstream.

The above examples show where the press may have missed out in covering the elections, taking up the cases of GBV and VAW&G, and on issues like the amendment to the Citizenship Act that has been passed.

It is important to note that not giving voice to the voiceless could lead to ensuring the power of the country to those who already have power over the powerless and the ability to oppress. Mainstream media is overplaying the issues of individual politicians without evaluating their actual contribution to the nation. This is also a trend seen in Nepali media.

It is now important to make sure while covering GBV and VAW&G, among other issues related to the inclusion of the people who have been left out of mainstream development, proper attention should be paid to protecting the rights of the victims and survivors and exposing the crimes of the accused and the perpetrators.

Reporting from a GESI lens is actually reporting from the point of all Nepali citizens. The press has done exemplary work in promoting human rights in the country. Now, there is a need to give priority to increasing inclusive newsrooms and giving news coverage from gender perspective. This will serve the interest of all and lead the nation towards prosperity by making contribution to ensure gender justice and accommodating diversity.

Fact-checking against misinformation and disinformation

Umesh Shrestha *

Introduction

Present society is plagued by various forms of misinformation and disinformation. Some argue that the flow of misinformation and disinformation is adding risks to the system of democratic governance. It is not only misleading the people but also posing a threat to the genuine professionals. Amidst these anomalies, fact-checking system has also developed to face the challenges created by misleading information.

Fact-checking is a specific type of practice in which, based on the available evidence or data or scientific research, any information, news report or information is tested and its results are presented.

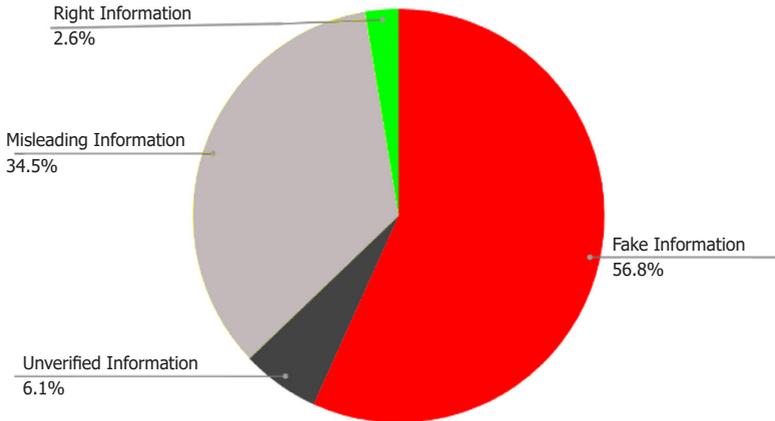
With the increasing use of technology, fact-checking is one of the ways to deal with the spread of misinformation and its bad effects.

There are several fact-checking portals, tools and agencies at home and abroad. In the context of Nepal, NepalFactCheck.org has been started since the International Fact Check Day 2020 with the joint

* Shrestha is a researcher.

effort of Center for Media Research Nepal and the first blog of Nepali language, MySansar, during the proliferation of misinformation related to the coronavirus. In a period of two years, it has done 180 fact checks. South Asia Check, run by Panos South Asia in Nepal, also conducts fact checks.

Fake information



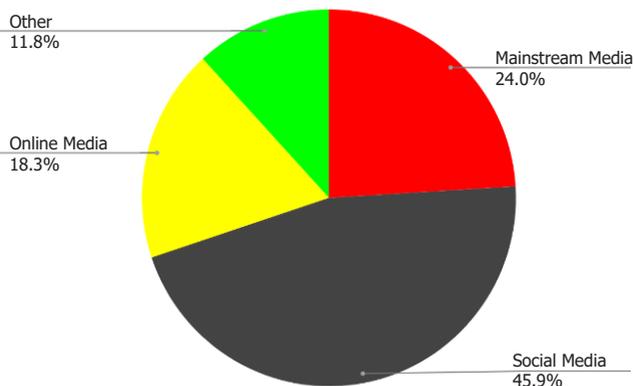
From March 2020 to July 2022, these two organizations have checked facts of 234 pieces of information. Fact-checking organizations give results by classifying them according to their own definitions. Most of the fact checks conducted in Nepal so far have been classified as fake information. This number is more than half i.e.56.8 percent.

The second is misleading information i.e. some information is correct and some is incorrect. One photo or video but different interpretation, correct speech but different context are classified as misleading information. Some 34.5 percent of such information has been classified as misleading in the fact-checking conducted so far in Nepal.

The number of fact checks classified as unconfirmed information that cannot be distinguished true or false is 6.1 percent, while the

number of fact checked information as correct information is 2.6 percent.

The main source on social media

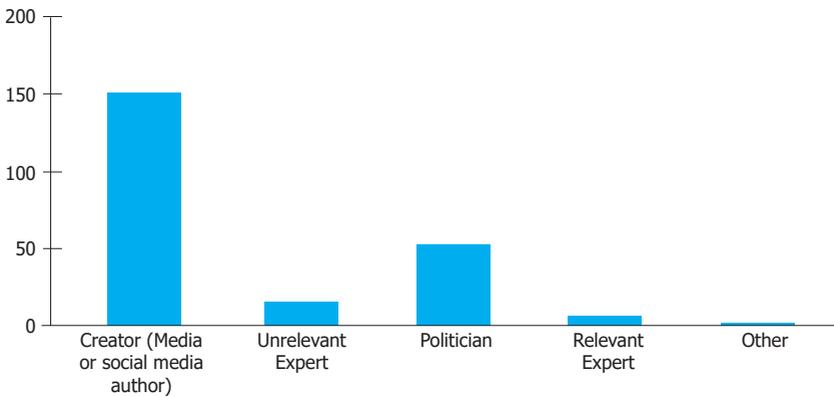


Social media seems to be the main source of information in fact checks conducted by two organizations. Almost 46 percent of information received on social media has been fact-checked. This shows that recently social media is being used more for information dissemination and false information is also spreading through it.

Similarly, 24 percent of the information in the mainstream media has been fact-checked. Mainstream media also includes traditional media and mainstream online media. It can be seen that the mainstream media is struggling to find and check the facts that should be done while making news.

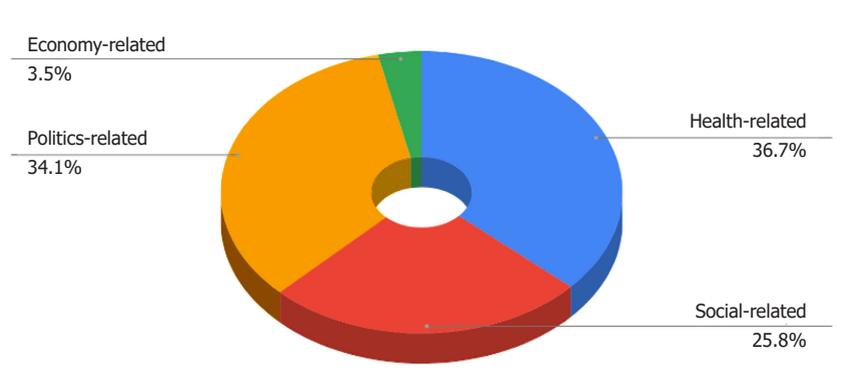
Similarly, 18.3 percent of the online media, which are not so well-known other than the mainstream, have been fact-checked. In general, information that appears to be false at first glance or information that has not spread much is not fact-checked. For that reason, the fact-checking of such online media may be relatively less. Similarly, 11.8 percent of information from other sources has been fact-checked.

Creator main source



Creators (authors of media or social media) are most often seen as the main source of false, misleading or unverified information. The next big source is the political party leaders. It is seen from the analysis of the published fact check that such information is spread by irrelevant experts and subject matter experts as well.

Health and politics major subjects



During this period, the majority of health-related fact-checks (36.7 percent) may be due to the spread of the coronavirus pandemic. After health, the subject of politics got the highest share (34.1 percent). Similarly, 3.5 percent fact-check had to do with the economy.

News that was not 'news' actually

This year, many well-known media also failed in information dissemination. Some examples are presented below:

In 2078 Ashoj, there was news in the Nepali media under the title 'Changunarayan Municipality ranked among the 10 best in the world'. In the news, it was claimed that 'Changunarayan municipality of Bhaktapur has won the title of being among the best 10 municipalities in the world'.

This news came in many media including Kharibot, Kathmandu Press, DCNepal, Farakdhar. Most of them wrote that its source was the government-owned news agency - RSS. Our fact check revealed that Changunarayan Municipality never won the title of the best 10 municipalities in the world, but it was among the 10 cities selected among the open applications called for by The Gov Lab's Open City Incubator Program on Data Innovation.

Some Nepali online media such as Ratopati, Nepalpress, DCNepal, Ukeram mentioned that the Prince of Italy also participated in the fashion show organized at Everest base camp in Ashoj 2078. But since Italy is a republican country, there is no such thing as a prince. No official information was found anywhere confirming that he was a member of the former royal family.

In Kartik 2078, the discussion about Nepali Momo being declared as the most delicious dish in the world went viral on social media. From the Facebook page popular among the youth called Routine of Nepal Banda, even Nepalpress made news about it. But our fact-checking found the information to be misleading. CNN's listing of Momo was correct but it did not distinguish the Nepali Momo. Momo was said to be a North Indian, Nepalese and Tibetan dish. CNN's list was not of the world's most delicious food items, but of delicious dumplings.

In Push 2078, Bizmandu, Makalukhabar, Deshsanchar and other online media reported that a bill was being drafted to make it

mandatory for those riding pillion on a motorcycle to wear helmets. But in our fact check, it was found that the law that has been implemented from 2049 has included this matter. Although it was implemented some time ago, it is not being done so now.

In Magh 2078, Devprakash Tripathi, the editor-in-chief of the Ghatna Ra Bichar weekly and online, wrote an article titled, 'This is how the mafia is!

He wrote - 'Nepalese do not have the facility of visa on-arrival in any other country except Vietnam, Sri Lanka and some African countries.' But in our fact check, the number of countries that can be visited without visa or on-arrival visa with Nepali passport is 37. Apart from Africa, countries in Asia, South America, the Caribbean and Oceania can also be visited without a visa or on-arrival visa.

In Chait 2078, some Nepali online media including Gorkhapatra, Naya Patrika, Annapurna Post, Jan Aastha, published the news that the Supreme Court of Pakistan had annulled the decision to dissolve the Parliament on April 5. But the Supreme Court's order was passed two days later on the night of April 7.

Before the local level elections in Baisakh 2079, a complaint was filed against Sunita Dangol, the deputy mayor candidate of Kathmandu Metropolitan City, at the Commission for the Investigation of Abuse of Authority. Nepal Khabar, Makalukhbar, Khabarhub, News24, Nepal views, Reporters Nepal, etc. came online. But in our fact check, the spokesperson of the authority did not confirm that it received a complaint. The claims made on the subject of the complaint were also found to be wrong according to the official certified documents.

In Baisakh 2079, Setopati published a list of 37 candidates for Deputy Mayor in Kathmandu Metropolitan City. But in our fact check, according to the information published by the Drafting Commission, only 30 candidates were found for the Deputy Mayor of Kathmandu Metropolitan City. The names of seven candidates on Setopati's list

were found on the list of deputy mayor candidates of Kageshwari Manohara Municipality.

Similarly, in Baisakh 2079, Naya Patrika published a wrong diagram about the state of cancellation of ballot papers. It printed the drawing of the House of Representatives and the State Assembly elections when it had to print the drawings of the ballot papers for the local level elections.

In Jeth 2079, while the Kathmandu Metropolitan City polling was going on, the news of the birth of a daughter of the mayoral candidate Balen Shah was spread in many online media and social networks including Lokaantar, Nepal Top, NepalBahas, but our fact check found it to be false.

In Jeth 2079, Avenues Khabar Television broadcast a photo claiming that it had received a fresh view of the crash site while reporting the crash of a Tara Air flight from Pokhara to Jomsom. But in our fact check, it was revealed that the footage showed a scene of a helicopter crash in India and not in Nepal.

In Asar 2079, Nagarik Daily, Shilapatra, Lokaantar, Routine of Nepal Banda, etc. carried the news claiming that a young woman of Nepali origin had become an astronaut for the first time. But our fact-checking found this information to be misleading. Even though 'astronaut' was mentioned in the news, it was found that the training claimed by the girl was not 'astronaut training' but only 'research'.

Similarly, in Asar 2079, from Online Khabar to Setopati published the news that a law has been passed that does not punish those who file false complaints in rape cases. As claimed in the news, the bill to amend some laws against sexual violence passed by the House of Representatives had removed the provision of punishment for false complaints in rape cases. But our fact check found this news to be misleading. Only the proposal to remove the provision of half of the punishment of the perpetrator for false rape case

complaints was removed from the amendment. The provision in the original law before the amendment, i.e. the provision of punishment for false complaints, remained.

Gorkhapatra, ekagaz, Deshsanchar, NepalLive, Farakdhar, administration, Nepal Press, Sagarmatha TV, Capital Nepal ran the news that Nepal Rastra Bank had issued an instruction to provide facilities of up to USD 200 to Nepali citizens traveling abroad. But our fact check revealed this information to be misleading. Nepal Rastra Bank had not issued a circular about giving only \$200 to those traveling abroad, but had applied it only to licensed money changers.

How to avoid misinformation?

When looking at the news published by the media, it is found that most of them do not pay attention to verification before publishing the news. In some cases, someone's claim has been taken as the basis of making news while it is necessary for journalists or related media to do more research. This feature of media is what makes it different from social media.

It is necessary to have fact checkers as watchdogs of media and social media. But fact-checking also lacks human resources with appropriate technical knowledge. There is a need to make the assumption that fact-checking and the media are not adversaries but complement each other. Fact-checking tools should be developed, agencies should be empowered, service seekers and authors should be made aware of the impact of misinformation and service providers should be cautious and responsible about the matters they are disseminating.

Handling complaint: An unavoidable task

Deepak Khanal*

Abstract

A major duty of Press Council Nepal (PCN) is to formulate and enforce Journalist Code of Conduct. It's another task is to monitor news media's compliance with those codes.

Media are free to formulate their own set of ethics in line with the code of conduct issued by PCN. PCN continuously tracks the implementation of the code by conduct by media houses and journalists.

PCN takes actions against violators, and facilitates the reconciliation process by taking up complaints, public grievances, and self-monitoring of the news and other items.

As per the provisions under "Complaints and Redress Procedures" of the Journalist Code of Conduct-2073 (First Amendment, 2076), Council receives public grievances, conducts self-monitoring and takes necessary actions.

* Khanal is a senior administrative officer and spokesperson at Press Council Nepal.

Although there are multiple tasks and aspects of PCN, this article delves into the nature and trend of cases against Journalist Code of Conduct identified from the complaints, public grievances and self-monitoring of the Council and analyzed and explained from different angles.

Keywords: Press Council Nepal, Code of Conduct, Complaint, Public Grievances, Self-Monitoring, Monitoring, Action-Procedure, Reconciliation

Background

The concept of Press Council was first mulled over in Sweden. In 1874, the Press Club was formed which issued Journalist Code of Conduct. The conduct had a provision of hearing complaints and taking actions against violators. In the beginning, it might have been referred as self-regulatory organization, ombudsman or watchdog body.

The modified name of all these is 'Press Council'. Hence, the Press Council was first established in Sweden in 1916. In Nepal, the initial form of Press Advisory Committee was formed under the chairmanship of the then Justice Nayan Bahadur Khatri in 2024. It had issued a Journalist Code of Conduct in 2025. The same Advisory Committee was named as Press Advisory Council in 2027.

The Council was later named as 'Press Council Nepal'. The Press Commission formed in 2014 had advised to establish PCN to contribute in professional growth of media. Before Nepal established PCN, many countries had already done so. The autonomous body is an authorized body that is mandated to issue, enforce and monitor the code of conduct. Since its inception, the Council has been making Journalist Code of Conduct, hearing complaints and taking actions. Its main function or its mainstay is to monitor journalists and mass media regarding the implementation of Journalist Code of Conduct. Monitoring of ethics is an ingredient part of it.

Basic framework of code of conduct

A key purpose of the code of conduct is to ensure a professional, dignified and accountable journalism; and its crux is to keep media works in a state of self-discipline. Not only in the media, other professions such as law, bureaucracy, academia, diplomacy have their respective code of conduct.

Its compliance largely depends on the individual's conscience, conduct and behaviour. The Comprehensive Nepali Dictionary defines code as 'a scripture or knowledge that are written by rendering refined moral rules of conduct or behaviour.' The basic principle is journalists can make code for themselves to keep them within a moral boundary. For a long time, PCN itself issued the code of conduct and now it joins hands with Federation of Nepalese Journalists, an umbrella organization of Nepali journalists for the task.

The Code of Conduct adopted by the Swedish National Press Council in 1923 served as a guidance for the press council of many countries. The protection of privacy related to personal life, refuting and replying to any news and allowing journalists to maintain their character integrity are some examples of this Code of Conduct (Dhungel, Binod, Press Council in Nepal, p.205).

Status of complaint handling

Every day, complaints are registered against various news media regarding the transmission of news contrary to Journalist Code of Conduct. Such complaints are received directly or through the online system. Similarly, public complaints/grievances come from the Office of the Prime Minister and the Council of Ministers (Hello Sarkar) and through the Ministry of Communication and Information Technology. In addition to this, the Council conducts self-monitoring and takes action against violators.

On the basis of those complaints, public grievances and cases of self-monitoring, the action-procedure is carried forward against the concerned news media, in accordance with the provisions under "Complaints and Redress Procedures" of the Journalist Code of Conduct-2073 (First Amendment, 2076).

Regarding the steps of the redress procedures, firstly, if the news content published/broadcast by media appears deceptive and unbalanced, the person, community or organization affected by it should send their response or rebuttal to the concerned media. And, if the urged rebuttal or response is not published or broadcast or if no satisfactory reply is given, the aggrieved party can file the complaint either in writing or through online within thirty-five days.

The Council itself might ask the concerned media to submit the documents or it can seek out from its own record for the documents and hold a hearing. If a complaint is filed by an affected party accompanied by factual evidence and if the Council finds that the content of the complaint is true during the investigation, it may direct the concerned media to apologize.

Regarding the actions against the violation, PCN can take one or more actions including issuing directions for publication/broadcasting of rebuttals, corrections and apologies; drawing attention or making alert; in case of newspaper, excluding them from the process of evaluation and classification, depriving of public welfare advertisement and other facilities or removal from enlisting and directing the authority concerned to suspend press accreditation card or press pass.

The additional tasks are making recommendations to the body concerned to suspend with any type of advertisement or facilities to be provided by the governmental or public bodies, for a certain period; recommending to the body concerned not to involve them in any governmental visit on behalf of the state; recommending to the

Federation of Nepalese Journalists and the media house concerned to take further action to the journalists and mass media engaged in serious breach of the code of conduct.

The Council can express regret over the journalists or media outlets failing to follow any decision or order of the Council, putting under the disobedient, blacklist and making public the details of frequently taken actions immediately or as per the need. If any content disseminated through online media is found to be seriously breaching the code of conduct, then the Council may recommend the concerned authority to block the content from being visible for a specified time.

Similarly, for the past few years, PCN is active to promote the reconciliation between the complainer and owners of media houses through a face-to-face dialogue. In the case of women and children, provision has been made in the existing Code of Conduct.

According to Journalist Code of Conduct-2073 (First Amendment, 2076) Sub-Section 8 of Section 7 (Provision of Decision and Enforcement) under 'Complaints and Redress Procedures', the Council may immediately call both the parties and hold discussion or may initiate for reconciliation among the parties concerned considering the gravity of the published material regarding women's honour, prestige and children.

Based on the mentioned provisions, the Council has been receiving various complaints, public grievances and self-monitoring cases and carrying out the hearings, investigations and redress procedures. This task is unstoppable. In this way, the complaints, public grievances, self-monitoring and actions registered in the Fiscal Year 2078-2079 can be analyzed and compared on different bases.

Based on the numbers

F.Y.	Complaints	Public Grievances	Self-Monitoring	Total
2077/078	192	7	479	678
2078/079	203	8	324	535

In the Fiscal Year 2078/079, a total of 203 complaints have been filed. Last year, there were 192 such complaints. The number of cases recorded from self-monitoring this year is 324 while the same was 479 last year. Regarding public grievances, there were seven cases last year while the same for this year is eight.

Province-wise scenario

On the basis of the provinces, the highest number of complaints (153) was reported in Bagmati Province and the least (2) was in Karnali Province. Twelve complaints have been filed in Madhes Province, 11 in Lumbini Province, 10 in Province 1, seven in Sudurpaschim Province and seven in Gandaki Province and one from abroad. A person named Suresh Khatri from abroad has filed a complaint against ourKantipur.com, saying that he has been humiliated and the news story assassinated his character. Since no response was received from the complainant on the reply of the concerned news media, the said complaint has been put on hold.

Province	Bagmati	Madhes	Lumbini	No. 1	Su. Pa.	Gandaki	Karnali	Abroad/ Prabas	Total
Complaints	153	12	11	10	7	7	2	1	203

Depending on the type of media

On this basis, out of a total of 203 complaints, the highest number (150) was against online media. Those onlines against whom the complaints are filed are both from established, reputed ones to newly-established onlines.

A total of 28 complaints were filed against print media, eight against TV, six against YouTube media channels, five against online TV and six against others. In this Fiscal Year, not a single complaint has been filed against the radio. Newspapers against whom complaints have been received include Kantipur Daily, Sanghu Weekly, Annapurna Post Daily, Amrit Bazaar National Weekly, Jagaran Weekly, Kripa Daily, Aarthik National Daily, Naya Patrika Daily, The Kathmandu Post Daily, Nagarik Daily, Mahapratiwad Weekly, Janaastha Weekly, Navajanprahar Weekly, Janakpur Today Daily, Rajdhani Daily, Nepal Samacharparta Daily, Awadharana Weekly, Butwal Daily, Janaprahar Weekly, Prabhav Daily.

Similarly, online TV and YouTube media channels, which have been opened as news channels in the online news media, have been monitored from the angle of Journalist Code of Conduct. In this context, complaints have been filed against Yoho TV HD, News 24 TV, AP1 TV, TV Today HD, Sagarmatha TV. Complaints have been filed against various YouTube media channels such as Headline Nepal (3 times), Mero Sandesh.com, Harek Pal Ko Khabar, Dainik Khabar, Modern TV, Siraichuli, Bir Gorkhali. Regarding online TV, complaints have been filed against online TV like Global, TV Annapurna.com, Crime, and Good TV. Similarly, complaints that do not fall under the jurisdiction of the Council have been kept under "others". There have been six such complaints this year. Likewise, the letters are received in the Council not for action, but for information from various organizations or individuals stating about their written rebuttals and response against journalists and news media. These letters are recorded as carbon copy (Cc) and no actions are taken in such cases.

Online	Print	TV	Other	YouTube Media Channel	Online TV	Total
150	28	8	6	6	5	203

Depending on issues

Altogether, there are 13 types of complaints. The issues are almost same as last year. Most of the complaints (97) are against abuse, insult, defamation, disrespect, character assassination. After this, there are 61 cases reported as baseless, misleading, and unbalanced. There are 17 cases related to professional conduct. Equal number of 17 complaints are related to the responsibility of the media, two related to sovereignty, two related to pornography, one related to advertising, one related to the right to privacy, one against the promotion of press freedom and protection, one related to disturbing social harmony, one related to women and one related to international relation have also been filed.

On the basis of frequency

S.N.	News Media	Complaints
1	Nepal Aaja.com	9
2	Kantipur Daily	7
3	Diyopost.com	7
4	News 24 TV	5
5	Yoho TV	5
6	Headline Nepal	4
7	Onlinepana.com	4
8	Drishti News.com	4

S.N.	News Media	Complaints
9	Naya Patrika Daily	4
10	Ujyaalo Network.com	3
11	Janaastha.com	3
12	Rastriya Aarthik Daily	3
13	Jan Prahar Weekly	3
14	Megha News.com	3
15	Sanghu News.com	3
16	Annapurna Post Daily	3
17	Crime TV	2
18	Rajdhani Daily	2
19	Ukera.com	2
20	Farakdhar.com	2
21	Hamroartha.com	2
22	Janraksha.com	2
23	Motivate News.com	2
24	Sunrise Khabar.com	2
25	Setopati.com	2
26	Hamrakura.com	2
27	Online Nepal.com	2

Complaints have been filed repeatedly against some news media. Altogether there are 27 such news media. Most of them are online news portals. The highest number, nine complaints are filed against Nepal Aaja.com. Likewise, complaints have been repeatedly filed against Kantipur Daily, Diyopost.com, News 24 TV, Yoho TV, Headline Nepal, Onlinepana.com, Drishtinews.com, Naya Patrika Daily, Ujyaalonetwork.com, Janaastha.com, Rastriya Aarthik Daily, Jan

Prahar Weekly, Megha News.com, Sanghu News.com, Annapurna Post Daily, Crime TV, Rajdhani Daily, Uker.com, Farakdhar.com, Hamro Artha.com, Janraksha.com, Motivate News.com, Sunrise Khabar.com, Setopati.com, HamraKura.com and Online Nepal.com.

Based on public grievances

This year eight public grievances have been received through the online complaint system of Government of Nepal Office of the Prime Minister and the Council of Ministers (Hello Sarkar) regarding the presentation of various media.

Last year, seven public grievances were recorded. The grievances received this year are related with: journalist committed 'emotional blackmailing' without obtaining a press representative certificate, and not transmitting factual information; victims of insensitive reporting by the media due to the lack of basic guideline or Code of Conduct while publishing news about gender and sexual minorities in the press. Similarly, conferring awards by the Council to the journalist who has been associated with the news media against which the Council itself has taken action and black listed for violating the Code of Conduct; bargaining in the name of journalist; distorting the actual news and disseminating it with the negatively intended headline. Other grievances were related to actions to be taken against negative messages that incite the youth through TikTok; emphasis on policy reforms; protection of Deuda song. Out of these, six grievances have been settled and two are in the process of action. The public grievances filed by Sunita Kumari Gajurel for policy reform and by Dipendra Bahadur Chand against Big Paribesh, Music Nepal, YouTube channel are in the process of action.

Based on social media

PCN does not have the right to take action against social media. This is a matter that does not fall within the jurisdiction of the Council.

However, in Section 14 of the Journalist Code of Conduct-2073 (First Amendment, 2076), there is a provision stating that the Council can study the disposition/proclivity of the materials disseminated through the social media used (operated) by the online, journalist and media that aren't enlisted as mass media.

Pursuant to this provision, the Council has been monitoring the disposition of social media operated by journalists. Journalists have been found misusing their social accounts especially during elections. Though the monitoring of social media is not our scope, the Council has felt the responsibility and has taken action against some YouTube channels in F.Y. 2078/79 when there were situations creating public pressure on some issues of social concerns that may disturb the national and social harmony. Meanwhile, a correspondence has been sent to the Nepal Police Cyber Bureau to investigate the following YouTube channels and proceed with action process according to the prevailing law since they have disseminated contents inciting social harmony and causing more pain to the victim regarding the case of an actor and a singer.

- TCine Nepal
- Super Online TV
- A one Samachar
- Ratopati Media
- Media Taja Khabar
- Nepali Man Media
- PUMA GAURAV RAI
- Naulo Suva Online TV
- Naya Khoj Nepal
- Laxman Music Media

- Arghakhanchi Media
- Bishals Nepal
- Moon of Nepal
- DMG Nepal
- Nepali Mato
- Samarpit Prakash

Similarly, a correspondence has been sent to the Nepal Police Cyber Bureau to investigate the following YouTube channels and proceed with action process according to the prevailing law since they have disseminated exaggerated and misleading content regarding Millennium Challenge Corporation-MCC, against the norms and values of journalism and spreading provocations/rumours in the society, spoiling social harmony, disrupting international cooperation and fraternal relations between friendly nations.

- TRISHULI KHABAR TV
- Nepali Online
- Khabar Bulletin TV
- Greater Nepal TV
- Your Nepali
- Kailali Online TV
- Online SANSAR TV
- Kharo Online TV
- Live Nepal TV
- Color Of Nepal
- NEPALI KHABAR TV

Similarly, a correspondence has been sent to the Cyber Bureau of Nepal Police to investigate and proceed with action process according to the prevailing law for the following four YouTube channels that spread misleading content regarding the local elections (2079, Baisakh 30), by giving exaggerated titles and keeping thumbnails violating Code of Conduct of both the Journalist and the Election.

- Birgorkhali
- Churo Kuro TV
- Everest Nepal
- NEPALI KHABAR TV

As requested by the Police Headquarters (Cyber Bureau), Criminal Investigation and Prosecution Department, it has been informed in written that the Council doesn't have the details of the following YouTube Channel:

- Bhajani Jalapa Media - youtube Channel

Based on complaint settlement

F.Y.	Under the action process	Settled
2078/079	66	137

This year, 137 complaints have been resolved. A total of 66 complaints are under action. Complaints against news media such as Sunrise Khabar.com, Diyopost.com, Headline Nepal.com, Himal Post.com, Global TV, Ujyaalo Network, Click Mandu.com, etc. are in the process of action.

Out of 180 online web portals have been reported in writing to the Nepal Telecommunications Authority to shut down, 78 are based on complaints.

There are 18 websites that were barred and later opened. Correspondence has been sent to Cyber Bureau against 34 YouTube channels. This year, two news media have been placed in the list of disobedience.

Even during self-monitoring, the 14 clauses that should not be done as per the existing Code of Conduct, and various guidelines of the Council's including Child-Friendly Communication Guidelines-2073, Disability-Friendly Communication Guidelines-2073, Women-Responsible Communication Guidelines-2076 and Senior Citizen-Friendly Communication Guidelines-2078 are considered as the basis.

On this basis, action, reconciliation process is carried out according to the provisions of the complaint and redress for the cases breaching the Code of Conduct observed during the monitoring. Amongst the cases of self-monitoring, an explanation has been requested from four news media during the action process. A total of 69 news media have been alerted. Similarly, 48 news media have been cautioned.

There are 36 news media that have been placed on the notice of violation of Journalist Code of Conduct. Correspondence has been sent to the Nepal Telecommunications Authority to prevent 102 cases from being transmitted within Nepal, while 65 cases have been reported via phone contact by the focal person.

This year, all incidents of self-monitoring have been resolved. Six public grievances have been settled and two are in process.

There is a reason why self-monitoring issues are quickly settled while complaints are not. Due to the long process of complaint and action, fewer complaints are resolved.

The complainant or the Council should first send a rebuttal or complaint or explanation to the concerned news media. Then wait and watch whether space is given or not for the said rebuttal or

complaint or explanation. If the space is not given for the rebuttal or complaint or explanation, then again the correspondence done inquiring why the space is not provided for the rebuttal or complaint or explanation.

Not receiving the response of the letter on time is another reason behind the delay. The cases that could not be resolved by the Code of Conduct Monitoring Section should be addressed only after repeated discussions and decisions at the Code of Conduct Monitoring Sub-Committee meeting.

According to the decision of the meeting, the responsible party of the concerned news media needs to be informed and then wait till the response is received from the respondent.

Furthermore, Conduct Monitoring Section itself has to carry out the action process for the cases of public grievances received from the Office of Prime Minister and Council of Ministers, Ministry of Information and Communication Technology. Due to these reasons, all complaints could not be resolved.

Based on bilateral discussions (reconciliation)

The Council holds a bilateral discussion with the complainant and the concerned news media in its presence or in some cases it can call and talk with single/single parties for understanding the reality.

In the fiscal year 2078/2079, 15 direct dialogues have been organized amongst complainants and the news media. The dialogues and discussions have been done with eight online news portals, five televisions and two newspapers (one each of daily and weekly).

Such dialogues were between complainant Shanti Karki and Crime TV Nepal's owner Kushalab KC, complainant Asgar Ali and

editor of Lokpati.com Indraraj Bhattarai, complainant Chandra Bahadur Ale and editor of Mukti Khabar dotcom's Umesh Century, complainant Srijan Wagle and Headline Nepal's Sanjeev Regmi, complainant OV Media Pvt Ltd and Sushil Thapa of ClassicTech.

The Council has organized a dialogue between complainant Headline Nepal and Srijana Wagle. Similarly, on the basis of the complaints filed in the Council regarding the programme broadcast through MotivateNews.com and Yoho TV, dialogue has been held between Engina Karki, Bishnu Prasad Kharel, the Editor of Gulmeli Sahayogi Hatharu and Seto Masi.com, Astrologer Rudranath Adhikari and Editor of News 24 Television Arjun Khadka.

Similarly, direct discussion and dialogues have been done with the complainant Anil Tamang and Arjun Khadka, editor of News 24 Television, Rishi Dhamala, owner of Prime Times Television, Binod Prasad Chaulagain, editor of Tin Ghumti.com, Bishnu Prasad Ghimire, editor of Navajanprahar Weekly, and Vrijkumar Yadav, editor of Janakpur Today Daily.

After these dialogues, some parties have reconciled. Some have expressed their commitment to adhere to Journalist Code of Conduct.

Based on the complainant

From ordinary people to some individuals holding public office and various organizations have filed complaints against journalists and news media in the Council. The complainant men and women range from ordinary citizens to the persons holding high public positions. Those who filed the complaints include ministers, political leaders, parliamentarians, national social workers, mayors, ward

chairmen, police, doctors, Ayurvedic doctors, traders, businessmen, astrologers, cultural activists, academicians, legal practitioners, engineers, bankers, student organizations, various administrators, artists, journalists, etc. Regarding individually and institutionally, this year the number of individual complaints is higher (142). Number of institutional cases is 60. Similarly, 114 men and 28 women filed complaints based on gender. Some anonymous complaints have also been filed.

Conclusion

In this way, PCN has been urging for the compliance of journalists and news media across the country in relation to the Code of Conduct through monitoring, hearing complaints and taking action, reconciliation, Code of Conduct awareness, press release, and appeal.

However, due to the lack of sufficient budget and human resources, it has not been possible to form various 'clusters' and monitor as expected. It is necessary for Nepal Government and all the stakeholders to pay attention towards making the Council well equipped with all means and resources.

References

- Khungel, Binod, (2069), Press Council in Nepal, Tilganga, Sanchargram, Kathmandu, Press Council Nepal.
- Doig, Alan; Wilson, John. (1998). Business Ethics: A European Review Volume 7, Issue 3, July. Wiley Online Library. Blackwell Publishers Ltd.pp.140-149. Retrieved 10 February 2016), (From Wikipedia, the free encyclopedia).
- Khanal, Deepak, (2073), Muhan, Ramshahpath, Kathmandu, Rasas Employees Association.
- Khanal, Deepak, Samhita, (2072), Tilganga, Sanchargram, Kathmandu, Press Council Nepal.
- Nepali Comprehensive Dictionary (2079). Kamaladi, Kathmandu.
- PCN (2019). Journalist's Code of Conduct. Kathmandu.
- PCN (2078). Press Council Code of Conduct Monitoring Report, Kathmandu.
- PCN (2078/079). Complaints, public complaints, self-monitoring (draft).
- Press Council Act, 2048.
- Samhita Journal, Issue 36, 2074 Chaitra, Press Council Nepal, Sanchargram, Kathmandu.
- www.cef.com.
- [www.ejn.\(ethical journalism network\).com](http://www.ejn.(ethical journalism network).com).
- www.Press Councilnepal.org.np.



Press Council Nepal

Media Village, Tilganga, Kathmandu

Phone: 014112678, 014112799

Email: presscouncilnepal@gmail.com

Website: www.presscouncilnepal.gov.np