

A thesis on

**The Status of Press Freedom Policy after
Comprehensive Peace Accord 2006 in Nepal**

by

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M.Phil in Public Administration

A Thesis submitted in Partial Fulfillment of the Requirements

For the Degree of Masters of Philosophy (M.Phil)

In Public Administration, Faculty of Management

Tribhuvan University

Kathmandu, Nepal 2016

Dedication

I would like to dedicate this dissertation work to all the journalists who lost their life while they work for the society and Nation Forever

DECLARATION

I hereby declare that this thesis entitled “The status of Press Freedom policy after Comprehensive Peace Accord 2006 in Nepal” submitted to Central Department of Public administration, Faculty of Management, Tribhuvan University has been completed as per the prescribed format of Tribhuvan University. This is my original work done for the partial fulfillment of the requirement of the degree of Master of Philosophy in public administration (M.Phil.) under the guidance and supervision of Prof. Dr. Shree Krishna Shrestha, Central Department of Public Administration (CDPA), M. Phil program, Tribhuvan University. I personally will have no objection if data work of my thesis, in part or whole is photocopied or used for other research purpose.

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"The status of Press Freedom Policy after Comprehensive Peace Accord 2006 in Nepal"

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M. Phil. in Public Administration Program

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**has been prepared as approved by this program in the prescribed format of the faculty of
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ACKNOWLEDGEMENTS

I hereby wish to acknowledge the following people for their continuous support during this research work. I would like to extend my sincere appreciation, first to the central Department of Public Administration (CDPA) for providing me the opportunity to get M. Phil. Degree in public administration.

I am grateful for all those personalities who contributed towards my academic work in any way; I am sincerely indebted to you all. I want to thank, in a special way to Prof. Dr. Shree Krishna Shrestha, my supervisor for his outstanding professional advice.

I have received sufficient encouragement and moral support from entire teaching faculties of central Department of Public Administration and visiting professors. I am thankful to my respected teachers namely, Prof. Dr. Tek Nath Dhakal, Prof. Dr. Govinda Dhakal, Prof. Dr. Rajib Bikram Rana, Prof. Ratna Raj Niroula and Dr. Narendra Paudel for imparting their Knowledge to boost up my academic excellence. I must state here that the CDPA is an excellent centre of learning with its rich course design and instructions from professional academicians of concerned fields.

My special thanks goes to my colleagues, Ms. Durga Bnajade, Richa Pandey, Mr. Satrughna Prashad Sharma Pokharel, Mr. Dilip Raj Paudel and Mr. Jeevan Kumar Katuwal for their moral and academic support. I am also thankful to all the staffs of CDPA who have contributed their sincere efforts for providing healthy and sound academic atmosphere.

The selfless love and sacrifice of my mother Ratna Keshari Rajbhandari, late father Krishna Sagar Rajbhandari and late brother RatnaGopal Rajbhandari are the driving force of my education.

Last but certainly not least, I am indebted to the love and care of my husband Bhuvan Kumar Amatya and two beloved kids Shrijan Amatya and Shraddha Amatya for their continuous support and encouragement to complete this research.

Meera Rajbhandari

August 22, 2016

ABSTRACT

Press is the fourth Estate of the nation. In Nepalese political history the press has played a vital role to facilitate the peace building process through the news to views. In whatever situation, the critical stage of under direct rule of king, in critical situation of cease fire or post conflict era, the press has devoted to address and advocate to both armed group - the Maoist and government to be rational and serious on peace process. In spite of facilitating role of press, to assure peace process, the government and the political parties including Maoists, could not respect and guaranteed the press freedom. Mostly the political parties have been failed to be dedicated and responsible for Comprehensive peace accord 2006 and protecting amendment of free press. Due to those cause, it have been created the hazardous challenges for the government and press to sustain the conclusion of peace process.

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ABBREVIATIONS

ABC: Accuracy Balance and Credibility

FNJ: Federation of Nepali Journalists

FoNIJ: Federation of Nepalese Indigenous Nationalities Journalists

IFJ: International Federation of Journalists

SEJON: Society of Economic Journalists of Nepal

BAN: Broadcasting Association of Nepal

CIJ: Center for Investigative Journalism

CPNM: Communists Party Maoists

CPA: Comprehensive Peace accord

SLR: Sanghiya Limbuwan Rajya Parishad

CHAPTER 1

INTRODUCTION

1.1 Introduction and Background

The purpose of this study to analyze the status implementation of press freedom policy after the comprehensive peace accord 2006. It analyzes the status of implementation and the factors which influence to implement the policy.

“Journalist Yadav Paudel killed in Jhapa”, “Journalist Khilanath Dhakal brutally assaulted.” These were some of the disturbing headlines in the Nepali media. News reports of Paudel’s killing usually mention that he was killed in a personal clash with a hotel owner when he had been drinking. However, no special probe panel has been established to investigate if the murder was due to a personal reason or for journalistic reasons.

Since Press is universally accepted as the Fourth Estate, its need and importance is accepted globally (www.wikipedia.org/wiki/Fourth_Estate). Free press is acknowledged to be a major component for good governance and sustainable democracy in a country. It is worth remembering that a well-governed society creates the kind of economic, social, political and legal environment that allows the media to operate freely and enables other institutions to function at full capacity. Free press helps to promote and enforce governance efficiently and makes it result-oriented (Gaunle, 2011). The effects can reinforce each other. The Universal Declaration of Human Rights 1948 has defined that the right to information is a fundamental right of the people under Article 19. Similarly, Article 27 of the Interim Constitution of Nepal 2006 ensures the right to information as a fundamental right. But, the Nepali press and media people have suffered much and have been attacked and harassed during the 10-year-long Maoist armed conflict and the direct rule of King Gyanendra (ibid).

Democracy is a crucial component of good governance. Likewise, free press is the basis of a democracy. The Fourth Estate plays a vital role in sensitizing the public to issues of national interest. In other words, the press works to secure people’s Right to

Information—a crucial facet of human rights. Transparency and accountability are an essential component of good governance, and the press helps by serving as a medium through which crucial information is transmitted to the common people. A strong and vibrant media is thus important in the establishment of sustainable democracy and good governance. It pushes the government to be accountable and transparent and thereby helps undermine the culture of impunity (ibid).

The lack of press freedom seems a global problem, however, it occurs mostly in developing nations regardless of the media law, the articles for the right to information and press freedom guaranteed in the constitution, level of social and economic development, revolution of education and in countries with varying forms of government ranging from autocracies to the established democracies and multi-party democracies. However, the lack of press freedom and harassment of the press and journalists are found widespread and omnipresent in the developing countries, rather than in the developed countries (Mishra, 2011).

According to the Constitution 2073, it has provisions for the right to information and press freedom. To accomplish the intent of the articles concerned and other aspects of the human rights, the Comprehensive Peace Accord 2063 (2006) is materialized.

34 journalists were killed, thousand of journalists injured and harassed, and a number of media institutions were attacked in spite of the peace accord. Due to the impact of these incidents, self-censorship has become the norm in Nepali journalism, especially out of the Kathmandu valley. The increasing practice of self-censorship would prove hazardous situation for Nepal in its peace-building process, and would be a barrier for the grooming the media sector itself (Anex 3).

According to the Press Freedom Report 2011 of the Federation of Nepalese Journalists, in one year 125 incidences of attacks on the press freedom have been recorded. In that year, two journalists were killed, many journalists were assaulted or harassed and media institution attacked. Similarly, 36 journalists were threatened for the news reports that they had published. Meanwhile, Media Rights Situation report of FNJ shows that there were 64 incidents against press freedom.

According to the Human Rights yearly report of INSEC Nepal, in 2013 about 326 people were killed (by the state and non-state), 335 were injured (by the state and non-state), 171 were arrested and tortured (by the state), 111 were threatened (by the state and non-state), and 77 were abducted (by the non-state) and 4 deaths occurred in detention (by the state). During this period, 66 journalists were victimized (by the state and non-state). (*Human Rights Yearly Report Book 2013*).

In this world, millions of people have died every year due to conflicts and wars. According to National Human Rights Commission Nepal Report, during the armed conflict in Nepal, 13,256 people were killed (*Antarik Bisthapan Ra Bisthapit Ko Rachhyartha Bhayeka Prayas Haru-2065*, National human Rights Report). During that period, 2,258 people were disappeared by the state and 1,089 people were disappeared by the CPN-Maoist, and countless people were displaced (*Nepalma Balpurbak Bepattako Awastha Sambandhi Pratibedan: Page 7 to 8* -National Human Rights Report). The state has no exact record of people who were injured and omitted, and no record of the people who were internally and externally displaced during the conflict.

“Media is the primary tool for achieving good governance in a democratic system”(Kashaju,2011). A strong and effective media plays a vital role for the establishment of sustainable democracy and democratic governance. It makes the government more accountable and transparent. Similarly, it helps to end the impunity culture. The right to freedom of expression is a fundamental human right; fundamental both in the sense of its central importance to human life and dignity but also because it is an essential underpinning of all human rights, including the right to participate in political life (*International Standards on Freedom of Expression: A Compilation, Jan, 2008 p 3*).

During the Kings Rule in the 1990s, Nepal was listed as a peaceful country under the late king Birendra Shah. It was delimited by the people’s war from 1995 to 2006. During this period, the nation was enclosed in internal conflict and people’s war. Thousands of people including 23 journalists were killed and many injured, thousands of people disappeared and displaced, and billions of worth physical infrastructures destructed. To lift the nation up from the conflict situation and to build the peace process, the government of Nepal and the Maoists had inked the Comprehensive Peace Accord 2063

on 21st November 2006, under the provision of the Article 166 (3) of the Interim Constitution of Nepal 2063.

The Comprehensive Peace Accord is a crucial document with reference to the peaceful transition from the over-a-decade-long armed conflict in Nepal. The armed struggle, launched by the erstwhile CPN (Maoist) February 13, 1995, formally ended with the signing of the CPA. The Interim Constitution of Nepal 2006 has provisions for the right to information and press freedom. To accomplish the intent of the relevant articles and other aspects of human rights, the CPA came into existence.

Article 3.4 and Article 5.2.12 of the CPA have addressed the free press (Annex 4). In spite of the above constitutional and peace agreement provision, Nepali press and people could not enjoy freedom of the press and right to information in practice respectively. After the peace agreement came into effect, seven journalists were killed, one journalist missing, thousands of journalists injured, threatened, harassed, and many were abducted. The media house and owners were attacked, newspapers were burnt and vehicles transporting them were vandalized. The impact of the impunity was that the Nepali press embraced the practice of self-censorship, which can be clearly observed, especially out of the Kathmandu valley (Amatya, 2010). The rising practice of self-censorship can be hazardous for Nepal in the peace-building process. This is, no doubt, a barrier for developing better governance. Without press freedom, the search of good governance can be failure because it is also a main component of the peace-building process itself, which aids the crucial components of press freedom like right to information, freedom of expression, press and publication right and right to privacy etc.

A historic ceremony held at the Birendra International Convention Center, ten years later after the killing of over 13,256 people's lives, the armed insurgency in Nepal was officially declared over.

That evening, Prime Minister Girija Prasad Koirala and Communist Party of Nepal-Maoist (CPN-Maoist) chairperson Puspa Kamal Dahal "Prachanda" signed the Comprehensive Peace Accord 2006 AD, bringing the decade-long armed insurgency to an end and promising to chart a new destiny for "Peaceful and Democratic" new Nepal.

The CPA included inclusive provisions on human rights, civil and political rights, arms and army management, socio-economic transformation, among others.

The Preamble of the CPA reiterates the commitment of the two parties – the Government and the Maoists – to abide by the previous agreements and commitments and aspirations of the people.

1.2 Statement of the Problem

The lack of press freedom seems to be a global problem but is more prevalent in developing nations regardless of the media law, the articles for the right to information and press freedom in the constitution, level of social and economic development, revolution of education, and in countries with varying forms of government ranging from autocracies to the established democracies and multi – party democracies. However, the lack of press freedom and harassment of the press and journalists are found to be more widespread and omnipresent in the developing countries rather than in the developed countries.

According to the Constitution of Nepal 2006, it has the articles to address the right to information and press freedom. To accomplish the intent of the approached articles and other aspects of the human rights, the CPA was signed. Similarly, in the constitution of Nepal 2015, it has the articles for the right to information and press freedom under the article 19 in title Right to communication. Nine journalists were killed, thousand of journalists injured and harassed, and a number of media institutions in spite of the peace accord. The killed journalists, according to the list of of the FNJ since 2006 to 2012, are Birentra Saha (Bara), Puskar Shrestha (Parsa), Jagat Prashad Joshi (JP Pandit, Kailai), Uma Shingh (Dhanusha), Jamim Shaha (Media Interpreniur, Channel Nepl, Kathmandu), Arun Singhanian (Media Entrepreneur) Dhanusha, Devi Prashad Dhital (Media Entrepreneur, Dang), Babur Kharel (reporter of TAJA KHABR), Yadav Raj Paudel (Mechi Times and avenues Television) and journalist santosh Kumar Gupta (Entrepreneur, Bindash FM) . Journalist Prakash Thakuri (Kanchanpur) is still listed as missing.

Likewise, Tika Bista (Rukum), Sita Mademba (BBC correspondent), Kishor Bohara and a number of journalists were physically assaulted, threatened and abducted. Tika Bista (Correspondent, Rajdhani Daily) was physically attacked in the western district of Rukum on December 8, after her story “*Kina Chahio Maobadi lai Tirtha ko Sindur*” was published at a local paper, which criticized the Unified Communist Party of Nepal (Maoist)

At this moment, the media houses are also under attack and threats. Kantipur Publication, Himal Khabar Patrika, APCA House, Samachar Patra etc were the media houses that were attacked by the staffs of union affiliated to the CPN-Maoist. The impact of these incidents has increased the practice of self-censorship among the journalists especially out of Kathmandu valley. The rising practice of self-censorship might be hazardous for Nepal in its peace-building process, and will also be a barrier for development of the media itself. But, the government and stakeholders do not seem serious on this issue. The NGOs involved in protecting the journalists’ rights like the Federation of Nepalese Journalists (FNJ) and its umbrella organizations like Press Union, Press Chautari, Nepal Krantikari Patrakar etc are lobbying for press freedom and journalists’ rights, but it could not bring the positive result. Young journalist Rameshwar Bohara states, “All of the institutions act as the protectors of journalists’ rights and press freedom, but in reality they are just focused on the politics. If they really wanted to do better for development of journalists and secure the press freedom, FNJ and Press Council can do better than now. FNJ seems politicized. This is our experience that FNJ holds interest not in the journalist’s voice but spends time to investigate on victim that in which which political party he or she is affiliated”(Bohara, 2010).

The former FNJ chairperson Dharnendra Jha refuted this, saying, “It is our unfortune, we lost our friends and colleagues, but as we are just a pressure group, we have no right to enforces or sensitize the government through protests and demonstrations, like Mashal Julus or burning tires?”(Jha,2011).

The CPA, which was able to formally end the decade-long armed conflict, includes important issues such as political, economic and social transformation, management of arms and armies, ceasefire, formation of an implementing mechanism. As a whole, the

articles of CPA uphold human rights, fundamental rights and respect for humanitarian laws including the rights of individuals to live, dignity, freedom of movement, civil and political economic and social rights.

Articles 3 and 5 addresses human rights like press freedom, social inclusion, right to justice etc. While signing the peace accord, it was expected that the end of the decade-long armed conflict would create conducive conditions for practicing all the factors of human rights including press freedom.

According to the Press Freedom Report 2012 of the Federation of Nepalese Journalists, 125 incidents of attack on press freedom in one year are listed. In that year, two journalists were killed, scores attacked and harassed. Similarly, the media institutions were also attacked. Moreover, 95 journalists were threatened for their news articles. The major problem in this confrontation is that the state and UCPN (Maoist) both are not being responsibly dedicated towards the CPA. Similarly, the dejected behavior of the other political parties, various organizations towards the press and media activists is also occurring. The forth estate has been in murky waters spite of promises and declaration of the political parties to be responsible for press freedom and the media. Some argue the situation of press freedom in Nepal is improving but it hardly seems so. Therefore, this study attempts to depict the situation of press freedom in Nepal after the signing of the CPA.

1.3 Objectives of the study

The general objective of this study is to understand the situation of the press freedom in Nepal. The study has been focused on the policies of press freedom and its implementation status in Nepal. The specific objectives of this research are as follows:

- To analyze the status of the “Press freedom” in Nepal after Comprehensive Peace Accord 2006 AD.
- To enforce and sensitize the government and stakeholders, on the importance of the press in governance.

1.4 Rationale of the study

The human rights declaration of United Nations in 1948 has addressed the free press as a component of human rights. For human development free press is an essential component as it plays a role as a facilitator to provide the information through its various medium of communications like wise audio visual to print. For human development, we talk about need of the social inclusion, through news to views. Press can play a meaningful role as facilitator in aware the people by convincing about issues on castism, gender inequality, child abuse, gender violence and social dignity.

Human development means the positive growth and change in human well being- collective and individual –in all its multiple dimensions: economic social, political, cultural and environmental. It is complex phenomenon in terms of its determinants and the numerous interactions among them. In this way the press is denoted as the facilitator of human rights right now. Human rights might be secured if people could enjoy the rights of the Right to information on accountability, transparency and efficiency etc. To reduce impunity in the society, the UN has addressed the rule of law in a nation as a component of good governance. The press can play a vital role to reduce impunity through its advocacy measures like news, views broadcasting etc. To bring a drastic change in lifestyle of the people the press can have a vital role. Mostly in Nepal, the press has role to aware the people on girl education through its various programs and stories. But yet there is no research has been done in the press freedom situation and implementation of press freedom policies that have been under provision in constitution of Nepal in practice. Very few advocacy organizations like Federation of Nepali Journalists (FNJ), Freedom Forum and Federation of Nepalese Indigenous Nationalities Journalists (FoNIJ), Press Union, Press Chautari, Krantikari Patrakar Sangh and Krantikari Patrakar Mahasangh etc have been advocating against the threat on journalists and implement the press freedom policies. To make policy is not a difficult job but to implement the policies is in practice is difficult. To put work in action is policy implementation. Policy without implementation is worthless. In this dissertation I have analyzed the status of implementing press freedom policies in Nepal after Comprehensive Peace According. As CPA has been addressed press freedom policy according to article

3.4 and Article 5.2.12 even though. Journalists have been killed and hundreds of them threatened and media houses were vandalized.

Press has a vital role for human development in national level to world wide. But unfortunately despite over hundred years of history of press, the press freedom practice is still not regarded as a fundamental right in Nepal. We have press freedom policies since the past but people were unable to enjoy press freedom policies even when the fundamental right was guaranteed in the constitutions of Nepal in back days. For example: Constitution of Nepal 2047(1991), Comprehensive peace accord 2063 (2006) and Interim constitution of Nepal 2063 Magh 1(15th Jan 2007) and constitution of Nepal 2073 BS, have been provided the provision for free press but it seems failure in practice. Mostly in the out of valley, there is no fruitful environment for writing the stories on crime beat for journalists. If some journalists think to cover stories on crime, they have to search first the safe shelter to put themselves out of sight. The journalists have pile of top crime stories, but they can't publish them due to lack of their safety. It is said that raising self censorship is hundred times dangerous and challenging than the censorship followed by editor or media entrepreneur. I hope this dissertation will be fruitful to the policy makers and policy implementers, administrators, researchers, advocacy agencies, sociologists etc for their effort.

Democracy is a crucial component of good governance. Likewise, free press is the very basis of democracy. The Fourth Estate press plays a vital role in sensitizing the public to issues of national interest. Therefore, the present research intended to focus on the status implementing the press freedom policies. It has examined the situation of press freedom and provision of policies to protect right of information and its implementation in practice. In particular, the research set to answer the following research questions:

- Is Nepalese press could enjoy press freedom policies?
- Is press freedom policies are implemented successfully after CPA?

1.5 Theoretical framework of the study

Free press facilitates to promote and enforce governance efficiently and result oriented through broadcasting, audiovisual to printing. In other word free press plays a facilitating role to sustain good governance. So it is universal conception that the press must be free and independent. In the beginning of the 16th century scholars and philosophers have attempt to describe the relationship between the government and the media and its implication with regard to freedom and control.

Theoritcally, the research is based on theory of press freedom. As stated in theory of press, the libertarian theory of press assumes that human beings are rational and able to make decision itself so they should not to be avoiding having any type of information from government. Accordingly, it is believed that the press must be independent. Correspondingly, during 1956 social responsibility theory of press was approached which provoke the press has right to criticize the government and any institution being responsible to preserve democracy by responding to the society' need and interests (Diminick, Joseph R., 1996). Even the universal declaration of 1948 has defined that the right to information is the fundamental right of the people under article 19. The research has been based on the conceptual framework of the theory of press and universal conception. Where as the theory focused on the describing and analyzing the situation of press freedom situation in Nepal from the beginning of historical development of press.

1.6 Limitation of the Study

Due to time constraint and limited access, the study has been limited to the following areas.

- i. The study has been done on the press freedom situation of Nepal, but it has focused more on the press freedom situation after the Comprehensive Peace Accord.
- ii. The study has not made an in-depth study of journalists' murders from Birendra Saha to Devi Prashad Dhital.

1.7 Organization of the Study

The study has been divided into five chapters. The first chapter deals with, the background of the study, statement of the problem, objective of the study, rationale of the

study, limitation of the study, and organization of the study.

The second chapter- literature review - has been divided into several sections dealing with the situation of press freedom in Nepal after 2063. It contains the definition of press freedom, the development of the press worldwide and in Nepal, the trend of information and news, the constraint in information on murders, abductions and threats.

The third chapter has provided the research methodology, where researcher has described the tools and the method used to collect the information of this research. The fourth chapter is about the data analysis and interpretation, where the researcher has described and analyzed the collected information. The fifth chapter provides the summary, major findings, conclusion and suggestions for further research.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

The literature review of this research has been divided into two topics, the history of the press in the world including Nepal and press freedom provision in the universal context and legal framework of press freedom in Nepal.

2.1.1 History of journalism

In 1440 A.D., German inventor Johannes Gutenberg invented a printing press process that, with refinements and increased mechanization, remained the principal means of printing until the late 20th century. The inventor's method of printing from movable type, including the use of metal molds and alloys, a special press, and oil-based inks, allowed for the first time the mass production of printed books.

The history of journalism reaches as far back as ancient Rome where current daily information was posted in public spaces to inform the citizenry of pertinent local news. Over time societies used a variety of methods for news publications but they were typically created for a highly specific audience, such as government officials. Early prototypes of newspapers for the general public emerged in Western Europe, England and the United States in the seventeenth and eighteenth centuries. Authorities in many countries often censored information contained in early newspapers, but that began to change in the eighteenth century when countries such as the US enacted legislation guaranteeing freedom of the press. The spread of literacy among the civilized societies, coupled with the Industrial Revolution's steam powered press enabled publishers to supply the public's growing demand for printed news (Panthi, 2004).

In the seventeenth century, magazines also developed. Early magazines were published as small pamphlets, which grew in size over time with increased circulation. Magazines printed highly specialized or feature articles for a target audience, and this concept has remained successful throughout centuries. The mid-1800s brought about the organization of news agencies that would gather news stories and distribute them to various newspaper

publishers. These processes quickly become very popular because it was a less costly for many newspapers to boost up their publications. Examples of news agencies still operating today include the Associated Press (US), Reuters (UK), and Agency-France Press (France).

Acta Duna was the first publication in the world. The history of British journalism dated back to 1665 A.D., with the publication of Oxford Gazette, which was later turned into London Gazette. Similarly, the history of American journalism started from 1681 A.D. with the publication of periodicals by Benjamin Harris. Bengal Gazette by JA Hicky was the first publication in the South Asian continent. From the very beginning, the media played a vital role to disseminate news and information to the people, but what type of news they transmitted depended on the political situation and socio- economic condition of the society.

2.1.2 The history of Nepali journalism

The development of journalism in Nepal has a short history. According to history, *Sudha Sagar* was the first magazine in the Nepali language with a literary base. The modern history of press and publication in Nepal starts after 1851 AD when a printing press was brought from Britain by Prime Minister Jung Bahadur Rana. This Press was also known as the *Giddhe Chhapakhana* (Adhikari, 2006). During the Rana rule in Nepal, the literacy ratio was very low. It is estimated that only 2 percent of total population was literate and not more than 300 hundred graduates before 1851 AD (Dahal, 2004)

It is a historical paradox that Jung Bahadur Rana, the first prime minister who established the century long hereditary premiership since 1843, was also the one who introduced the first modern printing press in Nepal. Rana had visited Britain during the Victorian Era (1832-1901) and it was in its reform stages. As he was influenced by the Victorian progress and ideology, he tried to implement the same in Nepal through the press to develop and expand Rana rule (Frawley, 1901). It was known as Giddhe press later .Fifty years later in 1901 AD, using this hand press Prime Minister Dev Shumsher Rana issued the first newspaper *Gorkhaptra*, in Nepal. At first, it was published as a weekly paper and 60 years later into a daily paper.

Sharada (1934) literary magazine also helped to develop Nepali literature. The development of Nepali media entered a new era after the end of the Ranaregime and the establishment of democracy in Nepal, Likewise *Awaj*, the first daily newspaper, was published. Similarly, *Sharada* monthly, published in 1934 A.D., *Udhyog* fortnightly, *Sahitya Shrot* monthly, *Gharelu Ilam Patrika*, *Kathmandau Municipal Patrika*, *Purushartha*, *Shixa*, *Ankha*, *Nepal Sixa and Sewa* from Birgunj, *Jagaran* weekly, *Awaj* daily were published. Later, many weeklies, fortnightly and monthly papers were published from out of Kathmandu valley. Similarly, *Samaj Daily* and *Halkhabar Dainik* were published (Devakota, 1967).

The establishment of Radio Nepal in 1951 A.D. was a great achievement of the modern media. During that time, Nepal had established two news agencies namely *Nepal Sambad Samiti* and *Sagarmatha Samvad Samiti*, which played a crucial role in disseminating information and news. After the multi-party system was abolished, one party Panchayat system came into existence and people's freedom and fundamental rights were restricted. It created thorny situation for journalists and press freedom, creating stifling environment for the media and media house.

However, the media and publication houses quantitatively increased during the period. At that time *Gorkhapatra* Corporation published the vernacular *Gorkhapatra* daily, *The Rising Nepal* English daily, *Madhupark* and *Yuvamunch*. The government media agency *Rastriya Samachar Samati* (RSS) was established in 1962 AD. Nepal Press Council was established to regulate and direct Nepali media in 1970 AD. The Ministry of Information and Communications was established in 1971 AD, which was remarkable work for the communications and media sector. During the panchayati rule, various corporations were established, such as *Gorkhapatra* Corporation, Royal Nepal Film Corporation, Ratna Recording Corporation, Cultural Corporation, National News Agency (RSS), *Sajha Prakasan* (Publication house), and *Janak Education Materials Publication Ltd.*

The academic learning as well as vocational training of journalism was introduced during this period. During the Panchayati regime, Nepal Television was established for the first time in Nepal in 1985 A.D. The establishment of television is a great achievement in the

Nepali media history. After the restoration of democracy in 1990, the Constitution of Nepal 2047 (9th November 1990) was formulated. The constitution was serious towards press freedom and freedom of expression and opinion. Such constitutional provisions created fertile environment for the growth and development of the media.

Most of media policy was reformed under the constitutional provision and new policies were structured. The government has recognized the media as an industry. For the creation of flexible environment, investors (private) were encouraged to invest in media. Electronic and print media have developed simultaneously in the modern history of the Nepali media. Dozens of colorful broadsheet dailies, in the Nepali and English languages, have been dominant in the Nepali newspaper market. Among them, *Kantipur* and *Nepal Samachar Patra* were also established. This period witnessed the emergence of news magazines in Nepal. The establishment of FM radios has positively influenced the Nepali media and community. Currently, private televisions have been established and the trend is increasing. Seven private television stations have been established and operating effectively all over the nation.

There are 556 community and private radio stations and 37 TV stations which have been granted the license to operate by the Ministry of Information and Communications till mid-April 2012. Two private news agencies have also been established. According to the Information Department of Nepal, all over the nation 6,221 print media have been registered till mid-April 2012. Among them, daily 4,281, Bi-weekly 457, Weekly 1049, Fortnightly 432, Monthly 1846, Bimonthly 325, Tri-monthly 529, Quarterly 35, Half yearly 70 and Yearly 79 news papers paper have been registered. (Table 4.1.3)

2.2.1 What is press?

In general, press means a device for compressing, flattening, shaping etc (English Nepali Dictionary, 201). In printing press, there are two meanings of press. They are the act or the process of printing and a printing or publishing establishment (www.merriam-webster.com/dictionary/press). Similarly, in journalism there are various meanings of press. They are the gathering, publishing or broadcasting of news, newspapers, periodicals, and often radio and television news broadcasting, news reporters, publishers, and broadcasters *and* comment or notice in newspapers and periodicals (*ibid*). From the

national development and human development perspective, the press has a crucial role. As the press represents a crucial role of governance through its various implications, it contributes towards development, peace, human rights, accountability and transparency. Concluding the value of the press, it is universal conception that the press must be free. Free press or press freedom is the freedom of communication and expression through various tools of the media, likewise electronic media to print media. While such freedom mostly implies the absence of interference from an over-reaching state, its preservation is guaranteed through constitutional and other legal measures.

2.2.2 The Press Freedom in the Universal Context

Press freedom is a crucial component of democracy. In other words, it is the base of democracy. PressFreedom is the freedom of communication and expression through various tools of the media, likewise electronic media to print media. While such freedom mostly implies the absence of interference from an over-reaching state, its preservation may be sought through constitutional or other legal provisions. The Universal Declaration of Human Rights states: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, and impart information and ideas through any media regardless of frontiers" There have been various definitions of 'Press freedom'.

- “Freedom of the press is the freedom of communication and expression through vehicles including various electronic media and published materials. While such freedom mostly implies the absence of interference from an overreaching state, its preservation may be sought through constitutional or other legal protections” (*en.wikipedia.org, 2011*)
- According to Webster's New World College Dictionary: “Freedom of the press the right to publish news papers, magazines, books, etc. without government interference or prior censorship.” (Webster’s New World College Dictionary, 2011)

- Webster's New World Law Dictionary defines it as: “The right, guaranteed by the First Amendment to the United States Constitution to publish and distribute information in books, magazines, and newspapers without government intervention”. Similarly press freedom is also defined as freedom of expression. (Www. Webster’s New World College Dictionary, 2011)
- According to Dictionary .com- According to Walden University, “Right to express one's ideas and opinions freely through speech, writing, and other forms of communication but without deliberately causing harm to others' character and/or reputation by false or misleading statements. Freedom of press is part of freedom of expression” (Dictionary .com, 2011).
- According to word Iq.com, “Freedom of the press (or press freedom) is the guarantee by a government of free public speech often through a state constitution for its citizens, and associations of individuals extended to members of news gathering organizations, and their published reporting. It also extends to news gathering, and processes involved in obtaining information for the public consumption”.

The above definitions on press freedom define that free press in a nation means the sustainability of democracy in that nation which should not be restricted by the government. With respect to governmental information, any government may distinguish which materials are public or protected from disclosure to the public based on classification of information as sensitive, classified or secret and being otherwise protected from disclosure due to relevance of the information to protecting the national interest. Many governments are also subject to sunshine laws or freedom of information legislation that are used to define the ambit of national interest.

This philosophy is usually accompanied by legislation ensuring various degrees of freedom of scientific research (known as scientific freedom), publishing, press and printing the depth to which these laws are entrenched in a country's legal system can go as far down as its constitution. The concept of freedom of speech is often covered by the

same laws as freedom of the press, thereby giving equal treatment to spoken and published expression.

Besides legal definitions, some non-governmental organizations use other criteria to judge the level of press freedom around the world.

- Reporters Without Borders considers the number of journalists murdered, expelled or harassed, and the existence of a state monopoly on TV and radio, as well as the existence of censorship and self-censorship in the media, and the overall independence of media as well as the difficulties that foreign reporters may face.
- The Committee to Protect Journalists (CPJ) uses the tools of journalism to help journalists by tracking press freedom issues through independent research, fact-finding missions, and first-hand contacts in the field, including local working journalists in countries around the world. CPJ shares information on breaking cases with other press freedom organizations worldwide through the International Freedom of Expression Exchange, a global e-mail network. CPJ also tracks journalists' deaths and detentions. CPJ staff applies strict criteria for each case; researchers independently investigate and verify the circumstances behind each death or imprisonment.
- Freedom House likewise studies the more general political and economic environments of each nation in order to determine whether relationships of dependence exist that limit in practice the level of press freedom that might exist in theory. So the concept of independence of the press is one closely linked with the concept of press freedom (www.cpj.com , 2011)

2.2.2.1 Proposed categories of press freedom indicators of UNESCO standard.

In this respect the UNESCO has categorically said that freedom of expression and freedom of the press and fosters media independence and pluralism by providing advisory services on media legislation and by making governments, parliamentarians and other decision-makers aware of the need to guarantee free expression. UNESCO promotes freedom of expression and freedom of the press as a basic human right, through lobbying

and monitoring activities. It highlights media independence and pluralism as fundamental to the process of democracy by providing advisory services on media legislation and by making governments, parliamentarians and other decision-makers aware of the need to guarantee free expression.

Other major UNESCO activities in this field include the proclamation in 1993 by the United Nations General Assembly of a World Press Freedom Day to be celebrated on May 3rd; the establishment of an advisory group on press freedom which includes media professionals from all parts of the world; the establishment in 1997 of the UNESCO Guillermo Cano World Press Freedom Prize. Similarly it supports independent media in zones of conflict to enable them to play an active role in conflict prevention and resolution and the transition towards a culture of peace.

Proposed categories of indicators

- Category 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media
- Category 2: Plurality and diversity of media, a level economic playing field and transparency of ownership
- Category 3: Media as a platform for democratic discourse
- Category 4: Professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity
- Category 5: Infrastructural capacity is sufficient to support independent and pluralistic media

The five principal media development categories are:

◆ CATEGORY 1: A system of regulation conducive to freedom of expression, pluralism and diversity of the media: existence of a legal, policy and regulatory framework which protects and promotes freedom of expression and information, based on international best practice standards and developed in participation with civil society.

◆ CATEGORY 2: plurality and diversity of media, a level economic playing field and transparency of ownership: the state actively promotes the development of the media sector in a manner which prevents undue concentration and ensures plurality and transparency of ownership and content across public, private and community media.

◆ CATEGORY 3: media as a platform for democratic discourse: the media, within prevailing climate of self-regulation and respect for the journalistic profession,

reflects and represents the diversity of views and interests in society, including those of marginalized groups. There is a high level of information and media literacy.

◆ CATEGORY 4: professional capacity building and supporting institutions that underpins freedom of expression, pluralism and diversity: media workers have access to professional training and development, both vocational and academic, at all stages of their career, and the media sector as a whole is both monitored and supported by professional associations and civil society organizations.

◆ CATEGORY 5: infrastructural capacity is sufficient to support independent and pluralistic media: the media sector is characterized by high or rising levels of public access, including among marginalized groups, and efficient use of technology to gather and distribute news and information, appropriate to the local context. It is an integral part of this analysis that the categories are taken together to create a holistic picture of the media environment. No one category is more important than the other and it is the working assumption of this paper that each is important. Inevitably the indicators taken as a whole are an inspirational picture but an analysis based upon these categories will enable a comprehensive map of the media ecology to be constructed.

2.2.3 The History of Press Freedom

2.2.3.1 Windhoek declaration to sustain Press Freedom in the world

For the journalist and the press, the Windhoek Declaration is not new at all. Windhoek Declaration was held in Africa in 1991. It was the meeting of African Press for sustaining free press in the world. The day is annually observed on May 3 to inform the international community that freedom of the press and freedom of expression are fundamental human rights. This day reminds people that many journalists brave death or face jail to bring daily news to the public. The universal declaration defines press freedom as human rights or right to information. The Windhoek Declaration admitted the free press as human rights. The Declaration adopted in Namibia on May 3, 1991 acknowledges that information is a fundamental right, public property at the service of humanity. (www.wikipedia.com).

The Windhoek Declaration is an announcement of the press freedom doctrine put together by African newspaper journalists in 1991. The Declaration was produced at a UNESCO seminar, "Promoting an Independent and Pluralistic African Press". It was held

in Windhok, Namibiya, from April 29 to May 3, 1991. Later, it was legitimized by the UNESCO General Conference. The context for the meeting was set by the various crises Africa had faced during the 1980s. It was inspired by the movement toward democratization in the region. That followed those crises, as well as the end of the cold war. (www.unesco.org/webworld/wpfd/2001_docs.../central_africa_en.rtf)

The Declaration was the outcome of a long and frank look at the problems of African print media. The document enumerates instances of intimidation, imprisonment, and censorship across Africa. With a strong belief in the connection between a fully independent press and successful participatory democracy, the document calls for free, independent and pluralistic media throughout the world. The Declaration also asserts that a free press is essential for democracy and a fundamental human right. At the same time, the seminar participants highlighted the practical problems of journalists in Africa, particularly those related to acquiring up-to-date equipment, building inter-company cooperation, and providing adequate training.

The date of the Declaration's adoption, May 3, has subsequently been declared as World Press Freedom Day. The document has been viewed as widely influential, as the first in a series of such declarations around the world, and as a crucial affirmation of the international community's commitment to freedom of the press. At the same time, however, the United Nations statement marking the tenth anniversary of the Declaration noted the fragility of press freedom in the face of political violence or authoritarianism.

The years since 1991 provide ample reason for worry. In countries that suffer repression, like Robert Mugabe's Zimbabwe, or systemic violence, like Liberia, see a concomitant rise in instances of censorship and press intimidation.

For this right to be enjoyed fully, the Windhoek Declaration asserts the need for an independent press and encourages African States to “provide the constitutional guarantees necessary for press freedom” and for the emergence of a pluralistic press in the continent. In particular, the Windhoek Declaration recommends the elimination of all economic and legal obstacles to the establishment of new media outlets. It urges UNESCO and the international community to support the implementation of the principles outlined to

ensure the harmonious development of the African press. Ten years following the adoption of the Windhoek Declaration, the specific situation of the media in each country naturally varies across countries of the Central African sub-region. This summary review covers Cameroon, Congo, the Democratic Republic of Congo (DRC), Gabon and the Central African Republic (CAR).

Progress has been made in each of these countries as regards improving the legal framework for media development. However, there remains a gulf between the Windhoek Declaration, the spirit of national laws and actual enforcement of such laws.

2.2.4 Status of Press Freedom worldwide

Every year, Reporters without Borders establishes a ranking of countries in terms of their freedom of the press. The press freedom index list is based on responses to surveys sent to journalists that are members of partner organizations of the RWB, as well as related specialists such as researchers, jurists and human rights activists. The survey asks questions about direct attacks on journalists and the media as well as other indirect sources of pressure against the free press such as non-governmental groups. RWB is careful to note that the index only deals with press freedom, and does not measure the quality of journalism (www.rwb.com).

In 2009, the countries where the press was the most free were Finland, Norway, Ireland, Sweden and Denmark. The country with the least degree of press freedom was Eritrea, followed by North Korea, Turkmenistan, Iran and Myanmar (www.rwb.com).

According to Reporters without Borders, more than a third of the world's people live in countries where there is no press freedom. Overwhelmingly, these people live in countries where there is no system of democracy or where there are serious deficiencies in the democratic process. Freedom of the press is an extremely problematic problem/concept for most non-democratic systems of government since, in the modern age, strict control of access to information is critical to the existence of most non-democratic governments and their associated control systems and security apparatus. To this end, most non-democratic societies employ state-run news organizations to promote

the propaganda critical to maintaining an existing political power base and suppress (often very brutally, through the use of police, military, or intelligence agencies) any significant attempts by the media or individual journalists to challenge the approved "government line" on contentious issues. In such countries, journalists operating on the fringes of what is deemed to be acceptable will very often find themselves the subject of considerable intimidation by agents of the state. This can range from simple threats to their professional careers (firing, professional blacklisting) to death threats, kidnapping, torture, and assassination. Reporters without Borders reports that, in 2003, 42 journalists lost their lives pursuing their profession and that, in the same year, at least 130 journalists were in prison as a result of their occupational activities. In 2005, 63 journalists and 5 media assistants were killed worldwide.

- The Lira Baysetova case in Kazakhstan.
- In Nepal, Eritrea and China (mainland only), journalists may spend years in jail simply for using the "wrong" word or photo.
- The Georgiy R. Gongadze case in Ukraine

According to the Press Freedom Index for 2007, Iran ranked 166th out of 169 nations. Only three other countries - Eritrea, North Korea and Turkmenistan - had more restrictions on news media freedom than Iran. The government of Ali Khamenei and the Supreme National Security Council had imprisoned 50 journalists in 2007 and had all but eliminated press freedom. Reporters without Borders (RWB) has dubbed Iran the "Middle East's biggest prison for journalists."

In South Asia, laws and regulations affecting media content are at high point in the Maldives, Nepal and Bhutan. Political pressure and control on media content are high in all the countries, except on the print media in India. Economic influences on media content are high in Bangladesh (print) and Bhutan (broadcast). Similarly, Myanmar, Vietnam, Cambodia and Malaysia are also highly politically influenced. Moreover, North Korea and China are highly restricted and politically influenced in South Asia.

There is a vast debate on "Does the dearth of press freedom in Asia reflect what some identify as "Asian Values". If so, do such values run counter to Article 19 of the Human

Rights Declaration? Hsing says that human rights in east Asia do have same individualistic connotation as in the west: “the individual’ flight to freedom and emancipation” he points out the western concept of human rights conceived in the western adverbial democratic tradition has no exact equivalent in east Asia” which inherited a consensual, group oriented tradition (Gunaratne, 2000). The prime minister of Malaysia, Mahathir equates Asian values with “not so liberal democracies” that provide “political stability, long range vision, and consistency. He says that from an Asian perspective “democracy does not confer a license for citizens to go wild.” He advocates greatest media freedom consonant with the vital interests of society, the freedom house assessment, however, shows a very high degree of political influence on media content of Malaysia (ibid).

2.2.4.1 India

The Indian Constitution, while not mentioning the word "press", provides for "the right to freedom of speech and expression" (Article 19(1) a). However, this right is subject to restrictions under sub clause (2), whereby this freedom can be restricted for reasons of "sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, preserving decency, preserving morality, in relation to contempt, court, defamation, or incitement to an offense". Laws such as the Official Secrets Act and Prevention of Terrorist Activities Act (PoTA) have been used to limit press freedom. Under PoTA, a person could be detained for up to six months for being in contact with a terrorist or terrorist group. PoTA was repealed in 2006, but the Official Secrets Act 1923 continues.

For the first half-century of independence, media control by the state was the major constraint on press freedom. Indira Gandhi famously stated in 1975 that All India Radio is "a Government organ, it is going to remain a Government organ..." With the liberalization starting in the 1990s, private control of media has burgeoned, leading to increasing independence and greater scrutiny of government. Organizations like CNN-IBN, NDTV and Times Now have been particularly influential, e.g. in bringing about the resignation of powerful Haryana minister Venod Sharma.(word Iq.com, 2011)

2.3 Status of Press Freedom in Nepal

The Interim Constitution of Nepal 2063 (2006) has addressed the press freedom provision under Article 15. Similarly, Article 3.4 and 5.2.12 of the Comprehensive Peace Accord 2063 (2006) has addressed press freedom. The repeated failure to elect a leader cast doubt on the success of Nepal's transition from a monarchy enmeshed in civil war to a democratic republic. While a coalition government was elected in 2008, two prime ministers have since resigned, leaving a power vacuum that India and China have been accused of exploiting. Law and order suffered as multiple political parties jockeyed for influence. Three prominent media owners were killed for unknown motives. Attacks on working journalists continued throughout the year, and there were reports of political groups torching newspapers to prevent distribution of news they did not like. According to FNJ report 2010 (January 2010 to December 2011), 3 journalists were killed, 24 journalists attacked physically, 402 journalists threatened, 30 journalists harassed, 1 journalist imprisoned, 2 journalists abducted, 11 newspaper burnt and 7 incidents related to the restriction on news flow. The total number of constraints on press freedom was 120. The number of attacks and harassment of the journalists have increased.

2.3.1 Legal provisions of Press Freedom

There had been legal provisions for press freedom in the constitution and acts in the past. Mostly, press freedom is addressed as fundamental rights according to Constitution of Nepal 1990, Constitution of Nepal 1967, Interim Constitution of Nepal 1951 and Constitution of Nepal 1947 AD.

2.3.1.1 Constitutional provision

At present, the constitution of Nepal 2072 BS has addressed press freedom under the Fundamental Rights. Article 19. Right to communication has secured the free press. Under sub article (1) has addressed no publication and broadcasting or dissemination or printing of any news item, editorial, feature article or other reading, audio and audio-visual material through any means whatsoever including electronic publication, broadcasting and printing shall be censored. Similarly the Article 27 has pointed the right to information as fundamental rights of the people in same constitution. Which indicate

the people's right right to information through free press. Free press is key instrument to provide right to information.

The new constitution Consttution of Nepal 2072 BS (2015)

Artilce 19 .(1) No publication and broadcasting or dissemination orprinting of any news item, editorial, feature article or other reading, audio andaudio-visual material through any means whatsoever including electronicpublication, broadcasting and printing shall be censored. Provided that nothing shall be deemed to prevent the making of Acts to impose reasonablerestrictions on any act which may undermine the sovereignty,territorialintegrity, nationality of Nepal or the harmonious relations between the Federal Units or the harmonious relations between various castes, tribes, religions or communities, or on any act of sedition, defamation or contempt of court orincitement to an offence, or on any act which may be contrary to public decency ormorality, on any act of hatred to labour and on any act of incitement to caste-based untouchability as well as gender discrimination.

(2) No radio, television, on-line or other form of digital or electronic equipment, press or other means of communication publishing, broadcasting or printing any news item, feature, editorial, article, information or other material shall be closed or seized nor shall registration thereof be cancelled nor shall such material be seized by the reason of publication, broadcasting or printing of such material through any audio, audio-visual or electronic equipment.¹⁷ Provided that nothing contained in this clause shall be deemed to prevent the making of an Act to regulate radio, television, online or any other form of digital or electronic equipment, press or other means of communication.

(3) No means of communication including the press, electronic broadcasting and telephone shall be interrupted except in accordance with law.

Interim Constitution of Nepal 2063 BS (2007) has addressed press freedom under the Fundamental Rights.

Article 12 (a) provides freedom of opinion and expression.

Similarly, in the same constitutional part, Article 15 has the provision of rights regarding publication, broadcasting and the press. It defines under sub Article (1) there shall be no prior censorship of publication and broadcasting or printing of any news item, editorial, article feature or other reading or audio visual material by any means including electronic publication, broadcasting and the press.

Provided that nothing shall be deemed to prevent laws to impose reasonable restrictions on any act which may undermine the sovereignty or integrity of Nepal, or which may jeopardize the harmonious relations subsisting among the peoples of various casts, tribes or communities, or any act which may be contrary to decent public behavior or morality.

Sub Article (2) defines: If there is any broadcasting, publishing or printing of material using radio, television online or other types of digital or electronic equipment or medium, no such equipment or medium shall be closed or seized or any registration cancelled because of such broadcasting, publication or printings.

Sub Article (3) defines: No newspaper, periodical or press shall be closed or seized nor shall its registration be cancelled merely for printing or publishing any news item, articles editorials, writing or other reading material.

Similarly sub Article (4) defines: No means of communication including the press, electronic broadcasting and telephone shall be obstructed except in accordance with law.

Article (27) Right to Information has addressed the right of the people towards any information under the constitutional and under the provision of law. Sub Article of the same Article (1) defines: Every citizen shall have the right to demand or obtain information on any matters of concern to him or her.

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. But the Article (28) has restricted performance on some personal obstacles. It defines: Except in circumstances provided by law, privacy in relation to the person, and

to their residence, property, documents, records, statistics and correspondence, and their reputation are inviolable.

2.3.1.2 Press Freedom provision in Constitution of Nepal 1990

According to Article 13 of the Constitution of Nepal 1990 has provided press freedom addressing some of the clauses. They are Article 12, 13 and 16.

Article 12 (2) (a) defines: freedom of opinion and expression

Similarly, Article 13 (1) has addressed Press and Publication Rights: News item, article or other reading material shall be censored; providing that nothing shall prevent the making of laws to impose reasonable restrictions on any act which may undermine the sovereignty and integrity of the kingdom of Nepal, or which may jeopardize the harmonious relations subsisting among the people of various castes, tribes or communities; or any act of sedition, defamation, contempt of court or incitement to and offense; or any act which may be contrary to decent public behavior or morality (2) no press shall be closed or seized for printing new item, article or other reading materials. (3) the registration of a newspaper or periodical shall not be cancelled merely for publishing any news item article or other reading materials .

Article 16 provides the right information: Every citizen shall have the right to demand and receive information on any matter of public importance : provided that nothing in this article shall compel any person to provide information on any matter about which secrecy is to be maintained by law. But there has been restriction to practice press freedom under Article 22. Article 22 regarding Right to Privacy: Except as provided by law, the privacy of the person, house, and property document. Correspondence or information of anyone is inviolable.

2.3.1.3 The Press Freedom provision in Constitution of Nepal 1967 (2019 Bs)

The Constitution of Nepal 1967 (2019) has addressed press freedom in Article 11. Clause 2 (a) defines freedom of speech and expression.

2.3.1.4 Press freedom Provision in Interim Constitution of Nepal 1951 (2008 Bs)

Interim Constitution of Nepal 1951 (2008 Bs) has addressed press freedom under Article 17 entitled “Fundamental Principles of Law: Sub Article 17 (a) to freedom of speech and expression”.

2.3.1.5 Press freedom provision in Constitution of Nepal 1947 (2004 Bs)

Constitution of Nepal 1947(2004 Bs) has addressed press freedom under Article 4. According to this Article, subject to the principles of public order and morality this Constitution guarantees the citizens of Nepal freedom of person, freedom of speech, liberty of the press, freedom of assembly and discussion, freedom of worship, complete equality in the eye of the law, cheap and speedy justice, universal free compulsory elementary education, universal and equal suffrage for all adults, security of private property as defined by the laws of the state as at the present existing and laws and rules to be made hereunder.

2.3.1.6 Press Freedom Provisions under Comprehensive Peace Accord 2006 (2063 Bs)

The Comprehensive Peace Accord has included press freedom provision under Articles as the components of human rights where press freedom is principally adopted as the fundamental rights of human rights and democracy. According to Comprehensive Peace Accord 2006, complete press freedom has been addressed under the following Articles.

Article 3.4: Promulgate the political system that fully comprehends with the concepts of universally adopted principles of fundamental human rights, multiparty competitive democratic system, sovereign rights inherent in the people and supremacy of the citizens, constitutional balance and control, rule of law, social justice and equality, independent judiciary, periodic elections, monitoring by the civil society, **complete press freedom, right to information of the citizens**, transparency and accountability of the activities of

the political parties, people's participation, fair, able and uncorrupted administrative mechanism.

Article 5.2.12: Both parties agree to allow unrestricted traveling as per the law within the state of Nepal to the personnel of the United Nations, international donor agencies and diplomatic missions working in Nepal, national and international non-government organizations, **press**, human rights activists, election observers and foreign visitors (Annex 4).

2.3.1.7 Under the Publication Act, 1991 (2048 Bs)

Under the constitutional provision there is the Press and Publication Rights. According to Press and Publication Act 1991 (2048 Bs), press freedom has been addressed as follows:

4. No press to be closed or seized: No press registered pursuant to Section 3 shall be closed or seized for having printed any news, articles or other reading materials.

12. Not to be subject to censorship: Except on conditions as referred to in Sections 14 and 15, any news, article or any other reading materials in any magazine shall not be subject to censorship.

13. Not to cancel registration of magazines: The registration of any magazine registered pursuant to Section 7 shall not be canceled for having published any news, article or reading material in the magazine.

2.4 Federation of Nepali Journalists (FNJ) and its role to facilitate Press Freedom in Nepal

The inception of providing professional leadership to Nepali media persons was first made on March 29, 1956 through the establishment of Nepal Journalists Association (NJA), which gave the opportunity to the journalists of Nepal to be organized under one umbrella. The Association was established by a noted journalist cum freedom fighter Krishna Prasad Bhattarai, who later became the country's Prime Minister after the restoration of democracy in 1990. Nepal Journalists Association (NJA) formally converted into the present day Federation of Nepalese Journalists (FNJ) on June 25, 1995. The first amendment of its statute on 2007 (2064 BS) changed its name to Federation of Nepali Journalists (FNJ).

The Federation of Nepali Journalists (FNJ) is a professional representative body of more than 8,000 media persons working in all areas of modern media- print, electronic and online- across the country. The headquarters of FNJ is located at Media Village, Tilganga Katmandu. As the umbrella organization of the Nepali Journalists, FNJ seeks to promote and protect freedom of the press and expression, professional and physical security of the journalists and envisions a well informed Nepali society, where freedom of press and speech are exercised in an unhindered manner. It is also the full member of International Federation of Journalists (IFJ) and International Freedom of Expression Exchange (IFEX). Federation of Nepali Journalists to this end has undertaken various initiatives that protect media rights and by extension protect people's rights to access to information. Federation of Nepali Journalists firmly believes in complete press freedom in a democratic environment and believes that without a functioning democracy, the constitutionally guaranteed fundamental rights of people, right to information and expression, media freedom remain in danger. Alongside, the Federation also remains committed towards democracy, human rights and international brotherhood.

Federation of Nepali Journalists is a full member of Federation of Nepali Journalists has run various activities directly or indirectly, carried out various programs to promote professional journalism and protect the rights of journalists as well as create social awareness. In fact, the role and activities of the Federation of Nepalese Journalists today has become more eminent and important in the context of current socio-political situation of the country. Federation of Nepali Journalists on its own and with the help and support of other professional bodies within and outside the country have been carrying out various programs in order to pressurize the Government as well as various stakeholders to create an environment where every citizen could feel safe and sound.

The objectives of FNJ are to bring all professional journalists working in the country under a common umbrella and provide them an efficient and professional leadership. General objectives of FNJ are as follows:

- To safeguard the welfare of all working journalists and protect their rights and amenities.

- To engage in the development of a responsible and accountable media and promote the idea of press freedom.
- To maintain friendly relationship with other national and international media organizations and exchange representatives with them.
- To conduct study, investigation, seminars, trainings, symposium etc. on subjects related to journalism.
- To take other necessary steps for the betterment of the media world

To achieve the objectives of FNJ, it has been doing various works through campaigns for free press through collecting the data related to working journalists and physical insecurity related to their work as well as lobby for implementation of law and issues of building a policy. FNJ is also advocating in favor of working journalists in the court and also conduct a legal campaign to force the Government and private sector to work for the benefit of working journalists. It is also working as a facilitator to provide the economic to psychological support to the journalists who are in trouble. In its three years work plan, FNJ will adopt a transparent mechanism to run the Journalist Welfare Fund as well as continue the programs being run by previous Central Committees for the conflict affected and their general welfare. Similarly, the federation will keep on pressuring the Government for the establishment of a legal investigation commission to investigate the killings of journalists who advocated press freedom and freedom of expression. Mostly, it has focused on facilitating the implementation of the Working Journalists Act 1994 (2051 Bs) for the employment security of the journalists.

2.5 Practices

Nepal has a history of the press for over a hundred year's .Even though it has no history of press freedom in practice from the Rana period till the Panchayat regime. Gorkhapattra was the first newspaper to only publish the Istihar (Notice), and flattering the Ranas. There was no voice of the voiceless people. Frankly, it can be said the press was functioning under the authoritarian theory.

In February 1955, with the establishment of democracy, there was some amount of freedom guaranteed to the press. During this period, a number of newspaper and

magazines were published. But there was no enhancement of professionalism or the development of journalism. The Royal Commission on press made ‘a study to improve the condition of press’. It reported to the government in 1958 and suggested the government to support media by securing Press freedom and others (Dahal, 2004).

In 1960, king Mahendra dissolved the elected government and imposed the Panchayati System. Many journalists were jailed and licenses of newspaper were cancelled in the seized by the authoritarian system. Journalists Phatte Bahadur Singh, Tarini Prashad Koirala, Ramesh Nath Pande, Gopal Prashad Bhattarai and a number of journalists were imprisoned and their newspaper banned after the coup by King Mahendra in 1960 (2017 Bs), according to FNJ. In this way, professionally journalism in Nepal could not run smoothly. After the referendum of 1979 (2036 Bs), the press was more harassed and dominated by the state. The state used the press to show unwavering loyalty to the Panchayat regime as a mission. To write in favor of Panchayati regime was the first priority of such press. For this campaign they got the “Hundy” (fund) from the state. In spite of this, a group of the press continuously wrote against the Panchayati regime. The main strategy of such press was to restore democracy in Nepal. But, such press was threatened, and they were banned by Panchayati regime if any circulation hit the government and the stakeholders. But, there was no history of physical attacks on journalists or killing them. Padam Thakurathi was the first journalist who was physically attacked and injured in 1986 (Bhadra 2043 Bs). This was possibly the first attack and harassment of the press in Nepali history. Thakurathi was the founder and president of ‘Federation of National Student’ and member of Panchayati Parliament from Kanchanpur District. Thakurathi was known as a liberal “Pancha” in Panchayati regime. He advocated making Panchayati regime more liberal and democratic. Elsewhere, the hardliner panchas were against his estimation and vision, as a result he couldn’t prevail in the election. He was frustrated with the state and politics in particular, so he embarked on the path of journalism and wrote news articles criticizing the bad practitioners of the Panchayati system and the involvement of royal family members in crime and corruption. Thakurathi was shot at by a professional criminal named “Bikash Gurung”. In this incident, he lost an eye. An investigation determined that the royal family had the prime role in victimizing him. But because of the weak Nepal weak bureaucratic policy, they could not

keep the criminals for a long time in prison. The master planners of that game were Bhim Gauchan, Jagat Gauchan, D.B Lama, Dharendra Shaha (former prince) etc., but the state did not arrest them. Not only was that, under the direct rule of King Gyanendra Bikram Shah, D. B. Lama promoted as parliamentary member. Though a criminal was promoted by the king himself and, endorsed the impunity(Thakurathi, 2010).

After a long struggle by the people, democracy was restored in 1990 (2046 Bs). Consequently, a fruitful ground opened for the development of journalism and the press in Nepal. The Constitution of Nepal 1990 (2046 Bs) had addressed the provision of free press and right to information. Article 19 had provisions for press freedom and people's right to information.

If we study the history of the media in Nepal, after the restoration of democracy, journalism developed marvelously. In a very short period, the media houses like the Kamana publications, Kantipur publications, Himal Media Association and APCA House were established, which eventually to the development of professionalism in the press.

It was unfortunate for Nepal with the beginning of the armed conflict from 1996 for 10 years. During this period, the nation was enclosed in internal conflict and people's war. Against refusal by the government of the 40-point demand of the Maoists including the constituent assembly, the Maoists began their people's war. Under the king's direct rule from February 1, 2006, journalism in Nepal became more restricted and couldn't practice press freedom. The army was used in media houses, and restricted the publication of editions without the army editing them. One again press came under the authoritarian rule. During the armed conflict from February 13, 1996 to November 20, 2006, 24 journalists were killed, and three journalists were disappeared. Both the state and the Maoist were involved in the murder and harassment of the journalists. For instance, journalist Gyanendra Khadka was murdered by the Maoist in charge to detect the police for Doramba warfare (Ramechhap). Moreover, the state prevailed in the murder, abduction and disappearance of the journalists during the armed conflict.

Deva Kumar Acharya and Nava Raj Sharma "Bashanta" (*Kadam Weekly*) were the first journalist to be murdered during the armed conflict. Similarly, 24 journalist including Kanchan Priyadarshi (former board secretary of FNJ Sindhupalchowk), Nava Raj

Bashanta (*Kadam weekly*), Krishna Sen (*Janadesh weekly*) to Chin Bahadur Budha (*Janadesh weekly*) were murdered between July 23, 2001 and February 28, 2006. These five years were the dark year for journalists. 17 journalists were killed by the state, one journalist Milan Nepali of *Janadesh weekly* kidnapped and disappeared by the state, 9 journalists were murdered by the Maoist Party (FNJ Report), and one journalist Prakash Thakuri of Kanchanpur was kidnapped by Maoist party cadres. It is yet unknown if Prakash is still alive or dead. Similarly, one journalist from Sindhuli, Chitra Narayan Shrestha fate is yet unknown.

2.5.1 Situation of the Press in Post Ceasefire Conflict

Nepali press faced the gloomy days in post ceasefire conflict. During the state of emergency, Nepali press was faced with many legal restrictions not only constitutional freedom. Some clauses of the press and publications Act had been suspended. The government had issued directive regarding what press 'should' and 'shouldn't'. This resulted in the shrinking of press freedom. Action against the press didn't follow any legal norms or procedure. Random arrests, seizure of publication and desktop materials, detention of journalists with a 90-day warrant under the Terrorism and Disruptive Activities Ordinance (TADO) which was later changed to ACT, inflicting tortures and custodial killings were some of the practices commented by the state machineries (Kafle, 2002). Similarly, on other hand the Maoists also blocked reports, restricted journalists from going to remote places for collecting news and even kidnapped and killed some of them (reporters / press man) on the charge of surveillance against the rebellion.

During the latest peace talk, the press was very much cooperative towards making the talks successful. The attitude of the government and the Maoist rebels also seemed to be more positive than before. Apparently, the government was remorseful for the extremes against the press during the emergency, and the Maoists were also positive in recognizing the role of the media, as they admitted that they found the independent press in Nepal stronger than what they had actually thought of it (ibid).

But, after the emergency, curtailment on press freedom became rampant in various forms. Again there were casual arrests, police interrogations and threats and fear of the

victims' sort that led the press to adopt a kind of self-censorship. The journalists had to suffer from threats and terror from the two-way conflict.

After the breach of ceasefire on Aug 27, 5 journalists were killed including Gyanendra Khadka to journalist Padam Raj Devakota. Gyanendra Khadka was abducted by the Maoists from a school premise and subsequently assassinated. Maoists said Khadka was executed for writing against the people's war. During that period, 36 journalists were arrested by the state including Arjun Prashad Shaha from Saptari District on December 21 to Kali Ram Tharu on March 13, 2004. Tharu was on a mission to produce a Tharu language radio program. 26 journalists were disappeared. 6 journalists were barred from collecting news by the security forces and Maoists. Similarly, 31 journalists were assaulted by the state, some gangs and local people. There were 162 press freedom constraints listed in FNJ report during that period (Kafle, 2002).

2.5.2 The Status of Press Freedom under the Direct Rule of Former King Gyanendra

Nepali press had faced the gloomy days under the direct rule of former king Gyanendra from February 1, 2005 to April 24, 2006 (Magh 19, 2061 B.S. to Baisakh 11, 2063) for about 15 months. There was a great conflict between the communists and the state under the direct rule of the king. It was the worst period for the press in its history of a century. According to FNJ report, there were 1,683 incidents of constraints on free press during the period. It can be said that the press was under authoritarian rule during that period.

For the Nepali press, the state under the direct rule of king Gyanendra in those days was known as 'Andhyaro Kal Khanda' (Black Days) according to Mhendra Bista. According to the research done by Freedom House between 2005 and 2006 in 194 countries, it declared Nepal as a press freedom-less country. Internationally, the advocates of the press freedom have labeled king Gyanendra as an opponent of free press. The International Journalists Association has also called the abduction of free press in Nepal to direct rule of king Gyanendra. Similarly, the United Nation also worried about the critical situation of Nepali press. It illustrates the power of the press at that time (Bista, 2007). (Un official translation).

King Gyanendra had addressed the free press as the facilitator of creating awareness among the people, protector of democracy, safeguarding national interest and protector of human rights in his first speech on February 1, 2005 (Magh 19, 2063 Bs) when he had deposed sacked prime minister Sher Bahdur Deuba and began his direct rule. It shows that verbally he showed the friendliness towards the press but in practice he fully restricted the free press (ibid). (Unofficial translation).

The dual role of king Gyanendra spread from the Nepali press to all the other mechanisms of the state. The army was used in media houses, the communication mechanisms like telephone, fax and internet were under surveillance. The dummy of newspapers and magazines were censored by the army personnel, the small scale newspapers and weeklies of the districts were seized, open radios were stopped from broadcasting the news and informative programs, most of the radios were closed, journalists were arrested and restricted from traveling freely. After the insurgency, FNJ itself was in the trouble and the free press advocates were arrested. It was restricted to advocacy on free press matter and district wise the protectors were threatened by the state. In the history of Nepali press, it was first and dreadful experience seizing the press by army force and direct censorship by army (ibid). (Unofficial translation)

From February 1, 2005 to April 24, 2006 (Magh 19, 2061 to Baisakh 11, 2063 Bs) during the direct rule of king Gyanendra, there were 1,683 constraints on free press listed by FNJ. Two journalists were killed; the journalists suffered from threats, abduction, torture and disappeared. Similarly, since April 24, 2006 to April 23, 2007 (Baishakh 11, 2063 to Baishakh 10, 2064 Bs), there were 222 constraints on free press listed (Gaunle, 2007). (Unofficial translation)

From the press freedom perspective, the interim constitution of Nepal, also has not been satisfactory though there are provisions for free press but from implementation perspective, it seems weak. As a document it seems pleasing to read, but the main aim of this constitution also makes us feel that it has let the authorities control free press by using encompassing words towards free press (Jha, 2007). The press must have the right to use individual rights to practice press freedom. In the name of including Madhesh

Mission, the Nepali press had to suffer. Moreover, the Maoist party which ruled since Chait month also victimized the press (Jha, 2007). (Unofficial translation)

It was misfortunate for the Nepali press that they could not write against him. Journalists had to be passive while the army was holding the media and ruling as editors. In that critical situation, Federation of Nepali Journalists' role was vital against the direct rule of king Gyanendra. The first step of FNJ was the broadcast of a press release against the king's brutal rule over the people and the press. FNJ wrote, "King's declaration is a coup against democracy and rights of the citizens". Similarly it also addressed, FNJ has the responsibility to protect freedom of the press, democracy, rule of law, peace and sovereignty and freedom through a press release. Because of this press release, the bureaucracy of king Gyanendra retaliated against FNJ by putting it in custody of detectives. It seemed usual for the police patrolling around FNJ office during the day. Moreover, on February 3 (Magh 21), the security force raided the house of FNJ chairperson Taranath Dahal. But, they could not find him so they abducted the general secretary of FNJ Bishnu Nisthuri and disappeared him for days (Bista, 2007). (Unofficial translation)

Not only the state and Maoist, but also the movement of Madhes Andolan, Nepali press was also threatened and vandalized, according to Bishnu Nisthuri, former president of FNJ. He states, "Nepali press also suffered during the Madhesh movement. Specially, after Madhesh Rights revolution, the revolutionary movement programs of Tarai Jantatrik Mukti Morcha, Chure Bhavar Pradesh, Backwards community were of great impact on the press freedom. On the one hand they put constraints on information while on the other hand they attacked the press for neglecting news regarding the movement" (Nisthuri, 2007). (Unofficial translation)

Finally, from Chaitra 24 to Baishakh 11 there were street protests and a revolt against king Gyanendra's autocratic monarchism. FNJ also protested through a peace rally against the king demanding democracy. But, the security force attacked the journalists and brutally beat them. The central committee members of FNJ Surya Thapa, Tikaram Yatri, Phanindra Dahal and Deepak Dahal were arrested without a reason. Similarly, Mahendra Bista, the general secretary of FNJ, Damodar Duwadi of the Press Union,

journalists Tej Prakash Pandit, Kishor Shrestha, Binod Pahadi, Krishna Humagai, Man Bahdur Neupane and Shailendra Basnet were seriously injured (Nisthuri, 2007) (Unofficial translation)

2.5.3 Press Freedom Situation after Comprehensive Peace Accord

Since the beginning of a Maoist attack on the police station of Rolpa, Singhuli and Gorkaha, the ten-year-long armed conflict formally ended on November 21, 2006 with the signing of the peace accord. The Comprehensive Peace Accord which was able to formally end the decade –long armed conflict has included Articles 3.4 and 5.2.11 as the components of human rights. The hope was there that at last the Maoists were for peace and the country was on the path of peace.

Human rights, federal democracy, sovereignty, supremacy of citizens, constituent control and balance, good governance, social justice and equality, free court etc and press freedom, and right to know are the provisions addressed by the CPA.

Even though CPA has prioritized the respect of press freedom through article 3.4 and 5.2.12, the Nepalese press could not practice and enjoy freedom of the press. 7 journalists were killed and many journalists injured, threatened and kidnapped and the media industries attacked due to their published news articles. Prakash Thakuri was kidnapped by a Maoist member Kanchanpur district and it is still unknown if he is alive or has been murdered. Birendra Saha was kidnapped from Bara while he was going to buy timber and was murdered by the Maoists. Puskar Shrestha was murdered by unidentified armed group while he was busy marketing near the Nepal-India border. Jagta Prashad Joshi was kidnapped from Kailai District and killed by the Maoist Similarly, Uma Singh was murdered in Janakpur, Jamim Shah in Kathmandu, Arun Singhania in Janakpur and Devi Prashad Dhital in Dang district. The families of the abovementioned victims have been unable to get justice.

According to FNJ, all the victims cannot be listed as journalists as it was not investigated if they were killed for writing, broadcasting or some other cause. So it is hard to say whether it was an attack on press freedom or involving some other profession. Against this, the former president of FNJ Tara Nath Dahal said, “In whatever cause the journalists

are killed, it is the duty of FNJ to investigate and advocate in the interest of the journalists and create pressure on the government to provide justice to the victims. Even if the victims are not journalists but entrepreneurs of media house, they were killed for broadcasting or publication of some material. They were killed by criminals or mafia to sensitize and create fear in the public. If the journalists are not killed for his or her story, the stakeholders like FNJ should not ignore those cases; it should be clarified by proper investigation. Because it is related with the press and FNJ - the guardian of the Nepali press must be serious about those matters. Unfortunately, the advocacy mechanisms like FNJ and Press Council do not seem serious about it” (Dahal, 2011). One of the members of FNJ central committee said, “Yes, it should be investigated properly if journalists or entrepreneurs of media industries are killed for their writing and publications, but there is no proper mechanism or committee in FNJ”. The son-in-law of publisher late Puskar Shrestha, Sashi Bichitra said, “My father-in-law Puskar Bahadur Shrestha was killed by Janantantik Tarai Mukti Morcha Jwala Singh group. According to the Morcha, my father-in-law was killed because he was a publisher and a Pahadi too; we put him to death in practice of our campaign of Pahadia Safai Abhiyan in Madhesh” (Bichitra, 2010).

Similarly, Jagat Prashad Joshi was killed in Kailai District by a Maoist cadre, when Joshi was himself a Maoist and coordinator of *Janadisha* weekly from Kailai district. It is said that he was killed for the story on the controversial issue “**Kailai Kanchanpur should not be merged into Tharuwan Pradesh**”. And another story is that he was killed for money. But it was not proved if he was killed for that story or for money matter. His family also could not get justice.

The murder of Uma Singh is very heart-rending. As a female journalist from Madhes, she was bold with beauty and hard working for her stories and broadcasts. She had written stories mainly against domestic violence issues and Dowry system in Middle Tarai. “**Kal Dhvani**” and “**Garama Garam Chaye**” were the popular programs broadcast by Radio Today Janakpur. After the murder of Uma Singh, the broadcast of **Kal Dhvani** has been stopped. Perhaps she was the Madesi journalist with high academic value, there is no such women journalist in Madhes. It is said that she was killed for family crisis, but most of the people and journalists deny this story. They can’t write through the media but, they whisper that she was killed for her story against the involvement of a Maoist in the

murder of her father and brother. Some say she was killed because she had been exploited by some person, and in jealousy she was killed, as she was going to marry a boy from a good Rajput Gharana. Monika Jha, a female journalist from Janakpur, and Yeshoda Timilsina of Kathmandu were threatened by unidentified groups after the murder of Uma Singh. Journalist Manika Jha remembered the gloomy days after the murder of Uma Singh, and said “when I knew that Uma Didi was murdered, I could not believe it. Two days later, someone knocked my room door and window vociferously when I was asleep. I did not have the courage to open the door. I hid inside the blanket. I was so scared that thought my heart beat was going to stop. It was mid- December but I was sweating” (Jha, 2010). Journalist Yeshoda Timilsina of Nepal Magazine weekly was out of her room for her duty. When she came back to her rented room, her landlady told her that some people were searching for her room and asked about her. Uma Singh’s murder had struck fear in the heart of many female journalists. At the international conference of women journalists, held by WWJ (Working Women Journalists). Yeshoda Timilsina expressed her feelings full of fear and depression. She murmured, “I did not make any mistake, but some suspicious people came to search for me, I don’t know who they were, and why did they search for me? Still, I can’t sleep properly” (Timilsina, 2010). It was a very difficult moment for all women journalists in Nepal. After the abduction of journalist Prakash Thakuri, and the murder of three journalists including Birendra Saha, three more journalists were killed.

Jamim Shaha was the entrepreneur of Channel Nepal and the Space Time Nepal daily. He was killed near Zaz Restaurant Lazimpat in Kathmandu by an unidentified group. They shot him with three rounds of bullet when his vehicle was at a traffic jam, and fled away within a minute. This case is in process. It is declared that he was killed by an Indian criminal group led by Babalu Shrivastav, who was in prison in an Indian Jail. It is said that Jamim was killed because of his involvement in ISI (Inter-Services Intelligence - Pakistan), but it has not been proved.

Arun Singhanian was the entrepreneur of Radio Today Janakpur and publisher of Janakpur Today. He had a clean image as a social worker and chairperson of Marwadi Sewa Samiti Janakpur .He was killed by an unidentified group at Shiva Chauk of Janakpur in the evening when he was returning home after meeting his friend Nawal Murarka. It was the

day of Holi, the shooter's face was smeared with color. They shot him from close range and escaped, and they have not been identified yet. This was the second murder after Uma Singh's murder within one year in same media industry Radio Janakpur Today, when Janakpur is in deep grief of Arun Singhania's murder, Brij Kumar Yadav, the BBC correspondent, was threatened by an unidentified person through the phone of one of his friend. The district police of Janakpur declared that the criminals were from an Indian community and they had shelter in India. The investigation is continuing.

Devi Prashad Dhital, the chairperson of Radio Tulsipur Dang, was killed by an unidentified group on August 22, 2010. He was going to Tulsipur by road when he was shot dead. According to the police, the investigation is going on.

According to FNJ reports, there were 1,717 incidents of press freedom constraints since the Comprehensive Peace Accord 2063 was signed on November 21, 2006 to December 2012.

2.6 An Analysis of Status of Press Freedom from 2006 to 2012

The press in Nepal has been victimized by the state and various sectors since its establishment. Subba Krishna Lal was jailed for his writing "Makai Ko Kheti" against the Rana regime.

The state had jailed and harassed journalists for their writing against Panchayati System during the panchayat regime in Nepal. After the restoration of democracy in Nepal in 1990, the press had got free legal environment for freedom of expression and got fruitful environment to invest in the media industry professionally. Definitely it also raised the sound environment to invest in media academy too. Before 1990s, Ratna Rajya Campus was the only one academic institution for journalism studies up to the bachelor's level. The democratic environment inspired investment leading to the emergence of many mass communication colleges in Nepal which produce journalism professionals.

After the restoration of democracy, the number of daily and weekly newspapers and magazines increased drastically and professional journalism was launched in Nepal. Constitutionally a free environment was created for the publication of newspapers,

freedom of expression, freedom of speech and right to information as fundamental right of the people. The provision of free press was provided in the constitution. But, in practice it was not so because there was no meeting point between the press, government and other non-governmental institutions to implement the constitutional provision. Therefore, the journalists were harassed and threatened for their writings and broadcasts. During the decade long armed conflict which began in 1996, 24 journalists were killed. After the Comprehensive Peace Accord 2006 was signed, there was hope of a conducive environment for free press, even though 9 journalists were killed till March 2012.

According to the data from January 2007 to December 2012 of the media monitoring report of FNJ, there had been 1717 constraints on free press whereas in 2006 there had been 575 constraints on free press. In this year, two journalists were killed, one was disappeared, 5 journalists were abducted, 164 media houses and journalists were attacked in Katmandu and out of Katmandu for their writing and broadcasts, 107 journalists were displaced from their job, 100 journalists were harassed 74 journalists were arrested and 32 incidents of obstacles for flow of information. 2007 was the year when the press freedom was extremely violated by government bodies and non-government sector.

In 2008, there had been 185 incidents of constraints on free press, according to media monitor report 2008 of FNJ. One journalist was killed, 68 journalists and media houses were attacked, 34 journalists were harassed, 49 broadcasting and publication houses were closed, 9 journalists were arrested, 16 vehicles were vandalized, 7 news restricted and one journalist was abducted.

From May 2009 to April 2010, there had been 169 constraints on press freedom. In this year, 2 journalists were killed, 2 journalists displaced, 2 arrested, 2 displaced from their job, 28 journalists and media houses were attacked, 95 media houses and journalists were threatened, there were 15 obstacles for free flow of information, 19 property were vandalized and 4 journalists were displaced from their job.

Similarly, from January 2010 to December 2010, there had been 120 incidents of constraints on free press. During this period, three journalists were murdered, 24 journalists attacked, 42 journalists threatened, 30 journalists harassed and beaten, 1 journalist was arrested, 2 were abducted, 11 newspaper were burnt, and 7 newspapers

were restricted from flow of information. From January 2011 to December 2011, there were 102 constraints on free press. During this period, 1 journalist was found to be a suspected murder, 53 journalists were attacked, 14 were misbehaved with, 6 were arrested, 1 journalist abducted, 4 newspapers were burnt, 4 journalists and media houses were threatened, 5 newspaper were restricted from the free flow of information and 4 vehicles were vandalized.

Nowadays, journalists of Nepal are being threatened, attacked and murdered in the name of political parties, in the name of ethnicity and keeping different attitude towards any issues. The above, analysis proves the fact.

2.6.1 Insecurity to Journalists from Government Bodies and Political Parties (Source: Freedom Forum 2012)

According to Freedom Forum, journalists are coming across various incidents of atrocities from state bodies and political parties. Journalist Rupa Sharma “Neha” associated with Metro FM issued death threat to vandalizing the press vehicle of *Nepal Samachar Patra Daily*, a total of 11 incidents of press freedom violation occurred during the period from January 16 to February 15, 2012 (Annex : 2).

Moreover, the Freedom Forum concluded that there was no significant change in the press freedom violation this month as it witnessed only one incident less than the last one. It also concluded that the government had adopted autocratic measures to suppress the people’s right to information. Similarly, it suggests for the creation of a greater level of awareness and campaign from the civil society and media sectors to control suppressive steps of the political parties and the government.

2.6.2 Media Monitoring Report from January 3, 2012 to March 2012 (FNJ)

According to the reports of Federation of Nepalese journalists Association (FNJ), journalists are coming across various incidents of atrocities from state bodies, armed outfits and political parties. The following events had been registered in FNJ from January 3, 2012 to February 2012. There were 42 incidents of press freedom constraints in these 2 months. Two journalists were attacked. They were journalist Tirtha Jaisi from Banke (Reporter: Bheri FM, Banke, Nepal Gunj) and journalist Himal Rai (Reporter: By

line weekly) from Sunsari. Jaisi was attacked by unidentified group in the morning of January 3, while he was going to office and his tape recorder was looted. Similarly, Himal Rai was attacked by Binod Limbu on January 15 for his write-up. In case of two journalists were threatened in these two months. They were Rupa Sjarma 'Neha', member of FNJ and reporter of Metro FM, for published news on February 8, and KB Rana was threatened by Til Bahadur Gheda, district secretary of Jana Mukti Party on the issue of not writing about his party. Journalist Damber bahadur Adhikari and Omkar Acharya were misbehaved with by assistant chief district officer Rajendra Ghimire in Tanahun. Similarly, 36 journalists were obstructed in the flow of news at a function inaugurated by Prime Minister Babu Ram Bhattarai in Dhankuta. The journalists were prohibited from collection and flow of the news. They were kept in custody for 3 hours as they were wearing black bands on their arms protesting against the government's classification of information to 140 points. The vehicle of *Nepal Samachar Patra* was vandalized on 17th January.

2.7 The Significance and role of Free Press

2.7.1 Free Press and Human Development

Human development means the positive growth and change in human well-being- collective and individual- in all its multiple dimensions: economic social, political, cultural and environmental. It is complex phenomenon in terms of its determinants and the numerous interactions among them. The press is denoted as the facilitator of human rights right now. Human rights can be saved when people are right to information towards accountability, transparency and efficiency. To reduce impunity, the UN has addressed the rule of law in a nation as a component of good governance. The press has a vital role to reduce impunity through its advocacy measures like news, views broadcasts etc. To bring a drastic change in lifestyle of the people the press can play a vital. Mostly in Nepal, the press has the role to make the people aware about girl education through their various programs and stories. Through court reporting, it has been facilitating the conclusion of the judicial decision sooner thereby performing the task of the voice of the voiceless people. Senior journalist Yubaraj Ghimire states, " One day I saw an old woman

in the Supreme Court. Later, I knew through my correspondent Balkrishna Basnet that she was not of getting justice since 35 years in her property case so she was appearing in the Supreme Court since 35 years to get justice. When we learnt about that miserable story, we made the front page news on that woman. After that there was a sensational debate at judicial level, and about 3 months later she got justice” (Ghimire, 2010).

Similarly, Tirth Koirala, the chief of news and current affairs of Kantipur Television mentions that the media is the base of human development which makes the people aware through its various presentations and of democratic norms and values to human health and rights.

2.7.2 Free Press and Good Governance

Democracy is denoted as the crucial component of good governance. Free Press is the base of democracy. The fourth estate press plays a vital role to boost the government through information by sensitizing the issues of national interest to social facet. In other words, the press works as a pool to achieve the Right to Information for the civic society – one of the crucial components of human rights. So, it is a universal perception that the press of a nation should be formulated at no cost. “One of the elements of good governance in any country is the existence of free and independent media. Transparency and accountability are the crucial component of Good Governance. Freedom of press helps to develop those components through the medium of information like news, views and other tools of media”(Gaunle, 2010).

What is good “governance?, “Governance implies a more dynamic and two way process that seeks to involve all members of “Civil society “in the effective running of the state. In a white paper, the European Commission said governance “means”, rules, process and behavior that affect the way in which powers are exercised as regards openness, participation, accountability, effectiveness and coherence. Access to information is a guaranty of accountability, and thus an essential part of Good Governance ” (Barry, 2005)

A well governed society engenders the kind of economic, social, political and legal environment that allow media to operate freely and enable other institutions to function at

full capacity. Free and independent media in turn enable to people participate in the government process by providing them access to adequate and credible information about government activities and by giving them available through which they can make their input into decision making”(Eden, 2005, p. 19).

He states “The media in my view should have a higher duty to inform citizens, to enlighten them about political, economic and social issues and to activate them into the governable process. They also have responsibility to subject government policies, programs and activities to scrutiny and to expose corruption, bad conduct and incompetence. If they perform their functions well, the media can paint a country and its government on the path of good governance. In this way they make a vital contribution to creating an environment for good governance and communicating the principle of governance process (Ibid)”

According to Cheema G. Sabbir (Sabbir, 2007), Accountability, transparency, and Integrity are indispensable elements of democratic institutions and processes. It applies not only to public institutions and civil society organizations as well. The accountability of public officials, the transparency of public decision making, access to information, and the implementation of enforceable ethical standards and codes all have significant impacts on democratic institution.

Accountability is the pillar of Democracy and good Governance that compels the state, private sector, and civil society to focus on results. Seek clear objectives, develop effective strategies and monitor and report on performance. It implies holding individuals and organizations responsible for performance measured as objectively as possible. It has three dimensions. Financial accountability implies an obligation of the persons handling resources, public office or any other position of trust to report on the intended and actual use of the resources (Sabbir, 2007, p.99).

Similarly, the author states, “Transparency promotes openness of the democratic process through reporting and feedback, clear processes and procedures, and the conduct and action of those holding decision making authority. It makes information understandable and keeps clear standards accessible to citizens. Integrity completes the continuum of accountability and transparency. It is synonymous with in corruptibility or honesty and

requires that holder of public office should not place themselves under financials or other obligations to outside individuals of their official duties (Ibid).”

Senior journalist Professor P Kharel states, “As an informal, but vital, branch of government, the news media otherwise media contribute to the trampling of hopes for a better - not merely a new - Nepal. The promise of a new Nepal is naturally to be read also as a better Nepal. Whether this is happening or not is a moot question for a critical study. It is here that free, independent and fair news media can contribute considerably to making governance efficient without compromising on the basic norms and practices of a functioning democratic polity”(Kharel, 2011).

Journalists Sanjeet Mandal (correspondence ABC channel, Janakpur) remembers of the difficult moment when he covered the stories of corruption in “**Shahari Bikash Tatha Bhawan Nirmarn Division**: of Janakpur. He states, “It was really a difficult moment for me. After the publication of my story, I had to flee to Kathmandu and remain underground for one month when my condition was the same as in a prison. We don’t know how people can enjoy the democracy without free press? How can we reduce impunity? Our pen is blocked nowadays” (Mandal, 2011).

Journalist Monika Jha states, “I have a number of visual stories of corruption of bureaucrats but who can guarantee my security for publishing those stories?”(Jha,2011). Accountability and transparency are essential elements of democratic governance, if a journalist’s pen is blocked and cannot write against crime and negligence of the government, people’s right of right to information cannot be enjoyed and this is a barrier for sustaining democracy. Not only that, it will gradually groom impunity in the society which is a barrier in sustaining good governance in a nation. Editor Kiran Nepal states, “Rising self-censorship is hundred times dangerous than the challenges of censorship followed by the editors or media entrepreneurs”(Nepal, 2010).

2.7.3 Free Press as the basic condition for Democratic development

Free press is denoted as the basic condition for democratic development in any country. In this context, Tony Hagon states, “A free press is watchdog of the people. As long as it is able to criticize any basic mistake or questionable behavior of the government and many uncover wrong doings (e.g. corruption, nepotism,, blackmail, disinformation and lack of transparency), there is hope for correcting the mistakes (Hagon, 2012)

2.7.4 People’s right Right to Information

Right to information is for the people, of the people and by the people as it is denoted as a component of human rights and good governance. There has been much coverage and debate over the right to information and democratic practices nowadays after the government announced categorizing the right to information disclosing 140-point information. However, the government has postponed the implementation of those rules but this rampant policy decision by the government has aroused hundreds of questions on the people’s right of information.

The people are enjoying their human rights of RTI in practice or not could be a debatable issue, but the people have their right to get information from all the Government offices, Ingos and Ngos over their activities and financial transactions under the constitutional provision. There are some rules and regulations tied up which cannot be avoided.

Moreover, the Supreme Court has ordered the political parties to disclose the income and assets annually. Similarly, enacting the Corruption Control Act 2002, elected officials and government officers are required to annually disclose their income and expenditure respectively.

No doubt, the right to information is defined as the right of access to information held by public authorities, and it is widely recognized as a fundamental human right. In other words, it is the base for good governance as it is a key tool for holding government to be accountable and transparent towards the people and state. Nepal adopted its Right to Information Act in July 2007 and became the third country in Asia after Pakistan and India, and is also recognized as the first country in the region to have constitutional provision that is explicitly guaranteed by Article 16 of the 1990 Constitution and Article 27 of the Interim Constitution 2006.

In a century's history of Nepali journalism, the right to information was provided as a fundamental right from Rana regime to a democracy. Though in legal framework it has friendly environment for practicing right to information, somehow in practice it is a failure.

Generally, information means any material in any form including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, proceedings, decisions etc. The terms 'Right to Information' and 'Freedom of Information' are often used interchangeably and have long been regarded as fundamental Human Rights. Common Article 19 of Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) recognizes Right to Information as an implied right of Freedom of Expression. Similarly, different countries have guaranteed Right to Information as fundamental rights under their constitution and through specific laws.

2.7.5 Right to Information in Nepal

The Constitution of Kingdom of Nepal 1990 was the first constitution to guarantee the Right to Information as a fundamental right of the citizens. Article 16 of this constitution provided Nepali citizens the right to demand and receive information on any matter of public importance, except on any matter about which secrecy is to be maintained by law. Similarly, the current Interim Constitution, 2007 has made a similar provision with some expansion on Right to Information in Article 27 as Fundamental Right. The current provision not only provides right to information on matter of public importance but also to the individual information.

In 2007, Nepal Government enacted Right to Information Act to give effect to the constitutionally protected right to information. Article 3 of this Act provides every citizen right to information and access to the information held in the public agencies. Similarly, this Act has also made a provision of an independent 'National Information Commission' for the protection, promotion and exercise of Right to Information. National Information Commission was constituted on June 14, 2008. Likewise, Right to Information Regulation was enacted on Feb 9, 2009 to implement the Act effectively. Classification

Committee under the section 27 of the Right to Information Act, 2007 has classified certain documents for the protection of information.

Moreover, there is a close relation between the press and political accountability and to use this accountability. “Mass media can a key role in enabling citizens to monitor the actions of incumbents and to use the information in their voting decisions. This can lead to government that is more accountable and responsive to its citizen’s needs despite the intuitive plausibility of this proposition, comparatively little work in the political literature scrutinizes the role and effectiveness of the media in fulfilling”(Besely T., Burgess R. and Prat A. (2002).

CHAPTER 3

RESRERCH METHODOLOGY

3.1 Introduction

Media people, human rights activists, general people and government officials were the source of the study.

3.2 Research Design

The research design followed for the study is descriptive and analytical. The descriptive research design covers the analysis of the phenomena through survey and fact-finding inquiries. The study has based upon the pertinent and reliable information through going through the incentive discussion with concerned people.

3.3 Nature and source of Data

3.3.1 Nature of Data

The nature of the data was mainly qualitative and some were quantitative. Qualitative research refers the opinions taken from the specific people moreover it can be define as discussions from focus groups, in-depth interviews and content analysis are among the many approaches that are used. The study has interviews, depth interviews with the focus groups through interviews holding through field visit, and case studies of the victimized journalists. And more quantitative analysis has used through using statistics of different incidents which happened on journalists.

3.3.2 Source of Data

There were two main sources of data, primary and secondary. The primary sources of the data were interviews with journalists, experts and field visit. The secondary sources of data were various human rights reports, Federation of Nepalese Journalists, Advocacy

Forum, dissertations submitted for various universities like TU and Purvanchal University, and books.

3.4 Universe of Sampling

The study has used the purposeful sampling for the respondent. In this research, 30 media activists were interviewed formally and informally. The sample was collected from different people involved in journalism and other different professions like public administration, human rights activists, politicians, political cadres and people from managing sectors. The sample of the respondents was selected with purpose as it was necessary to find out the views of journalists to media entrepreneurs as to how the media can play a vital role to sustain good governance and peace process through news to views. Male and female reporters and correspondents, different education and age groups of the people, administrative officers and human rights activists were selected for the purpose of the study.

3.5 Data Collection Techniques.

The scholar had met and talked with 30 senior journalists including those from the national dailies like Kantipur, Gorkhapatra, Annapurna Post, Rasytriya Samacharpatra, monthly magazines like Himal Khabar Patrika, Nepal Saptahik, radio services BBC Nepali Service, online supplements, Kantipur online, Kantipur Television, Channel Nepal, Image Channel, weeklies like Jana Astha, and media house RSS (Rastriya Samachar Samiti), CIJ(Center for Investigation Journalism), media advocacy institutions like FNJ, FoNIJ, Nepal Press Chautari, Press Union, Krantikari Patrakar Maha Sangh, BAN, SEJON etc. Experts from the government institutions, National Human Rights Commission, Ministry of Peace and Reconstruction were interviewed. Similarly, senior lawyers and about 25 journalists (juniors) actively involved in mainstream journalism, and the families of victims (journalists) were interviewed. For case study, the researcher had visited Janakpur as a sample for field visit. For studying the nature of news contents, the researcher had studied the supplement of Himal Khabar Patrika since 2006 to 2011(2063 to 2068 Bs.).

3.6 Reliability and Validity of the Data

Data were collected from respondents from different professions, through interview. There is one set of question structure universally for journalists and editors. All the questions were the same for all the informants of the same group. Informants were not forced to answer the questions if they did not know the answer or the technical terms which they thought were irrelevant in getting the answer. There was no pressure on respondents to answer the false statements. The names of the very few informants were not disclosed according to the request for confidentiality of professional and social status. It could be said that the collected data were reliable because the outcome was more or less similar as they were repeated in measuring procedures.

The researcher has developed the queries for the editors and journalists on the base of the above Media development indicators. Here 10 editors and 20 journalists has been answered the queries in analytical basis (Annex 1).

3.7 Data Processing and Data Analysis

The quantitative data were presented in tabular form with the percentage. It was analysed accordingly. The qualitative data were coded accordingly to the transcribe and analyse accordingly.

CHAPTER 4

DATA ANALYSIS AND INTERPRETATION

4.1 Introduction

The general objective of this study is to understand the situation of the press freedom in Nepal. The study has been focused on the policies of press freedom and its implementation status in Nepal. The aim of this research is to analyze the status of the “Press freedom” in Nepal after Comprehensive Peace Accord 2006 AD and to enforce and sensitize the government and stakeholders, on the importance of the press in governance

According to Nepali history of journalism, journalism was initiated in Nepal with the publication of *Sudha Sagar* literary magazine. According to the Department of Information, 6,221 newspapers and magazines have been registered till April, 2012.

4.1.1 The Incidents against Human Rights

Right to live is a major component of human rights. More than 13,000 people were killed in the 10-year armed conflict. 24 journalists were killed during the period. According to the INSEC Nepal, there were 4,012 incidents human rights in 2011, 3,027 people were killed, 457 beaten, 272 injured, 112 threatened and 94 were arrested by the government (Table No. 4.1.1). In this perspective, this shows that human development has failed this year like the previous years. The main source of good governance is human development; the press has a crucial contribution for human development through its information as well as addressing accountability and transparency and criticizing the illegal works of the stakeholders and bureaucracy.

Table No: 4.1.1 The Incidents against Human Rights 2012

Nature of Incident	Non State	Percentage %	State	Percentage %	Total	Percentage %
Killing	2394		633		3027	37%
Injured	238		34		272	6%,
Threatened	105		7		112	%
Arrested	-		94		94	1%
Beating	363		94		457	3%,
Abduction	-		144		144	2%
Total	3100		912		4012	100%

(Source: Human Rights yearly Report 2012 –INSEC)

Table No. 4.1.1, shows that there were 4,012 incidents against human rights in 2011. It shows that the total number of killed is the highest, followed by beating and injured. Similarly, it shows that the range of non-state involvement against human rights is higher than the state. Similarly, it shows that percentage wise, the killing of the people is 37%, injuring is 6%, beating 3%, abduction 2% and threatened and arrested is 1% each. According to the table No. 4.1.1, in the total incidents against human rights, the non-government involvement against human rights is the highest. In percentage, 79% of the incidents against human rights is by non-state and followed by state with 21%. It shows that impunity is promoted by non-state showing the rising ratio of criminalization in society.

4.1.2 Victimized by Occupation

According to INSEC Report 2012, Table No. 4.1.2 (Annex 3) shows the figure of professionally victimized people in 2011. The data shows that victimized professional agriculture workers top the list in 1016 incidents, and students in 530 incidents, law professionals, forest security guards and overseer are involved in the least number of

incidents. The victimized professional journalists rank fifth and victimized in 97 incidents.

4.2 Number of Newspapers and Magazines in Nepal

Nepal has press history of over a century, though it has no history in the practice of press freedom since the Rana period to the Panchayat regime. After a long struggle by the people, democracy was restored in 1990. Consequently, there was a fruitful period for the development of journalism and the press in Nepal. The constitution of Nepal 1990 had addressed free press and right to information which helped the development of Nepali press. Nepali press has been developed by media houses, media people, professional journalists, journalism colleges, professional training institutions, FM radios, TV channels, cables network and online journalism. Moreover, the interim constitution has promoted the Nepali press with various provisions. The constitution of Nepal has addressed press freedom under Part 3 of the Fundamental of Rights. Article 12 (a) provides the freedom of opinion and expression. Similarly, CPA has prioritized the respect of press freedom through Articles 3 and 5, but press freedom in practice is not there. Constitutionally and legally, the press has a friendly and promoting environment for its development. The journalistic route started with *Sudha Sagar* and continued with *Gorkhapatra* to *Sharada*, *Udhyog*, and today there are 6,221 print media, with 504 dailies, 35 bi-weekly, 2,336 monthly etc. Similarly, there are 4,281 newspapers in the Nepali language, 1,049 in English and other languages. (See Annex 3)

Table 4.1.2 No of Newspapers and Magazines are registered till March/ April 2012 (Chait, 2068 Bs)

News Paper	Number
Daily	504
Bi-weekly	35
Weekly	2366
Fortnightly	432
Monthly	1846
Bimonthly	529
Tri-monthly	529
Quarterly	35
Half yearly	70
Yearly	79
Total	6221

Source: Department of Information 2012 (Chait 2068)

Table no 4.1.2 shows that 6,221 newspapers were registered till April 2012. The number of weeklies tops the list with 2,366 of them. The number of bi-weeklies and quaterlies seems to be the lowest in number. Since 2006 to 2012, the number of print media has increased.

4.2.1 Analysis of Killed Journalists from the Conflict Period to Post-Comprehensive Peace Accord 2063 Mangsir 5 (2006)

The murder of the journalists had started since 2001/07/23 (See Annex 3). Deva Kumar Acharya of the *Janadesh* weekly was the first journalist to be killed by the government. Similarly, Devi Prashad Dhiatal was the latest journalist killed by an unidentified group. Since 2058 BS, the government has killed the largest number of journalists (17) and the Maoists have killed 9 journalists. Unidentified groups have killed four journalists. In total, 33 journalists were killed, where 31 journalists were killed out of the Kathmandu valley, one in India (Babur Kharel), and journalist Jamim Shaha was murdered in Kathmandu. It shows that there are dangerous situations for journalists out of the Kathmandu valley rather than in valley.

Table No. 4.1.5 shows that three journalists had been abducted between from May 20, 1999 to July 5, 2007, and there is no information yet whether they are alive or dead.

Milan Nepali, Praksh Singh Thakuri and Chitra Narayen Shretha were the journalists who were abducted by the Government and one was abducted by the Maoists.

“Article 19 of the interim constitution has provisions for press freedom and people’s right to information. But people could not enjoy the practice of press freedom in that period. The government had arrested Kailas Sirohia and colleagues from Kantipur publication for publishing an article of Baburam Bhattarai, a Maoist leader” (Aryal, Weekly 2011). Similarly, the armed conflict since 1996 was formally ended on November 21, 2006 with the signing of the peace accord. Even after the signing of the peace accord, 33 journalists were murdered while media houses and journalists were threatened. Even though CPA has prioritized the respect of press freedom through Article 3 and 5, the Nepali press have not been able to practice it as 9 journalist were killed and many journalist injured, threatened or kidnapped and media houses attacked for publishing certain stories. Prakash Thakuri was the first journalist to be victimized after Peace Accord, and Yadav Raj Paudel (*New Mechi Times*, Jhapa) was the latest journalist to be murdered. (See annex 3)

4.2.2 The List of Journalists Killed from the Conflict Period to Post-Comprehensive Peace Accord 2006 (2063 Mangsir 5)

Table No 4.1.4

Cause of Death	Number	Percentage
Government	17	55%
Maoist	9	29%
Unidentified group	4	13%
Jantatrik Tarai Mukti Morcha (JTMM-J)	1	
Total	31	

Source: FNJ

Table No. 4.1.3 shows that the government had killed 17 journalists (55%), the Maoists killed 9 journalists (29%), and unidentified groups killed 4 journalists (13%).

4.2.3 Threats against the Media: The list of disappeared and killed journalists from the conflict period to Post-Comprehensive Peace Accord 21st November 2006 (2063 Mangsir 5)

4.1.6 Press Freedom Situation from January 2006 to December 2011

Table no 4.1.6

Year	No of Constraints In press freedom
January 2006 to December 2006	566
January 2007 to December 2007	575
January 2008 to December 2008	185
May 2009 to April 2010	169
January 2010 to December 2010	120
January 2011 to December 2011	102
Total Constraints In press freedom	1717

(Source: FNJ)

According to Table No 4.1.6, since January 2006 to December 2011, there were 1,717 constraints on press freedom were accrued. The attacks on press freedom were the highest in 2007 (575). Similarly, 566 constraints on free press occurred in 2006, even though the Maoists and the government had signed the CPA in 2006. However, congenial environment for the press is hoped for because decreasing number of attacks on the press since 2008. In these 6 years, Nepali press has lost 9 journalists and many journalists were displaced from their work place.

4.3 In depth interview analysis

As the answers from all interviewees are almost same, the researcher has compiled the answers and analyzes them in short as possible.

Press freedom is need for good governance. It is the lubrication of democracy. Freedom of press indicate two types of freedom, one is he or she is free to right another is he or she must be secure in economically. Press freedom is needed to protect people's fundamental right. In the perspective of media development it is positive but to make it is more effective, the policies for media development should be reconstructed.

Some of stakeholders said that there is no specific policy of press freedom in Nepal but it is guaranteed by constitutionally. If it is curtail people can go for justice in court. Press freedom is constitutionally guided in Nepal. In democratic system, press freedom means not to curtail others freedom while the journalists portrayal the news and views. Press freedom means not only for the freedom for the journalists it is also the freedom of the people for right to information. The journalists practice and enjoy the freedom more than others because of his or her profession. The journalists are yet could not be provided minimum wages including government sector to private sector. Yet 60% journalists are not paid regularly, 70% journalists have no appointment letter. But it is improving.

All the editors and journalists and media right activists said journalists should not have specific law for their security but as a citizen they have right to get justice. The journalists have more security problem than other common people. The police and court have to investigate his or her case in various way to find the cause of incident. But the government doesn't show interest to provide justice to the all victim journalists from Milan Nepali, Prakash Thakuri to Madan Paudel. There is no security yet physically and occupationally. In journalists Dekendra Thapa's case, the journalists from Dailekh were fled for Kathmandu but Federation of Nepali Journalists didn't allow to come the journalists from Dailekh, they were stopped in Surkhet. Why this? Because, the majority of Maoists cadre in FNJ, show they didn't supported, they afraid that the international agencies might be draw this issue. Though justice is influence by political ideology too. Whatever there is FNJ and other advocacy agencies for journalists' right, all they are influence by political ideology?

For the editorial freedom, it depends on editors stand towards news, how much he is free to be professional it depends on. Editorial right is curtail by various sector. Like state, political parties, publishers, market and audience, it is ongoing process more than paper. Yet Nepali press has no maturity in democracy practices. So Nepalese press cannot practice the press freedom properly. More ever Editors also must basically responsible. Most of the journalists and editors said that they always tried to be stand every type of news, they never influenced by political and other ideology. As Nepali press is handled by only one Casts or community. They are interested only to focus on the news of their own community. It has been discriminating in indigenous voice. More ever the state is dominating media to write on their own interests. It could not be the voice of the people. Because most of journalists are the cadre of the government. More over the media cannot be balance in portrayal, the voice of the deprive people and woman could not be raised. In other words there is no equal opportunity for the voice of all communities; more over it has been discriminated to the voice of the indigenous and Madhesi issues.

About the journalists who were killed threatened and attacked, in most of the cases, their stories which they broadcast and published are responsible for incident. But in some of cases, to ignore journalistic code of conduct is also the cause of attacks on journalists. Whatever it is, press freedom is most be protected and sustained. To protect press freedom, as a democratic country Nepal, there should be implemented the laws to justice the victimized journalists, the stake holders like court, layers, bureaucrats, political parties, right activist agencies and police must be sensible, have to pressure and responsible towards their duty and responsibility to provide justice. Moreover, the journalists also follow the code of conduct while they perform the story. As their negligence in following code of conduct, some of blackmailing, and neglecting social responsibility. To secure press freedom the government should implement the rule of law properly. Similarly

The questions were set appropriately aiming to know the interest of participants. The validity of the data was tested through the relationship of the empirical concepts and collected information from the respondents (Questions – Annex 1).

CHAPTER 5
SUMMARY AND CONCLUSION

5.1 Summary

The main aim of this research was to find out the trend and the status of press freedom in Nepal after the Comprehensive Peace Accord 2006. The free press has a vital role to sustain democracy in a nation. It is also one of the major components of good governance to address the people's right, Right to Information and for peace building process through performing news and views.

The other objective of the study was to inform and sensitize the government and stakeholders on the significance of the free press in good governance. For research, the different books, magazines and previous literatures were studied and objectives were set. Conceptual framework was propounded considering approaches of journalists identifying and relating major issues of press freedom. The primary sources of data were the interviews with 67 journalists from editor to junior journalists and field visit. Similarly, human rights activists, government officers, writers, columnists and experts or professionals were the resources.

The secondary source of data was collected from reports, articles, journals, books and websites related to press freedom. Most of the study was limited to covering the issues of Nepali press. The area of study was all over Nepal.

In this dissertation paper, the researcher has included the informations about Nepali press chapterwise. The provision of free press was assured in the Comprehensive Peace Accord in its preamble to article 15. Similarly it included the International Standard of Press Freedom categorised by UNESCO. When we search the history of press freedom in Nepal, Nepali press has rippled and friendly environment of free press in legal perspective, but in implementing part of the press freedom policy, it seems to be failed.

The dissertation is divided into seven chapters in total. Chapter One describes the background information of the research title. The researcher has tried to define press freedom as a component of human rights, right to information (transparency, accountability etc.) human development and its importance to sustain democracy and peace process in Nepal in a brief. Chapter one is divided in six topics: Background, Statement of the Problem, Objective of the Study, Rational of the Study, a theoretical

frame work of the study, Limitation of the Study and Organization of the Study are mentioned.

In “Background”, the importance of free press and recent situation of press freedom worldwide has been detailed.

It provides the importance of peace for sustaining the components of Good Governance in a country. It has tried to provide the historical aspect of conflict and peace process in Nepal. During the armed conflict in Nepal, 13,256 people were killed, 2,258 people disappeared by the state and 1089 people by CPN-Maoist and many people were displaced. The state has no exact record of people who were injured, omitted and no record of the people who were internally and externally displaced during the conflict.

There is no doubt that the media is a primary tool for achieving Good Governance in a democratic system. A strong and effective media plays a vital role for the establishment of sustainable democracy and democratic governance. It makes governance more accountable, transparent and also reduces impunity. But it seems, there is a lack of press freedom not only in Nepal and South Asian countries only, it seems to be a global problem but mostly in developing countries or least developed countries regardless of the media law, and provision of right to information and press freedom in the constitution.

During the King’s Rule in the 1990s, Nepal was listed as a peaceful country. It was delimited by the armed conflict from 1996 to 2006 for ten years. During that period, the nation was enclosed in internal war and conflict and lost thousands of people physically and billions worth physical infrastructures destroyed. To lift up the nation from this situation and to build the peace process in the nation, the government of Nepal and the Nepal Communist Party (Maoist) had signed the Comprehensive Peace Accord 2063 on November 21, 2006, under the provision of Article 166 (3) of the Interim constitution of Nepal 2063.

The Comprehensive Peace Accord is a crucial document with reference to the peaceful transition from the over a decade long armed conflict in Nepal. The armed struggle,

launched by the erstwhile CPN (Moist) on 2052 Falgun 1(13th February 1995), formally ended with the signing of the CPA.

The Interim Constitution 2063 has also addressed the articles for the Right to Information and Press Freedom. To accomplish intent of the approached articles and other aspects of the human rights, the Comprehensive Peace Accord 2006 was launched.

A historic ceremony held at the Birendra International Convention Center ten years after the armed insurgency in Nepal was finally officially declared to be over. Prime Minister Giija Prasad Koirala and chairperson comrade Pushpa Kamal Dahal “Prachanda” of the Communist Party Nepal-Maoist (CPN-Maoist) signed the Comprehensive Peace Accord 2006 bringing the decade-long armed insurgency to an end and promising to chart a new destiny for "Peaceful and Democratic" new Nepal.

Article 3.4 and Article 5.2.12 of the comprehensive peace accord 2006 have addressed the free press, even though Nepali press and people could not enjoy freedom of the press and right to information in practice. Seven journalists were killed, one journalist (Parkas Thakuri) missing, thousands of journalists injured, threatened, harassed, and many journalists abducted after the peace agreement. The media house and owners were attacked, newspapers were burnt and their vehicles vandalized. Due to the impact of the impunity, the practice of self-censorship has imcreased in the Nepali press, more severe out of the Kathmandu valley. Rising self-censorship means to reduce the transparency. This is a characteristic of good governance.

In the “Statement of the problem”, the author has provided the conceptual views on situation of Nepalese press freedom after the Comprehensive Peace Accord 2006 and constitutional and legal provisions. The researcher has described that even with the constitutional and legal provisions the journalists cannot practice the freedom of press and people are not able to enjoy their right to information according to various reports.

In the topic “Objective of the study”, the researcher has clarified the objective of the research through two points to analyze governance status of the press freedom in Nepal and to study the trend of the press freedom and media situation in Nepal.

The topic “Theoretical frame work of study” talks about the theory used in this research paper, where the researcher has described the theory of press and universal declaration of the press freedom under Article 19.

The topic “Rational of the study” provides the importance of the study this dissertation paper. The researcher has claimed that the study will be helpful and fruitful for the stakeholders like journalists, media entrepreneurs, human rights activists, the Government of Nepal, civic society, politicians, researchers, teacher and students to know about the status of press freedom and practices in Nepal, its condition and its impact which helps the government to formulate a tactful policy to solve this problem and help the stakeholders in need. Moreover, this research will be helpful to the government itself to be sensitized as to why free press is essential to sustain democracy and peace in a country as the right to information is closely tied to the accountability mechanism, for monitoring every action of government to be transparent which is a crucial component of good governance.

The topic “Limitation of the study” shows the time limitation and limitation of the study where the researcher has been bound to be more focused on the study limitation of research from November 21 2006 to January 2012. The topic “Organization of the study” has described about the chapters included in this research work.

Chapter 2 is concerned with the literature review. It is divided into various topics. “Defining Press Freedom” provides the definition of Press Freedom and its importance. It provides the philosophies of various institutions towards the free press likewise Universal declaration of Human Rights, Proposed categories of press freedom indicators of UNESCO standard Dictionary .com and Reporters Without Borders and Committee to Protect Journalists. It also provides the information of the status of press freedom worldwide, where the researcher has included the press freedom situation of England, India and Nepal in brief. In “Recent situation of press freedom worldwide”, the researcher has described the development of journalism in the world and in the Nepali context. In the topic “History of journalism in the world”, the researcher has analyzed the historical background and trend of the Press in the world in its establishment period.

Similarly, it describes the origin of free press concept and spreading history of press freedom. It also talks about the history of Windhoek Declaration, which has been advocating for Press Freedom in the world since 1991.

In the topic “Nepali History of Journalism”, the researcher has described the historical background of the Press. In the topic “Situation of Press Freedom in Nepal”, the researcher has analyzed the legal provision of press freedom situation from the past to present day Nepal, where the researcher describes the constitutional and legal provisions in the Constitution of Nepal 1947 (2004 Bs), Interim Constitution of Nepal 1951 (2008 Bs), Constitution of Nepal 1967 (2019 Bs) Constitution of Nepal 1990 (2047 Bs), Interim Constitution of Nepal 2007 (2063 Bs.), Vonstitution of Nepal 2015 (2072 BS) and Press and Publications Act 1991(2048 Bs) respectively. In the topic “Press Freedom Practices”, the researcher has given an analytical view on practical movement of press freedom situation in Nepal from 1955 to 2006 when the comprehensive peace accord came into effect. In the topic “Press Freedom Situation after Comprehensive Peace Accord”, the researcher has analyzed the situation of press freedom practices after the signing of the peace accord, where the Articles on free press as a component of Human Rights and crucial component for peace building process has been deal with.

Similarly, under the topic “Media Monitoring Report from January 3 to February 2012”, the researcher has described the nature of the threats on victimized journalists. The topic “Human development and press” has tried to explain the role of press in human development. The topic “Free Press and Good Governance” has defined the Free Press as the base of Democracy. It defines the importance of free press to boost up government by its vital role providing information by sensitizing the issues on national interest to social facet. It also defines the meaning of Good Governance and its role to sustain democracy and human rights in a country. Similarly human development and free press mentions the role of press on human development. At the end, in the topic “People’s Right to Information”, the researcher has explained the importance and origin of Right to Information Act in Nepal.

Chapter 3 explains the research methodology. Here the researcher has described the methods of the study. The researcher has described varieties of methods used, where the

researcher has described it titlewise. Chapter 4 deals with data analysis and interpretation. Here the researcher has analyzed the data used in this research paper. The researcher has defined the variables and sources of data. The data are shown in different tables and charts and it also has tried to give an analytical view on variables. It is divided into two topics where it describes and analyse the data of Incidents against Human Rights, Victimized by Occupation, data of murdered journalists, News paper and magazines in Nepal and finally the finding and analysis of the depth interview that was taken from the editors to senior journalists.

Chapter 5 contains the summary and conclusion. It is divided into four topics which are Summary, Major Findings, Analysis on research, Conclusion and suggestion for the further study. The researcher has discussed the contents topic wise in summary. In “Major Findings”, the researcher has illustrated the challenges and problems of the Nepali Press. In “Conclusion”, the researcher has brainstormed on the importance of Free Press as a crucial component to sustain Human Rights, Democracy, and peace building process for sustaining Good Governance which is addressed in the Comprehensive Peace Accord 2006. And finally, the researcher suggested to comprehensive analysis on all aspects and factors related with constraints of press freedom, the main causes of murdering and attack on journalists.

5.2 Major Findings

In this research work, the researcher found hundreds of problems and challenges as major findings which Nepali press have been facing as challenges. As a watchdog of the state, the press always plays a vital role as permanent opposition and critique. It always tries to clean up the dreadful activities of the state on the society. As a voice of the voiceless people, it always advocates to protect human rights, rule of law, equality, transparency and accountability etc., even though the state doesn't show importance to the free press. There is no doubt, there are provisions of the free press and publication rights legally but in practice it is not implemented (Satyal, 2011).

Some of the following are the problems and challenges as major findings in Nepali Press.

1. Security Reasons

Journalists have no guarantee of safety from the state in practice. The journalists have been facing impunity day by day. During the conflict 33 journalists were killed and thousands injured, number of journalists abducted, attacked and displaced. Not only journalists but the media houses and entrepreneurs were also are attacked and vandalized, and the newspapers were burnt. From 2006 to 2012 (after the Comprehensive Peace Accord 2063 BS), there have been 1,717 incidents of constraints on press freedom, which includes 344 incidents of attack on journalists and media houses, 9 journalists abducted, 134 journalists harrassed, 171 jouranlists and media houses were threatened, 59 veichles of journalists and media houses were vandalized, 15 newspapers were burnt and 108 obastcles occurred on free flow of information etc.

The government itself had withdrawn the cases of victimized journalists. For instance, journalist Prakash Thakuri's case was withdrawn by the government. Not only that, the cadres who were involved in torturing journalists were promoted by the political parties concerned. Journalist Jagat Prashad Joshi (Jaya Prakash Pandit) was killed by cadres of his own political party CPN Maoist. One of the Maoist cadres from Kailai, who said on condition not to mention his name, agreed that Joshi was killed under the party committee's decision. During the study, it was found that the journalists have been killed, attacked and abducted in the name of being spies of a different party. During the conflict, journalist Dikendra Thapa and Gyanendra Khadka were killed by Maoist cadres in the name of government intelligence. The families of journalists, who were killed since the conflict till date, could not get justice. Moreover, they are living in panic. The families are used to face threats from the criminals who killed their family member. It is still not known whether journalist Milan Nepali is dead or alive. Nepali was abducted by the government in June 9, 1999. No journalist who was victimized has been able to get justice till date.

2. Role of Political Parties and Interest Groups

“Nepalese press has been facing, constraints of economic, vested interests and pressure”(KC, 2011). Media activists have to work under pressure of three components—financial deprivation, pressure from political parties and interest groups and international influence. Dinesh Yadav of *Kantipur* daily says that the political parties want their news and views should be prioritised by the press. They abuses us when their news and views are not published according to their interest. When the NEFIN announced three days of banda in Nepal, the protesters vandalized 25 vehicles of journalists and media houses, 70 journalists were beaten and they torched newspapers like like *Kantipur* and *The Kathmandu Post*.

The basic component of the press - Accuracy, Balance and Credibility cannot be followed by media industries and journalists due to political and vested interests. “Journalists themselves are working as political cadres that are why their pens are writing under the interests of the parties and interest groups. So, how can the people get the ABC of news and views?”(Adhikari, 2011)

“Nepali press itself is working under the interest of the political parties, NGOs and INGOs that’s why their news and views are affected by them. There is no healthy environment to work and for the free flow of news and views with ABC journalists.”(Khanal, 2065 BS)

3. Lack of Professionalism and Respect for Code of Conduct

No doubt, there are professionally skilled manpower in the media but they are not enough for the media houses as the demand is rising. There are 337 community and private radio stations serving and 35 TV stations have got license from the Ministry of Information and Communications till date (September 2012). Two private news agencies have also been established. According to the Information Department of Nepal, all over the nation there is 6,221 print media have been registered till mid-April 2012. The lack of profesionlaim and negligence of journalistic ethics are problems which seem to be hazards for in media houses mostly out of the Kathmandu valley. On the other hand, due to lack of

professionalism, the journalists are not aware about their social responsibility and also not able to respect the journalistic code of conduct for the Nepali press namely the **Council Code of Journalistic Ethics – 2003 (Amendment and revised 2008)**, where Article 3, Article 4 and Article 5 have assured the duties and responsibilities of journalists towards the society and Estate.

4. Economic Reasons

There are very few media industries providing good salaries to the employees. Most of the media industries have been facing economic constraints and are not able to provide timely salaries. The amount of salary the journalists are receiving is not enough to fulfill their basic needs. The Wage Fixing Committee has fixed the minimum wages that should be provided to journalists by the media house. But very few media houses are providing the basic salaries to journalists, said the President of the Committee Govinda Acharya, former vice president of FNJ. Moreover, the media industries are not able to provide new technologies due to economic status of the media houses. Similarly, considering the economic status of the Nepalis, it is not possible to spend the money to buy newspapers. This is the reason why the people are far from the right to information and enjoy press freedom in practice.

5. Unclear Policy on Advertisement

Advertisement is the main economic source of the press. The advertisements from government offices are mainly given on a priority basis to the government media. Very few media houses are getting the advertisements from government offices. The newspapers which are not writing in favour of those officials or government organizations have no access to advertisements from them. Similarly, there is no clear policy of distributing advertisements in the government mechanism. Moreover, the policy on distributing advertisement is influenced by the political party in power.

6. Weak Implementation of Working Journalists Act 2051(1st Amendment 2064)

The lack of implementation of Working Journalists Act is the major problem of journalism in Nepal. Very few media houses are providing the salary and other facilities to the journalists. According to the Act, the journalists are entitled to a minimum salary of 5200/- Rs (Nepali currency) but in practice most of the media industries are not providing it. Poor economic condition of journalists itself is promoting yellow journalism mostly out of the Kathmandu valley.

7. Unhealthy competition on News Giving

Nowadays, the media is facing new varieties of challenges. Day by day media houses are increasing but the production and economic activities are not rising commensurately to fuel the economy. 337 community and private radio stations and 35 TV stations and 6,221 print media have been registered, according to the Ministry of Information and Communications and Department of Information. So, there is big competition among them to provide sensible news as breaking news and flash news to gain the credibility among the audience. But, in this race they have to lose their ABC news by time. Anuja Bania's and Rashendra Bhattarai's false news is the example for the media. This made *Kantipur* daily apologize. Why blame *Kantipur* only? After publishing the news story of Anuja Bania in the *Kantipur*, it seemed the whole media had covered the false story of Anuja Baniya as follow-up news. So these types of challenges are being faced by media houses in Nepal. These issues may raise query as regards the credibility of news and may reduce the audience of the media house. "Due to the competitive market, the media houses rush to get exclusive stories to boost their own media market. As a consequence, they have to face the scandals like Rashendra Bhattarai and Anuja Bania." (Ghimire, 2011)

8. International influence:

Nepal has free trade policy with India under Indo-Nepal Trade and Treaty 1996 (1950 BS). There are a number of products being traded between Nepal and India under the provision of the treaty. As there are many collaborated industries in Nepal, Nepali media houses are them. But due to weaknesses of the Nepali advertisement policy, it seems to be directly controlled by the Indian government

and the Embassy of India in Nepal. When *Kantipur* Daily published the sensible news of a letter issued to Ministry of Foreign Affairs Nepal under former foreign minister Sujata Koirala on MRP (Machine Readable Passport), the Indian Embassy banned the advertisement of Dabur India Ltd. On the other hand, the imported newsprint of Kantipur publication was also stopped at Haldia Port, Kolkata of India under the orders of the Revenue Investigation Department and its transportation to Nepal was restricted from May 29 to July 1, 2010. These issues were raised by the Indian Government only to harass the Nepali media industry, said Hari Bahadur Thapa, the editor of Kantipur Publication. "Yes, we have to amend the treaty 'Indo Nepal Trade and Treaty 1996 (1950 BS) because it is a rare, there is no treaty in the world like this. Nepal is not gaining from that treaty." (Sharma, Thapa, Awasthi, 2011)

According to Hiranya Lal Shrestha, senior foreign affairs expert, "The impact of globalization has been felt on various sectors of Nepal. Similarly, it has been influencing the Nepali economy through the media too. Due to the lack of domestic industries, Nepal has to depend on foreign products. Definitely, the advertisements obtained from foreign productions and the industries in which foreign investment is made influence their interests in portals of the media. For example, they give the advertisement for souvenir or special issue on national day of their country, by this indirectly they influenced in Nepalese media. The host countries of products also bargain with the media while they provide advertisements, but it does not seem visually, indirectly dominating Nepali media. In this way, the Nepali media has to work for the flow the information on their vested interests. Though Nepali media houses have to face rule of the game of the countries." (Shrestha, 2011).

5.3 Analysis on the research

When we talk about human development, the press is defined as facilitator of human rights. In the sense of good governance, the free press is a component of institutional framework as it facilitates in obtaining public accountability, transparency, functioning with in-built checks and balances, efficiency etc through the news, views and opinions

various types of discussions and dialogue programs. There are hundreds of problems and challenges which the Nepali press has been facing. As a watchdog of the state, it always plays a crucial role as permanent opposition and critique. It always tries to clean-up the dreadful activities of the state on the society. As the voice of the voiceless people, the press always advocates protection of human rights, rule of law, equality, transparency and accountability etc., even though the state doesn't give importance to the free press. There are provisions of the free press and publication rights legally but in practice it is a failure. The Nepali press is facing the following problems and challenges.

The journalists have no guarantee of safety from the state itself. 33 journalists were killed during the ten-year armed conflict. Since 2006 to 2012 (after the Comprehensive Peace Accord 2063 BS), there have been 1717 incidents of constraint on press freedom. The government itself has withdrawn the cases of victimized journalists. Not only that, the political cadres who were involved in torturing journalists have been promoted by their political parties. No journalist who had been victimized has received justice. There are very few media houses which provide the minimum basic salaries to the employees. Similarly, pressure from political parties and interest groups, international influences, lack of clear policy for distribution of advertisement in the government mechanism, the lack of implementation of working journalists act are the major problems that is seen in Nepali journalism.

Nowadays, the media is facing a variety of challenges. The media houses are increasing in number but sluggish economy, low production and economic activities are taking their toll. Therefore there is a cut-throat competition among the media houses provide sensible news as breaking news and flash news to gain credibility. But in this race, they have to lose their ABC as was Anuja Bania's false news.

Press is the Fourth Estate of the nation. In Nepal's political history, the press has played a vital role to facilitate the peace building process through the news, views articles etc. Despite the critical situation, like under the direct rule of king Gyanendra, in critical situation of cease fire or post conflict era, the press has devoted itself in addressing and advocating to both the armed groups - the Maoists and the government - to be rational and serious about the peace process. In spite of facilitating role of the press, to assure

peace process, the government and the political parties including the Maoists, could not realize it and they could not respect and guarantee press freedom. The political parties have failed to be dedicated and responsible towards the Comprehensive Peace Accord 2006 and protecting the free press. The scholars afraid and say that Nepal's peace process is in crisis despite it being a model for global conflict, resolutions are fading, especially, looking at the performance of the political parties in the last three years (Upreti, 2010).

Here a question arises as to why the political parties are not serious and responsible towards the peace accord and free press.

To this question, Nilamber Acharya, Chairperson of Constitutional Committee in Constituent Assembly, answered, "The political parties do not seem to be serious and respectful towards the peace accord and free press because most of the political cadres have criminal background, and they may not have the constitutional culture or no culture for respecting rules and regulations. No doubt, there have been theoretical frameworks for enjoying peace and free press but in practice they are not familiar. It reflects the weakness of governance and lack of good governance in the state" (Acharya, 2011).

Nowadays, the press is under self-censorship as journalists risk their lives if they raise uncomfortable, but important issues. The rising level of impunity in turn puts a question mark over the sustainability of democracy in the country. If the press cannot be safe, how can it secure and advocate for people's right to information? And if the press itself is self-censored, how can it alert and sensitize the government and people to important issues? If the law enforcement agencies and other responsible government bodies are not criticized for their negligence, how can we reduce the culture of impunity? A free and independent press plays a vital role in national development as it has a ripple effect on the country's economic and social realms. Even this brief analysis makes it amply clear that the state must do a lot more to protect press freedom in Nepal.

The seventh international media mission to Nepal held a workshop jointly with FNJ and "International finding and advocacy Media mission to Nepal" had also reported that the journalists have been attacked and murdered in Nepal unacceptably disturbing by high degree of political protection being afforded to the perpetrators. It claimed, many of those responsible for murdering journalists remain at large, promoting a culture of impunity

and leading to widespread self censorship by journalists (Joint Statement- International Fact Finding and Advocacy Media Mission to Nepal, 27 February 2012). In that meeting, the mission had suggested Nepal government to reform the law and policy to address the culture of impunity. It specifically called on the government of Nepal to publish the findings of high level committee that inquired into the killing of journalists JP Joshi and to ensure that political pressures do not derail prosecutions already launched, including the case of abducted Prakash Thakuri. It seems the Nepal government is under pressure internationally to guarantee of security of the press. On the other hand, the Maoists leaders have been forced to remove impunity culture faced by journalists since it is the ruling party. Joel Simon, Executive Director of The Committee to Protect Journalists, issued a letter on October 3, 2007 to Prime Minister Babu Ram Bhattarai to assure safety to the media houses and journalists in the case of disruption of the circulation of newspapers published by Kantipur Publication and threats to shut down Kantipur Television by Shalik Ram Jamkattel, a Maoist parliamentarian and chairman of the powerful All Nepal Trade Union Federation (Annex 4). Talking with the researcher, the director of the International News Safety Institution (INSI) Rodney Pinder said, “Nepali media owners should be serious and rational about the safety of journalists. While they are reporting stories, especially those related to crime, they might be attacked. As journalists have the right to live, the government of Nepal should be serious about journalists and it must establish a special taskforce to investigate the unpleasant incidents on journalists”

Criminalisation of politics is also contributing to the problem of journalists. Politicians often hire thugs to protect their interests. Recently, the Supreme Court ordered parties to disclose their income and assets annually. That is just one of the problems with the parties. Despite efforts to rein them and their cadres, however, threats and attacks by party cadres against journalists have become common these days. As a result, journalists have to work in danger.

Civil society and rights defenders and ethnicity defenders too have expressed grave concern over the threats and attacks against the journalists. 70 journalists were injured and 25 journalists' property vandalized while they were reporting the demonstration by indigenous people demanding federal state by name on ethnicity identity. It is sad and a

matter of concern that protestors who claim to be raising issues of their rights are still attacking journalists and vandalizing vehicles belonging to the media fraternity who have taken up the responsibility to inform the general public as well as assist in developing ideas.

5.4 Conclusion

Nepal is now in the way of democracy in theory but there are impediments in practice. Repeated threats against press freedom have weakened democratic norms and values. The government should act against this situation and remove the obstacles preventing people from enjoying their right to information.

If press itself conducts self-censorship, how can be alert and sensitize the government and non-government organizations (political parties, the bureaucrats etc.) on their unsocial and illegal activities? If they are not criticized for their practice of impunity, how can impunity be reduced from the society? Rising impunity is a hazardous constraint for enjoying peace and democracy. Without peace, how can be succeeding in concluding the Comprehensive Peace Accord 2006? It is the essential framework for both stakeholders (the specially the political parties and the Government) to be rational, responsible and respectful towards the peace accord and free press. Free and independent press is also an important tool for national development. It can create a positive influence on economic and social practices. In other words, it can fight against corruption, impunity, inequality, injustice, discrimination and hundreds of social, economic, political and international issues which facilitate in lobbying to sustain democracy, rule of law and good governance in the country.

5.5 Sugessions for further rsearch

The study has dwelt on the overall situation of press freedom in Nepal. It has analyzed the situation of press freedom in Nepal since 2006 to 2012. In addition, it has also stressed on the importance and role of the freedom of press in various sector like the relation between good governance and press freedom and the relation between press freedom and right to information etc. This study also mentions the policies that are formulated to address the freedom of press in Nepal. But the lack of time limitation the

present study does not provide the comprehensive analysis on all aspects and factors related with constraints of press freedom. There might be blackmailing and yellow journalism etc. Moreover, it has not looked into the case of all murdered journalists and victimized journalists to media house.

Apart from aforementioned areas, there may be other aspects to be studied as well which will provide more comprehensive insights on press freedom situation in Nepal exploring its present status, identifying the problems and issues it is facing out the potential measures to make it effective, result oriented for enhancing our national interest in terms of good governance through freedom of press.

ANNEX

Annex 1

Interviewees

30 Media activists according Questionnaire

1. Pushkar Mathem – Editor Gorakha Patra Daily
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2. Yubaraj Ghimire – Editor Annapurna Post Daily
3. Kiran Nepal –Editor Himal Khabar Patrika Weekly
4. Pratik Pradhan – Editor Nagarik Daily
5. Sudhir Sharma – Editor Kantipur Daily
6. Suresh Kiran Manandhar – Editor Sadha Times Daily
7. Ganesh Basnet – News Chief Rajdhani National Daily
8. Kishor Shrestha – Editor Janaastha Weekly
9. Danda Gurung – News Chief ABC Channel(President Federation of Nepalese Indigenous Journalists)
10. Prashanta Aryal – Editor Nepal Weekly
11. Kabir Rana- Editor Deshantar Weekly
12. Kiran Pokharel – News Chief Annapurna post Daily
13. Badri Sigdel – President Nepal Press Union
14. Givinda Acharya – President Revolutionary Journalists Association (RJA)
15. Ujir Magar – General Secretary Federation of Nepali Journalists
16. Subhechhya Bindu – President Working Woman Journalists
17. Rajen Manandhar – Senior journalist
18. Prajwal Shrestha – In charge Radio Mirmire
19. Ganga BC- Reporter- Kanipur Daily

20. Bhisma Ojha – Reporter RSS
21. Hari Thapa – News Chief Kantipur Daily
22. Dinesh Yadav – Desk editor Kantipur Daily
23. Pitamber Sigdel – Repoeter Annapurna Post Daily
24. Rameshwar Bohara – Repoerter Himal Khabar Patrika Weekly
25. Kulchandra Newupane – Reporter Kantipur Daily
26. Sangeeta Lama – Senior Journalists
27. Damber Krishna Shrestha – Reporter Himal Khabar Patrika Weekly
28. Bashu Kshitiz- Cartoonist Annapurna Post Daily
29. Bhwan KC- Reporter Kantipur Television
30. Dilip Thapamagar – Reporter Nepal Television

Questionnaire

1. What is press freedom?
2. What is the value of press freedom?
3. What is the status of press freedom policy in Nepal?
4. What is the status of physical and professional security of journalists in Nepal ?
5. What is the status of editorial right?
6. Is there publication Right in practice?
7. What is the perspective towards press from governments and people?
8. It is free to write whatever the journalists in society?
9. Is Nepalese pres is responsible towards social responsibility?

10. Can Nepalese society enjoy the right Right to Information?
11. Can journalists get information easily?
12. For the development of press, making healthy and responsible how the government is working? If not what is your opinion towards it?
13. For getting threats, attack and killing, a journalists writing and broadcasting are responsible?

Other Interviewees for discussion

Ajaya Anuragi, Journalist, Mithilanchal FM Dhanusha, Janakpur, 2nd

January 2011

Badri Tiwari, Editor Nepal Smachar Patra Dailly, 2011

Bashanti Devi, 27th September 2010.

Bhaiya Ram Sah, Journalist Bara, 3rd August 2010

Bhusan Dahal, Kantipur Telivission, 2011

Binaya Kasaju, Chairperson, National Information Commission, 2010.

Binod Bhattarai, Senior Journalists & Consultant, 2010

Binod Dhungana, Journalists Gorkhapatra National Daily, 2010

Bishnu Nisthuri, Former President, FNJ, 22nd July 2010

Brijkumar Yadav, Correspondence, BBC Nepali Service, Janakpur, 2nd December 2010, Janakpur

C.K. Lal, Political Analyst, 23rd April 2011

Dashrath Bhandari, Incharge, Redio Rudraxya, 3rd January 2011, Janakpur

Dhakal Khila Nath, correspondence Nagaric dailly, 17 sept 2012

Dharmendra Jha, Former President, FNJ, 5th November 2010

Dina Nath Shjarma, 5th November 2010

Dinesh Satyal “Saurav”, Senior Journalist, 2011

Dinesh Yadav, Journalist, Kantipur Publication, 2011

Dr. Pitamber Sharma, Senior Political Analyst, 23rd April 2011

Durga Baral, senior cartoonist. August 26th 2012

Ganesh Basnt, In- charge, Channel Nepal, 2010

Gokarna Awasthi, Kantipur publication, 2nd May 2011

Govinda Acharya, Former Vice President (FNJ), 2010

Hari Bahadur Thapa, editor- kantipur publication, 2nd May 2011

Harihar Birahi, Former President, FNJ, 2011

Harikala Adhikari, Senior journalist Gorkgpatra National Daily, 2010

Hiranya Lal Shrestha, Foreign Affairs Expert, 11th May 2011

Jagadish Pokharel, DSP Dhanusha, 2nd January 2011

Jitendra Rawat, BBC Nepali Service, 2011

Kanak Mani Dixit, Chairperson, Himal Khabar Patrika, 2011

Khila Nath hakal, 2 nd Novemer, 2012

Kiran Nepal, Editor, Himal Khabar patrika, 8th December 2010

Kishor Nepal, (2012), Editor Nagarik dailly, 22th September 2012

Krishna Shrestha, Editor Gorkhapatra National Daily, 2011

Lalita Devi, 3rd January, 2011

Maheshwar Dahal, Chairperson, Krantikari Patrakar Sangh, 2010

Monika Khadka, Radio Janakpur Today, 2nd January 2011, Janapur

Mohan Nepali, Lecturer Kantipur City College, 2011

Manika Jha, Janakpur, 1st January 2011, Janakpur

Nilamber Acharya, Chairperson Constitutional Committee, 23rd Apri 2011

Padam Thakurathi, 2nd August 2010

Poonam Paudel, Broadcaster Kantipur television 2012

Poshan KC, Former General Secretary, FNJ, 2011

Prashanta Aryal, Editor Nepal weekly, 2011

Pushkar Mathema, Chief Editor Gorkha Patra Daily, 2016

Rabibidra Mishra, BBC Nepali Service, 2011

Rajendra Dahal, Senior Journalist, 21st Agust 2010

Rajebndra Dev Acharya, Senior Journalist, 3rd September 2012

Rakam Chemjong, Minister Ministry of Peace & Rehabilitation, 2010

Ram Karki, Member Polite Burro, CPN (Maoists), 20th January, 2011

Ramashish Yadav, Janakpur FM Dhanusa, 1st January 2011

Rameshwar Bohara, Spacial Correspondence, Himal Khabar Patrika, 13th December 2010

Ramji Dahal, Former Secretary, FNJ, 11th September 2010

Ramkrishna Regmi, Senior Journalist, 2011

Roshan Khadka, journalist Naya Khabar Dainik 2012

Sangeeta Lama, Senior Journalist, 2010

Sanjeet Mandal, Journalist, 2nd January 2011, Janakpur

Sanjeev Sharma of Parsa district police office, 12th August 2010

Saraswatee Karmacharya, Journalist, Image Channel, 2010

Shambhu Thapa, Senior Advocate, 14th June 2011

Sharad Chandra Wasit, Lecturar Padma Kaya College, 2011

Shasi Bichitra, Editor, New Highway and Season Weekly Birgunj, 3rd Agust 2010

Shiva Gaunle, President, FNJ, 8th Sepember 2011

Shreeram Singh Basnet, Senior Journalist, RSS, 2010

Somesh Barma, Broadcaster Kantpur television 2012

Sudheer Sharma, Editor, Kantipur, 2011

Sudip Kumar Jha, Journalist Radio Appan Mithila, 3rd January 2011, Janakpur

Suresh Acharya, Former Presiedent, FNJ, 17th Agust 2010

Tara Nath Dahal, President, Freedom Forum, 30th January 2011

Tika Bista, Correspondence, Rajdhani Daily, 31th May 2011

Tirtha Koirala, News Chief Kantipur Television, 29th April 2011

Umesh Saha, former president, FNJ Dhanusa, 3rd January 2011, Janakpur

Upendra Bhagat Nagbansi, Journalist, Janakpur, 2nd January 2011,

Janakpur

Yeshoda Timilsina, Vice President, FNJ, 2011

Yubaraj Ghimire, Senior Journalist, 22nd March 2010

Annex No: 2

Recent Situation of Press Freedom in Worldwide

20 Journalists Killed in 2012/Motive Confirmed (Source: CPJ 2012)

1. Ahmed Addow Anshur, Shabelle Media Network, May 24, 2012, in Mogadishu, Somalia

2. **Farhan Jeemis Abdulle**,**Radio Daljir, Simba Radio**, May 2, 2012, in Galkayo, Somalia
3. **Ali Shaaban**,**Al-Jadeed**, April 9, 2012, in Wadi Khaled, Lebanon
1. **Leiron Kogoya**,**Papua Pos Nabire, Pasifik Pos Dail**, April 8, 2012, in Mulia, Indonesia
2. **Mahad Salad Adan**,**Shabelle Media Network**, April 5, 2012, in Beledweyne, Somalia
3. **Ahmed Ismail Hassan**,**Freelance**, March 31, 2012, in Salmabad, Bahrain
4. **Ali Ahmed Abdi**,**Radio Galkayo, Puntlandi**, March 4, 2012, in Galkayo, Somalia
5. **Rajesh Mishra**,**Media Raj**, March 1, 2012, in Rewa, India
6. **Abukar Hassan Mohamoud**,**Somaliweyn Radio**, February 28, 2012, in Mogadishu, Somalia
7. **Anas al-Tarsha**,**Freelance**, February 24, 2012, in Homs, Syria ,
8. **Rémi Ochlik**,**Freelance**, February 22, 2012, in Homs, Syria
9. **Marie Colvin**,**Sunday Times**, February 22, 2012, in Homs, Syria
10. **Rami al-Sayed**,**Freelance**, February 21, 2012, in Homs, Syria
11. **Mario Randolph Marques Lopes**,**Vassouras na Net**, February 9, 2012, in Barra do Piraí, Brazil
12. **Mazhar Tayyara**,**Freelance**, February 4, 2012, in Homs, Syria **Hassan Osman Abdi**,**Shabelle Media Network**, January 28, 2012, in Mogadishu, Somalia
13. **Enenche Akogwu**,**Channels TV**, January 20, 2012, in Kano, Nigeria
14. **Mukarram Khan Aatif**,**Freelance**, January 17, 2012, in Shabqadar, Pakistan

15. Wisut "Ae" Tangwittayaporn, *Inside Phuket*, January 12, 2012, in Phuket, Thailand
16. Gilles Jacquier, *France 2*, January 11, 2012, in Homs, Syria

18 Journalists Killed in 2012/Motive Unconfirmed (Source: CPJ 2012)

1. **Marco Antonio Ávila García**,**El Regional de Sonora and El Diario de Son.** May 17 or 18, 2012, in Guaymas, Mexico
2. **Ángel Alfredo Villatoro**,**Radio HRN**, May 15, 2012, in Tegucigalpa, Honduras
3. **Gabriel Hugué Córdova**,**Freelance**, May 2 or 3, 2012, in Veracruz State, Mexico
4. **Guillermo Luna Varela**,**Veracruznews**, May 2 or 3, 2012, in Veracruz state, Mexico
5. **Regina Martínez Pérez**,**Proces**, April 28, 2012, in Xalapa, Mexico
6. **Décio Sá**,**O Estado do Maranhão, Blog do Décio**, April 23, 2012, in São Luis, Brazil
7. **Aldion Layao**,**dxRP Radio**, April 8, 2012, in Davao, Philippines
8. **Yadav Poudel**,**Avenues TV, Rajdhani Daily, Mechi Times**, April 3, 2012, in Birtamode, Nepal
9. **Kamiran Salaheddin**, April 2, 2012, Iraq
10. **Argemiro Cárdenas Agudelo**,**Metro Radio Estéreo**, March 15, 2012, in Dosquebradas, Colombia
11. **Samid Khan Bahadarzai**,**Melma Radio**, February 21 or 22, 2012, in Orgun, Afghanistan
12. **Chandrika Rai**,**Navbharat, The Hitavada**, February 18, 2012, in Umaria, India
13. **Paulo Roberto Cardoso Rodrigues**,**Jornal Da Praça, Mercosul News**, February 12, 2012, in Ponta Porá, Brazil
14. **Meherun Runi**,**ATN Bangla Television**, February 11, 2012, in Dhaka, Bangladesh

15. **Golam Mustofa Sarowar**,**Maasranga Television**, February 11, 2012, in Dhaka, Bangladesh
16. **Nansok Sallah**,**Highland FM**, January 18, 2012, in Jos, Nigeria
17. **Christopher Guarin**,**Radyo Mo Nationwide and Tatak News**, January 5, 2012, in General Santos City, Philippines
18. **Shukri Abu al-Burghul**,**Al-Thawra and Radio Damascus**, January 3, 2012, in Damascus, Syria

Insecurity to Journalists from Government Bodies and political parties (Source: Freedom Forum 2012)

According to Freedom Forum, Journalists are coming across various incidents of atrocities event from state bodies and political parties. The following events prove:

A total of 11 incidents of press freedom violation occurred during the period from January 16 to February 15, 2012.

1. Journalist Rupa Sharma “Neha” associated with the Metro FM was issued death threat in the capital on February 8, 2012 over an article she published in a fortnightly Magazine Himal kabar Patrika.
2. Essential technical gadgets including computer hard disks were stolen from *Radio Janaawaaj* fm at banke, a district in the southern plain of the Midwest region of Nepal on February 7, 2012there by disrupting the FM radio service. According to the source, former station manager Kamal Bk Nirmohi was behind the loot as he was warning of disruption in the FM after he was ousted on the charge of financial irregularities five days back. Meanwhile, two armed persons looted the digital camera , mobile phone, purse and office bag of Poshnath Adhikari, reporter with the *kantipur daily* from Dhading , a hilly district joining the capital city on January 19,2012.

3. Bal Krishna Dhungel, a constituent Assembly member of the ruling CPN- Maoist, convicted by the supreme court over a murder case, publicly threatened journalists Manoj Ghimire associated with *Kantipur daily* and Prabin Gyawali, camera person at the same media over making news about him on January 29, 2012.
4. Earlier on 25 students affiliated to various political cadres organizing *band*, general strike, threatened of burning newspaper if they published news against the strike they organized in Palpa, district in the hilly region of the western part of Nepal.
5. A cadre of Nepali Congress, Murali Kumal, threatened executive editor of the *Lamjung Khabar daily*, Navin Raj Kuikel, expressing dissatisfaction over the editorial published in the newspaper on 24 January 2012.
6. Similarly the party cadres had manhandled camera person Anjan kumar Himali affiliated to the *Janaapekshya weekly* while taking picture of their program the same day.
7. An unknown person threatened of action on Surya Tamang, news editor at Ruipakot Community Radio of Khotang, a hilly district in the eastern part of the country on January 23, 2012.
8. In course of general Strike, the students agitating against the price hike of petroleum products burnt the copies of *Nagarik daily* in palap, a hilly district in the western part of the country on Januray 25. They burnt the Nagaric accusing it of writing against the general strike.
9. Similarly, on January 22, 2012 various sister organizations of different Madhesh - based political parties burnt the *kanipur daily* in various parts of the country. including the capital city, kathmandu, reasoning that it published an article that tarnished the image of Madhes- the southern plain – and undervalued the sentiment of Madhesi people.They described the article by Saurav.

The security person prevented journalists from covering news and took them under control for four hours in Dhankuta, eastern hilly district of Nepal on January 29, 2012. The prime minister was also addressing the program. The journalists were with the black armbands as a peaceful protest against the recent classification of information by the government.

10. The landless squatters settled in various parts of the Kathmandu valley vandalized a press vehicle belonging to the *Nepal Samachar Patra daily* in course of demonstration in the capital city on January 17, 2012. In January the government classified the information which sparked furor among media persons, rights activists and civil society. However due to tremendous press from the various quarter, the government withdrew the information classification.

Media Monitoring Report since 3rd January 2012 to March 2012 (FNJ) (Source: Federation of Nepali journalists 2012)

According to the reports of Federation of Nepalese journalists Association (FNJ) Journalists are coming across various incidents of atrocities event from state bodies armed –out lift and political parties. The following event which had been registered in FNJ since 3rd January 2012 to February proves. There have been 42 incidents of press freedom constraints had happened in this 2 months.

Attacked

There were 2 journalists were attacked since 3rd January 2012 to 9th February 2012 according to FNJ report.

In 3 January journalist Tirth Jaisi reporter of Bhery Fm in Nepal Gunj in Banke while he was going to the office early morning. The Gang also looted his tape recorder and diary. Similarly journalist Himal Rai reporter of the Byline Weekly of Dharan, a city in the eastern hill y region of Nepal was attacked and robbed by Binod Limbu for writing news about a religious fair on January 15. Rai was attacked while he was returning from his reporting assignment and robbed off his camera pen.

Threatened

There were 2 Journalists were threatened since 8th February 2012 to 9th February according to FNJ report. ‘Neha’

Where journalist Rupa Sharma ‘Neha’ in Kathmandu member of FNJ Metro Chapter was threatened by unknown person over the phone by unknown person over published news on 8th February 2012. Similarly KB Rana member of FNJ Nawal Prasi Chapter was threatened by Till Bahadur Gheda, district Secretary of Jana mukti Party in Nawal Parashi, western region of Nepal on 9th February 2012. He was threatened as he Rana did not publishing news about his party’s activity. Gheda had warned Rana “If you will not write about me, my party’s activists will attack you.”

Misbehaved/Manhandled

In 4th January 2012 2 journalists’ Damber Bahadur Adhikari and Omkar Acharya counselor of FNJ Tahnahu Chapter and editor of Setimadi daily Damber Bahadur Adhikari, and secretary of FNJ Tanahau chapter and editor of Madiseti Omkar Acharya were misbehaved and manhandled by assistant Chief Secretary of district officer Rajendra Ghimire in Tanahu according to FNJ report.

Obstruction to free flow of Information

There were 36 journalists were under taken by police for 3 hours in Dhankuta, eastern region of Nepal, on 29 January 2012 in order to ban media persons from covering a function which was inaugurated by the prime minister by wearing black bands on their arms as a protest against the government’s recent proposal to increase the types of classified information to 140. The journalists banned from covering the function included FNJ central committee member Siddaraj Rai, former president Sanjaya Santoshi Rai and FNJ Dhankuta chapter president Mahn Bantawa.

Vehicles Vandalized

In January 17th 2012 during the bandha held in Kathmandu by the strikers of landless squatter vandalized the vehicle of Samachar Patra daily in Kupandol, Kathmandu central region of Nepal.

Monthly Media Monitoring Report / February 2012

Obstacle on Free flow of Information

7 Feb 2012/Banke: Essential technical gadgets including computer hard disks were stolen from *Radio Janaawaj FM* at Banke, a district in the southern plain of the Midwestern region of Nepal on February 7, 2012 thereby disrupting the FM radio service. According to the sources, former station manager Kamal BK Nirmohi was behind the loot as he was warning of disruption in the FM after he was ousted on the charge of financial irregularities five days back.

Journalist Threatened

8 February 2012/Kathmandu: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of Rupa Sharma 'Neha', member of FNJ Metro FM Chapter was threatened over the phone by an unknown person over a published news on 8 Feb 2012.

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ requests the government to find and punish the guilty. FNJ also requests the government to make a proper environment for the security of the journalists.

Journalist Threatened

9 Feb 2012/Nawalparasi: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of FNJ Nawalparasi chapter's member KB Rana was threatened over the phone by Til Bahadur Gheda, District Secretary of Jana Mukti Party in Nawalparasi, western region of Nepal on 9 Feb 2012.

Til Bahadur Gheda was threatened the journalist Rana on the issue of news was not publishing about him. He says- "if will not write about me I will attack you by my activist."

Journalist Threatened

22 Feb 2012/Kathmandu: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of journalist threatened and misbehaved at Kathmandu, Central region of Nepal on 22 Feb 2012.

Journalist Yubraj Poudel 'Bibas', working as a Jhapa stringer from August 2011 at News 24 Television was threatened and misbehaved by Manager Adish Joshi.

Monthly Media Monitoring Report / March 2012

Newspaper office Vandalized

4 March 2012/Kailali: The office of Sandarv national daily was vandalized by unidentified group and looted camera in Kailali, Dhangadi on 4 March 2012.

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ requests the government to take strong action against the guilty.

Journalist Misbehaved

5 & 7 March 2012/Kalikot: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of a journalist Ratna karki, Treasurer of FNJ Kalikot Chapter and reporter of Radio Chulimali was misbehaved and manhandled by local peoples Naredra Farsal and Dan Bahadur Sahakari over published news in Kalikot, far western region of Nepal on 5 March 2012.

Similarly, Member of FNJ Sindhuli Chapter and Correspondent of Abhiyan Daily, Rajan BK was attacked by local peoples while he was trying to solve the discussion of his neighbor in sindhuli, Central region of Nepal on 7 March 2012.

It is condemnable that such an act is against the press as one still had the right to seek legal solution if not satisfied about the published news. FNJ urges all concern to give full respect to press freedom and freedom of expression and requests that not repeat such a misdeed and fulfill one's responsible duties respecting the rights of the media.

Obstacle on Free flow of Information

6 March 2012/Kathmandu: A group of thief broke into the office of the Dristhti weekly and took away computer hardware on the night of March 6 2012.

The group made off with a hard disk containing all documents of the weekly.

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ requests the government to investigative into the incident and bring to book the guilty involved in the loot.

Journalist Manhandled

7 March 2012/Bajura: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of journalist manhandled in Bajura (far western region of Nepal) on 7 March 2012.

Sher Bahadur Khadka, member of FNJ Bajura chapter and affiliated with the Radio Bajura was manhandled by two local persons, one named Bhakta Bahadur Budha among them, seized the camera of journalist Sher Bahadur Khadka. Journalist Khadka was using to take a picture of a cultural program at Atichaur VDC in the district. They manhandled him saying ‘why are you taking picture?’

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ feels and believes that this kind of activity is an act of press violation.

Journalist Attacked

11/12 March 2012/Bara: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of journalists attacked and looted in different places of the country.

Councillor of FNJ Bara chapter and Bara correspondent of Nagarik daily, Upendra Lamichhane was attacked by Arjun Baidhya without any reason at Simara-3, Bara(Central region of Nepal) on 12 March 2012. Journalist Lamichhane have sustained injury on his nose and head.

Similarly, Journalist of Himdut Daily, Gobinda Prasad Subedi was attacked by an unidentified group in Kaski (Western region of Nepal) on 11 March 2012. The attackers looted his Camera, Mobile, Pendrive and 6000 cash.

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ requests the government to improve security system and provide safety and security to the media persons. FNJ also demands arrest of the people involved in the incident and provide compensation to journalist subedi.

Obstacle on free flow of information

14 March 2012/Kailali: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of journalists were forcefully undertaken by unidentified group.

Shrwan Deuba Member of FNJ Kailali chapter and correspondent of ABC Television, Deepak Oli Correspondent of Sourya Daily and Bhim Choudhary correspondent of Tarai Television were forcefully undertaken by unidentified group at 7:30pm on 14 March 2012. they had reached deforestation site to make news and take photos in the neighbouring Doti district but some 40 smugglers made captive. They released after two hours threatening of life if they made the news on deforestation and smuggling.

Federation of Nepali Journalists (FNJ) strongly condemns the incident.

Journalist Manhandled

18 March 2012/Kathmandu: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of journalist manhandled by Minister.

Minister of State for Health, Saroj Kumar Yadav, who had reportedly gone to meet his ailing relative in Bir Hospital in the capital city on March 18, 2012, manhandled a journalist and cameraperson. Inebriated State Minister Yadav manhandled Praveen Dhakal of Saurya daily and tried to seize the camera journalist Gyanendra Karki of the same daily.

To the journalists, he, almost drunken, said, “You, nobody, get lost from here. Who are you to set camera before me?”

Federation of Nepali Journalists (FNJ) strongly condemns the incident.

Obstacle on Free flow of Information

19 March 2012/Kailali: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of false blamed on a journalist on 19 March 2012.

Journalist Shiva Raj Bhatta was false blamed by Youbraj Lama, Secretary of National Sports Association over published news on Annapurnapost about the corruption on the 6th National Sports at Dhangadi Stadium. Yubraj Lama was wrote false statement on his Facebook status about journalist Bhatta.

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ feels this kind of incident is an obstacle on freeflow information. FNJ requests the government to make workable environment for the journalist.

Journalist Attacked

21 March 2012/Bara: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of a group of journalist was attacked in Bara, central region of Nepal on 21 March 2012.

Bibhu Adhikari, correspondent of News 24 television, Resham Tiwari, Nepal television, Binod Pyakurel, correspondent of Gorkhapatra, Prakash Lamsal, correspondent of Naya Patrika and Basanta Khatiwada, reporter of Mofasal.com were at Halkhoriya Forest for cover the news of devotee Ram Bahadur Bamjan. The followers of Bamjan were attacked to the journalists and looted their camera and battery.

Federation of Nepali Journalists (FNJ) seriously condemns the incident. FNJ feels and believes that this kind of activity is an act of violation of press freedom and freedom of expression. FNJ requests the government to take strong action against the guilty.

Journalist Threatened

24 March 2012/Parsa: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of a journalist threatened in Parsa, Central Region of Nepal on 24 March 2012.

Shasi Bichitra, member of FNJ Parsa Chapter and Chief Editor of New Highway weekly was threatened of life by unidentified person over the phone by the no. 9844093100.

Federation of Nepali Journalists (FNJ) condemns the incident. FNJ requests the government arrest of the people involved in the incident.

Journalist Attacked

29 March 2012/Bajura: Federation of Nepali Journalists (FNJ) is seriously concerned over the incident of journalist attacked in Bajura (far western region of Nepal) on March 29, 2012.

Nimendra Sahi, district reporter with the National News Agency (RSS) Nepal, was beaten by locals at Bandhu VDC in the district while he was returning home after reporting. Quoting reporter Shahi, the RSS, said the persons- Tekendra Karki, Basanta Adhikari and two others attacked him saying, “Why are you showing with camera in the name of being journalist?”

Journalist Shahi have sustained injury on his eyes and forehead. They also looted purse and mobile. Meanwhile, the police have taken under control two persons involved in attack and searching others too.

Federation of Nepali Journalists (FNJ) strongly condemns the incident. FNJ requests the government to take strong action against the guilty.

5 Journalists Killed in 2011/Motive Confirmed

Journalist	Institution	Date	Destination
Ahmad Mohamed Mahmoud	Al-Ta'awun	February 4, 2011	Cairo, Egypt
Le Hoang Hung	Nguoi Lao Dong	January 30, 2011	Tan An, Vietnam
Gerardo Ortega	DWAR	January 24, 2011	Puerto Princesa City, Philippines
Lucas Mebrouk Dolega	European Press photo Agency	January 17, 2011,	Tunis, Tunisia
Wali Khan Babar	Geo TV	January 13, 2011	Karachi, Pakistan

1 Journalist Killed in 2011/Motive Unconfirmed

Ilyas Nizzar	Darwanth	January 3, 2011	Pakistan Pidadarak,
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(Source: CPJ)

2010 prison census

145 journalists jailed worldwide

<u>China: 34</u>	<u>Bahrain: 2</u>	<u>Iraq: 1</u>
<u>Iran: 34</u>	<u>Kyrgyzstan: 2</u>	<u>Kazakhstan: 1</u>
<u>Eritrea: 17</u>	<u>Syria: 2</u>	<u>Kuwait: 1</u>
<u>Burma: 13</u>	<u>Afghanistan: 1</u>	<u>Moldova: 1</u>
<u>Uzbekistan: 6</u>	<u>Azerbaijan: 1</u>	<u>Russia: 1</u>
<u>Vietnam: 5</u>	<u>Bangladesh: 1</u>	<u>Saudi Arabia: 1</u>
<u>Cuba: 4</u>	<u>Burundi: 1</u>	<u>Tunisia: 1</u>
<u>Ethiopia: 4</u>	<u>Egypt: 1</u>	<u>Yemen: 1</u>
<u>Turkey: 4</u>	<u>The Gambia: 1</u>	
<u>Sudan: 3</u>	<u>Indonesia: 1</u>	

Journalists Missing

2010

Country	journalist	institution	Date	Destination
Mexico:3	Miguel Angel Domínguez Zamora, Reynosa Pedro Argüello and La Tarde	El Mañana	March 2010	Reynosa
Sri Lanka : 1	Prageeth Eknelygoda	Lanka eNews	January 24, 2010	Colombo
Ukraine:1	Vasyl Klymentyev	Novyi Stil	August 11, 2010	Kharkiv

Total:5

2009

Country	journalist	institution	Date	Destination
Mexico :1	María Esther Aguilar s	El Diario de Zamora and Cambio de Michoacán	November 11, 2009, Zamora	Zamora

Total:1

2007

Country	journalist	institution	Date	Destinati on
Kzakhstan:1	Oralgai sha Omarshanova (Zhabagtaikyzy)	Zakon i Pravosudiye	March 30, 2007	Almaty
Mexico: 2	Gamaliel LópezCandanosa and Gerardo Paredes Pérez	TV Azteca Noreste TV Azteca Noreste	May 10, 2007 May 10, 2007	Monterrey Monterrey
Nepal: 1	Prakash Singh Thakuri	National Journalists Federation	July 5, 2007	Kanchan pur

Total:4

2006

Country	journalist	institution	Date	Destination
Mexico: 2	Rafael Ortiz Martínez	Zócalo and XHCCG	July 8, 2006	Monclava
	José Antonio García Apac	Ecos de la Cuenca en Tepalcatepec	November 20, 2006	Morelia

Total: 2

2005

Country	journalist	institution	Date	Destination
Indonesia: 1	Elyuddin Telaumbanua	Berita Sore	August 17, 2005	Nias
Mexico: 1	Alfredo Jiménez Mota	El Imparcial	April 2, 2005	Hermosillo

Total: 2

2004

Country	journalist	institution	Date	Destination
Iraq: 1	Isam al-Shumari	Sudost Media	August 15, 2004	Fallujah
Ivory Coast: 1	Guy-André Kieffer	freelance	April 16, 2004	Abidjan

Total: 2

2003

Country	journalist	institution	Date	Destination
Democratic republic Of Congo:1	Acquitté Kisémbé	Agence France-Presse	June 26, 2003	Bunia

Egypt: 1	Reda Helal	Al-Ahram	August 11, 2003	Cairo
Iraq: 1	Fred Nerac	ITV News	March 22, 2003	Iman Anas
Russia:1	Ali Astamirov	Agence France-Presse	July 4, 2003	Ingushetia, Russia

Total: 4

2002

Country	journalist	institution	Date	Destination
Ukraine: 1	Oleksandr Panych	Donetskiye Novosti	November 2002	Donetsk

Total: 1

1998

Country	journalist	institution	Date	Destination
Democrat ic republic Of Congo:1	Belmonde Magloire	Missinhoun, Le Point Congo,	October 3, 1998	Kinshasa
Rwanda: 1	Emmanuel Munyemanzi	Rwandan National Television	May 2, 1998	Kigali
Serbia and Monteneg ro: 1	Djuro Slavuj	Radio Pristina	August 21, 1998	Orahovac

Total: 3

1996

Country	journalist	institution	Date	Destination
Russia: 3	Vitaly Shevchenko	Lita-M, Chechnya	August 11, 1996	Grozny
	Andrei Bazvluk	Lita-M, Chechnya	August 11, 1996	Grozny
	Yelena Petrova	Lita-M, Chechnya	August 11, 1996	Grozny

Total: 3

1995

Country	journalist	institution	Date	Destination
Russia: 4	Maksim Shabalin	Nevskoye Vremya	February 1995	Chechnya
	Feliks Titov	Nevskoye Vremya	February 1995	Chechnya
	Sergei Ivanov	Nevskoye Vremya	June 1995	Chechnya
	Andrew Shumack	free-lancer	July 1995	Chechnya
Rwanda: 1	Manasse Mugabo	United Nations Assistance Mission in Rwanda Radio	August 19, 1995	Rwanda

Total: 5

1994

Country	journalist	institution	Date	Destination
Algeria: 1	Mohamed Hassaine	Alger Républicain	March 1, 1994	, Algiers

Total: 1

1982

Country	journalist	institution	Date	Destination
Lebanon: 1	Kazem Akhavan	IRNA	July 4, 1982	Byblos

Total: 1

Total 35 journalists are missing.

1.1.2 20 Journalists Killed in 2012/Motive Confirmed

1. **Ahmed Addow Anshur**, Shabelle Media Network, May 24, 2012, in Mogadishu, Somalia
2. **Farhan Jeemis Abdulle**, Radio Daljir, Simba Radio, May 2, 2012, in Galkayo, Somalia
3. **Ali Shaaban**, Al-Jadeed, April 9, 2012, in Wadi Khaled, Lebanon
4. **Leiron Kogova**, Papua Pos Nabire, Pasifik Pos Daily, April 8, 2012, in Mulia, Indonesia
5. **Mahad Salad Adan**, Shabelle Media Network, April 5, 2012, in Beledweyne, Somalia
6. **Ahmed Ismail Hassan**, Freelance, March 31, 2012, in Salmabad, Bahrain
7. **Ali Ahmed Abdi**, Radio Galkayo, Puntlandi, March 4, 2012, in Galkayo, Somalia
8. **Rajesh Mishra**, Media Raj, March 1, 2012, in Rewa, India
9. **Abukar Hassan Mohamoud**, Somaliweyn Radio, February 28, 2012, in Mogadishu, Somalia
10. **Anas al-Tarsha**, Freelance, February 24, 2012, in Homs, Syria ,
11. **Rémi Ochlik**, Freelance, February 22, 2012, in Homs, Syria
12. **Marie Colvin**, Sunday Times, February 22, 2012, in Homs, Syria

13. **Rami al-Sayed**,Freelance, February 21, 2012, in Homs, Syria
14. **Mario Randolph Marques Lopes**,*Vassouras na Net*, February 9, 2012, in Barra do Piraí, Brazil
15. **Mazhar Tayyara**,Freelance, February 4, 2012, in Homs, Syria
16. **Hassan Osman Abdi**,Shabelle Media Network, January 28, 2012, in Mogadishu, Somalia
17. **Enenche Akogwu**,Channels TV, January 20, 2012, in Kano, Nigeria
18. **Mukarram Khan Aatif**,Freelance, January 17, 2012, in Shabqadar, Pakistan
19. **Wisut "Ae" Tangwittayaporn**,*Inside Phuket*, January 12, 2012, in Phuket, Thailand
20. **Gilles Jacquier**,France 2, January 11, 2012, in Homs, Syria

18 Journalists Killed in 2012/Motive Unconfirmed

1. **Marco Antonio Ávila García**,*El Regional de Sonora and El Diario de Son.* May 17 or 18, 2012, in Guaymas, Mexico
2. **Ángel Alfredo Villatoro**,Radio HRN, May 15, 2012, in Tegucigalpa, Honduras
3. **Gabriel Hugué Córdova**,Freelance, May 2 or 3, 2012, in Veracruz state, Mexico
4. **Guillermo Luna Varela**,Veracruznews, May 2 or 3, 2012, in Veracruz state, Mexico
5. **Regina Martínez Pérez**,Proces, April 28, 2012, in Xalapa, Mexico
6. **Décio Sá**,*O Estado do Maranhão, Blog do Décio*,April 23, 2012, in São Luis, Brazil

7. **Aldion Layao**,dxRP Radio, April 8, 2012, in Davao, Philippines
8. **Yadav Poudel**,Avenues TV, Rajdhani Daily, Mechi Times, April 3, 2012, in Birtamode, Nepal
9. **Kamiran Salaheddin**, April 2, 2012, Iraq
10. **Argemiro Cárdenas Agudelo**,Metro Radio Estéreo, March 15, 2012, in Dosquebradas, Colombia
11. **Samid Khan Bahadarzai**,Melma Radio, February 21 or 22, 2012, in Orgun, Afghanistan
12. **Chandrika Rai**,Navbharat, The Hitavada, February 18, 2012, in Umaria, India
13. **Paulo Roberto Cardoso Rodrigues**,Jornal Da Praça, Mercosul News,February 12, 2012, in Ponta Porá, Brazil
14. **Meherun Runi**,ATN Bangla Television, February 11, 2012, in Dhaka, Bangladesh
15. **Golam Mustofa Sarowar**,Maasranga Television, February 11, 2012, in Dhaka, Bangladesh
16. **Nansok Sallah**,Highland FM, January 18, 2012, in Jos, Nigeria
17. **Christopher Guarin**,Radyo Mo Nationwide and Tatak News, January 5, 2012, in General Santos City, Philippines
18. **Shukri Abu al-Burghul**,Al-Thawra and Radio Damascus, January 3, 2012, in Damascus, Syria

The lists of killed Journalists from the Conflict Period to after Comprehensive Peace Accord 2063 Mangsir 5 (2006)

S.N.	NAMES	INSTITUTION	DATE	DEATH'S CAUSE
1	Dev Kumar Acharya	Janadesh Weekly	2001/07/23	Government
2	Kanchan Priyadarshi	Former board secretary of FNJ, Sindhupalchok	2002/04/20	Government
3	Nawaraj Sharma Basanta	Kadam Weekly	2002/05/10	Maoist
4	Krishna Sen	Janadesh Weekly	2002/05/27	Government
5	Binod Sajana Chawdhary	Janadesh Weekly	2002/09/30	Government
6	Kamal A.C.	Janadesha Weekly	2002/10/01	Government
7	Rajkumar K.C.	RSS	2002/10/24	Government
8	Kumar Ghimire	Janaprabhat Weekly	2002/11/02	Government
9	Ambika Timalsina	Janadesh and Mahima Weekly	2002/12/11	Maoist
10	Dhan Bahadur Roka Magar	Radio Nepal	2002/01/30	Maoist
11	Bhim Bahadur Gharti	Correspondence of Maoist Radio	2003	Government
12	Nagendra Pokhrel	Janadesh Weekly	2003//12/30	Government
13	Gyanendra Khadka	RSS	2003/08/06	Maoist
14	Gopal Giri	Saptahik Manch	2003/01/01	Maoist
15	Padma Raj Devkota	Karnali Sandesh & Murichawla Monthly	2003/02/07	Government
16	Suwas Mainali	Correspondance of Maoist Radio	2004	Government
17	Dikendra Raj Thapa	Radio Nepal	2004/04/11	Maoist
18	Ananda Kumar Thapa	Janadesh Weekly	2004/Aug-Sept	Government
19	Badri Khadka	Janadesh Weekly	2004/08/28	Government

9				
20	Khagendra Shrestha	Dharan Today	2004/ 04/01	Maoist
21	Mohan Khanal	Janabidrohi Weekly	2005	Government
22	Eshwor Dhungana	Janabidrohi Weekly	2005	Government
23	Maheshwor Pahadi	Rastriya Swabhiman weekly	2005/ 08/04	Government
24	Chin Bahadur Budha	Janadesh Weekly	2005/ 02/ 28	Government
25	Birendra Shah	AV News TV,Dusti Weekly, Nepal FM	2007/ 08/ 05	Maoist
26	Pushkar Bahadur Shrestha	New Highway & New Season Weekly	2007/ 01/ 02	JTMMJ
27	Jagat Prasad Joshi	Janadesh Daily	2008/ 12/ 01	Maoist Party
28	Uma Singh	Janakpur Today, Radio Today FM	2008/ 01/ 11	Unidentified group
29	Jamim Shah	Channel Nepal	2010/02/07	Unidentified group
30	Arun Sinhaniya	Entrepreneur /Radio Janakpur Publishetr Janakpur Today	2010 / 03 / 01	Unidentified group
31	Devi Prasad Dhital	Entrepreneur, Radio Tulsdipur Dang	2010/ 07/ 22	Unidentified group
32	Babur Kharel	- (In Nepal he was repoetrer of TAJA KHABR)	2011/07/17	Unknown
33	Yadav Raj Paudel	Mechi Times, avenues Television	2012/04/03	Unknowm
34	Santos Kumar Gupta	Interpreneur, Bindash FM	2012/0706	Dead body found in India

Source: FNJ

Table No 4.1.5

. S N.	NAMES	INSTITUTION	DATE	Abducted /Death's Cause
1	Prakash Singh Thakuri (Disappeared)	Capital Daily, Kanchanpur	2007/ 07/ 05	Maoist
25	Birendra Shah	AV News TV, Dusti Weekly, Nepal FM	2007/ 08/ 05	Maoist
26	Pushkar Bahadur Shrestha	New Highway & New Season Weekly	2007/ 01/ 02	JTMMJ
27	Jagat Prasad Joshi	Janadesh Daily	2008/ 12/ 01	Maoist Party
28	Uma Singh	Janakpur Today, Radio Today FM	2008/ 01/ 11	Unidentified group
29	Jamim Shah	Channel Nepal	2010/02/07	Unidentified group
30	Arun Sinhaniya	Entrepreneur /Radio Janakpur Publishetr Janakpur Today	2010 / 03 / 01	Unidentified group
31	Devi Prasad Dhital	Entrepreneur, Radio Tulsdipur Dang	2010/ 07/ 22	Unidentified group
32 *	Babur Kharel	- (In Nepal he was repoetrer of TAJA KHABR)	2011/07/17	Unknown
33	Yadav Raj Paudel	Mechi Times, avenues Television	2012/03/14	Unknowm
34 *	Santos Kumar Gupta	Enterpreneur, Bindash FM	2012/07/06	Dead body found in India

Source: FNJ

** Not investigated by FNJ due to lack proper information- Source> FNJ*

The Lists of Disappeared Journalists:

S.N.	Name	Institution	Date	Loss Cause
1	Milan Nepali	Janadesh Weekly, Lalitpur	1999/ 05/ 20	Government
2	Prakash Singh Thakuri	Capital Daily, Kanchanpur	2007/ 07/ 05	Maoist
3	Chitra Narayan Shrestha	Sindhuli		

Source: FNJ

No of News Papers and Magazines are registered till March/ April 2012 (2068 Chait Bs)

S . N	News Paper	Number	Language	Total
1	Daily	504	Nepali	4281
2	Bi-weekly	35	English	1049
3	Weekly	2366	Nepali/English	950
4	Fortnightly	432	Hindi	25
5	Monthly	1846	Newari	43
6	Bimonthly	529	Maithili	18
7	Tri-monthly	529	Bhojpui	8
8	Quarterly	35	Sanskrit	2
9	Half yearly	70	Urdu	6
10	Yearly	79	Tibetan	2

			Tharu	12
			Limbu	3
			Doteli	3
			Tamang	8
			Rai	1
			Bantawa Rai	1
			Another Language	292
T o t a l		6221		6221

Source: Department of Information 2012 (Chait 2068)

Victimized by Occupation

Profession	State	Non State	Total
Political worker	155	397	
Health Worker	-	9	9
Social worker	1	7	8
Armed Police	1	-	1
Human Rights Activist	61	3	64
Labour	34	174	
Civil/Private service	22	55	77
Forest Security Guard	-		
Police	4	12	16
Journalist	19	66	

Student	42	641	
Teacher	9	37	46
Business Professional	21	91	112
Agriculture Workers	186	1838	
Law Professional	1	2	3
Total	642	2397	3039

(Source: Human Rights year Report 2012 –INSEC)

Media Monitoring since January 2010 to December 2010

Source: FNJ

Incident	Date	Place	Name of the Journalist	By Whom
Murdered	7 Feb 2010	Kathmandu	Jamim Shah (media entrepreneur)	Unidentified (later claimed by Chhota Rajan group)
	28 Feb 2010	Janakpur	Arun Singhaniya	Unidentified (later claimed responsibility by Janatantrik Party – Madhesh)
	22th July	Dang	Devi Prasad (Hemraj)	Unidentified
Attacked	6 Jan 2010	Dailekh	Prem BC	local people
	3 rd March	Morang, Pathari	Bivek Bhattarai	Youth Force
	20 March	Dhanusha, Janakpur	Suresh Yadav	Nepal Police
	21 March	Dhanusha, Janakpur	Ishowrchandra Jha, Shree Narayan Sah, Bimalesh Singh, Bakutnath Jha & Jagdish Sah	Nepal Police

	5 th April	Tanahu	Risiram Pokhrel	Nepal Press Union's vice.President Dhruba Sigdel
	26 th April	Kathmandu	Purna Chandra Neupane	Inspector Hari Basnet
	5 th May	Kathmandu	Sudarshan Ghimire,	Unified CPN Maoist cadres
	5 th May	Surkhet	Gyanendra Niraula	Maois activists
	5 th May	Biratnagar	Kashi Ram Sharma	Maois activists
	6 th May	Kathmandu	Manoj Gharti Magar	Nepal Police
	3 rd June	Morang	Rabindra Pokhrel	Unidentified
	14 th June	Dhanusha	Mohan Gole	Unidentified
	29 th June	Sunsari	Mina Shah	Unidentified

	7 th July	Dailekh	Surya Bishwokarma	CUPN Maoist Cadre
	18 th July	Dhanusha	Pramod Sah	Unidentified
	16 th Aug	Dharan	Lilanath Ghimire	Unidentified
	15 th Sep	Pokhara	Dina nath Baral	Unidentified
	18 th Sep	Routahat	Rajendra Kumar Chettri	Criminal group
	18 th Sep	Routahat	Bishwa Nath Ram	Criminal group
	23 th Oct	Saptari	Sachin Pokhrel	Nepal Police
	23 th Oct	Saptari	Baidhnath Yadav	Nepal Police
	11 th Nov	Humla	Dhananjay Buda	Local People
	16 th Nov	Kathmandu	Shreedeeep Rayamajhi	Identified Group
	19 th Dec	Jhapa	Partha Mandal	A Group
Threatened	1 st Jan 2010	Inaruwa	Abdesh Kr. Jha	Unidentified
	22 Jan 2010	Khotang	Krishna Acharya	Officer of Nepal Red Cross Society
	22 Jan	Kailai	Santosh Ojha	Cadres of

	2010			Kirant Workers Party
	4 Feb 2010	Kathamndu	Bharat Shah	SP Yogeshwor Romkhami
	4 Feb 2010	Kathmandu	Prahlad Rijal	Makhan Gurung
	13 Feb 2010	Kathmandu	Kailash Sirohiya (media entrepreneur)	Unidentified
	13 Feb 2010	Kathmandu	Akhilesh Upadhyaya	Unidentified
	13 Feb 2010	Janakpur	Sudhir Sharma	Unidentified
	2 nd March 2010	Mahottari	Brij Kumar Yadav	Chairman of Janatantrik Party – Madhesh
	3 rd March 2010	Kathmandu	Bijaya Kumar Choudhary	Madheshi Virus killers
	2 nd March	Udaipur	Manoj Gharti Magar	Unidentified
	4 March	Kathmandu	Netra Bikram Sunuwar	Unidentified
	10	Pokhara	Rameshwor	

	March		Thapa (media entrepreneur)	Unidentified
	10 March	Kavre	Raju Bhandari (Chairman Hotline Publication)	Unidentified
	4 th May	Kathmandu	Jay prakash Gupta	Unidentified
	5 th May	Dhankuta	Ramesh Chandra Adhikari	Maoist cadres
	6 th May	Dharan	Rameshwor Karki	Maoist cadres
	13 th May	Kavre	Motiram Timilsina	Unified CPN Maoist Member
	18 th May	Kathmandu	Keshav Ghimire	Employees of Unnity Life International
	10 th June	Achham	Krishna Sahi	Unidentified
	10 th June	Achham	Shiv Raj Dhungana	Unidentified
	28 th June	Nepalgunj	Reporter of Kantipur	Tarai Janatantrik Party Madhes

	5 th July	Sunsari	Jaykrishna Gupta	Regional Coordinator of USAID
	8 th July	Bara	Bibhu Adhikari	Unidentified
	8 th July	Morang	Shiv bdr. Karki	Chandreshwar Yadav Morang Chief of Drinking Water Cooperation
	14 th July	Nepalgunj	J. Pandey	Tarai Janatantrik Party Madhes
	20 th July	Sunsari	Jitendra Narayan Thakuri	Ram Bhandari
	11 th Aug	Myagdi	Agandhar Tiwari	Arun kumar Mandal, a staff of myagdi hospital.
	11 th Aug	Myagdi	Hari Krishna Gautam	Arun kumar Mandal, a staff of myagdi hospital.
	14 th Aug	Arghakhanchi	Rudramani Bhusal	Unidentified
	15 th Aug	Sunsari	Sunil Kafle	Local Congress leader
	17 th Aug	Jhapa	Lilanath Dhakal	Tej bdr. Yonghang
	18 th Aug	Morang	Mohan Bhattarai	Nabaraj KC
	21 th	Banke	Damodar	underground

	Aug		Bhandari	outfit Terai Janatantrik Party (Madhesh)
	30 th Aug	Syanja	Prakash Dumre	Unidentified
	30 th Aug	Mustang	Bhim bdr. Rasailee	Local people of Mustang
	31 th Aug	Sindhupalchok	Dhruba Dangal	District President of Nepali Congress Sindhupalchok District Committee
	3 th Sep	Dhulikhel	Motiram Timilsina	Head Teacher of Bal Sulabh Primary School.
	23 th Oct	Kathmandu	Kedar Koirala	Unidentified
	24 th Oct	Routahat	Sanjay Mishra	Chandan Kushwah
	14 th Nov	Routahat	Madan Thakur	Unidentified
	4 th Dec	Bajura	Rana bdr. BK	Maoist Activist
Misbehaved/Manhandled	12 th Jan	Rupandehi Marchawar	Deepak Bhusal	SSB
	22 th Jan	Jomsom	Journalists	Nepal Army
	10 th March	Siraha	Santosh Subedi	Nepal Police
	10 th	Surkhet	Ramesh Bam	Nepal Police

	March			
	26 th March	Surkhet	Ganesh Kanchan Bharati	Nepal Police
	16 th April	Saptari	Hem Sankhar Singh	Unidentified
	18 th May	Nuwakot	Rajumitra Khanal	Police and protesters
	18 th May	Kathmandu	Photo Journalists	The participants of the peace rally organized by Unity Life International
	18 th May	Kathmandu	Rajneesh Bhandari Bikash Adhikari Krishna Gyawali	Employees of Unity Life International
	27 th June	Sindhupalchowk	Pabitra kumar Khadka	District Forest Officer of Sindhupalchok
	27 th June	Sindhupalchowk	Gyanedra Timilsina	District Forest Officer of Sindhupalchok
	27 th June	Sindhupalchowk	Dhruba Dungal	District Forest Officer of Sindhupalchok
	27 th June	Sindhupalchowk	Tika Dahal	District Forest Officer of Sindhupalchok
	27 th June	Sindhupalchowk	Yubraj Puri	District Forest Officer of Sindhupalchok

	26 th July	Bhaktapur	Bhola Thapa	The security personnel of Former King Gyanendra Shah
	26 th July	Bhaktapur	Manoj Basnet	The security personnel of Former King Gyanendra Shah
	26 th July	Bhaktapur	Makar Shrestha	The security personnel of Former King Gyanendra Shah
	28 th July	Sunsari	Abdesh kumar Jha	Chief District Officer of Sunsari District
	28 th July	Sunsari	Rajan Niroula	Chief District Officer of Sunsari District
	2 th Aug	Parsa	Dibya Malik	Manoj Nepali
	8 th Aug	Kathmandu	Arjun Subedi	Pashupati Area Development Trust
	9 th Aug	Dhangadi	Prithiviraj Ghimire	Indian security force SSB
	10 th Aug	Kathmandu	Bijay Varma	An elected lawmaker Ishwor Dayal Mishra from Terai Madhesh

				Democratic Party
	31th Aug	Bardiya	Jyoti Panthi	Dr. Raman Singh
	6 th Sep	Kailali	Mammohan Swar	A group of local people
	23th Sep	Bardia	Bhabuk Yogi	Inspector
	27 th Oct	Jhapa	Deepak Adhikari	A group of local people
	13 th Nov	Rolpa	Mousam Roka	Local Police
	13 th Nov	Rolpa	Rohit KC	Local Police
	17 th Dec	Kathmandu	Krishna Gyawali	Local People
Arrested	19 th Aug	Sunsari	Jay Krishna Yadav	Police
Abducted	30 th June	Pyuthan	Keshav Bohara	Unidentified
	15 th Nov	Kailali	Sushil Dhungana	Unidentified
Newspaper burnt	14 March	Dhading	Kantipur and Kathmandu Post	Tamsalig Nepal Rashtriya Dal
	28 th May	Naya Baneshwor	Nagarik & Republica Daily	Cadres of Unified CPN Maoists

	28 th May	New Road of Kathmandu	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	28 th May	Kaushaltar of Bhaktapur	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	28 th May	Lagankhel of Lalitpur	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	28 th May	Baglung	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	28 th May	Chitwan	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	28 th May	Palpa	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	28 th May	Syanja	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	29 th May	Chitwan	Nagarik & Republica Daily	Cadres of Unified CPN Maoists
	30 th Aug	Baglung	Dhorpatan Daily	District committee
Obstruction to free flow	4 th	Kathmandu	Rajdhani Daily	Maoist

of Information	April			affiliated trade Union
	5 th April	Jhapa	planted a bomb in the office Naulo Aawaj weekly	Jwala Singh
	1 st July	Jhapa	Janasamsad Daily	Raju Karki, Central committee member of Yourth Force affiliated to CPN UML party
	5 th July	Kailali	Sudur Sandesh	Maoist Activists
	6 th Sep	Kailali	Anumodan daily	A group of local People
	6 th Sep	Nuwakot	Gatisheel daily	A group of local People
	21 th Nov	Kailali	Radio Jana Awaj	Unidentified
Vehicles vandalized				

Annex 4

Full text of the Comprehensive Peace Agreement held between Government of Nepal and Communist Party of Nepal (Maoist)

Report

—

Government of Nepal

Preamble

Respecting popular mandate of Nepali people expressed in favor of democracy, peace and progression through the historical struggles and people's movements, time and again, from 2007 BS and even before till now;

Reaffirming the full commitment towards the twelve-point agreement reached between seven political parties, CPN (Maoist), eight- point consensus, twenty-five point code of conduct held between Government of Nepal and CPN (Maoist), decision made in the meeting held between apex leaders of seven political parties and CPN (Maoist) held on Nov. 8 2006 including all agreement, consensus, code of conduct reached between Government of Nepal and CPN (Maoist), and letters of similar viewpoints sent to United Nations;

Expressing determination for progressive restructuring of the state to resolve existing problems in the country, based on class, cast, region, sex;

Reiterating the full commitment towards democratic value and acceptance including competitive multiparty democratic system of governance, civil liberty, fundamental rights, human rights, full press freedom and concept of rule of law;

Remaining committed towards Universal Declaration of Human rights, 2048, international humanitarian laws and basic principles and acceptance relating to human rights;

Keeping democracy, peace, prosperity, progressive economic and social change and independence, indivisibility, sovereignty, and self respect of the country at centre;

Expressing commitment to hold election to constituent assembly in free and fair manner till the end of the month of Jeth 2064 BS;

Declaring the beginning of a new chapter of peaceful collaboration by ending armed struggle continued in the country from 2052 BS through political consensus between the two parties to ensure sovereignty of Nepali People through constituent assembly, forward looking political resolution, democratic restructuring of the state and economic-social and cultural transformation;

This comprehensive peace agreement has been reached between Government of Nepal and CPN (Maoist) with commitment to transform ceasefire between Government of Nepal and CPN (Maoist) into sustainable peace.

1. Preliminary

1.1. The name of this agreement is "Comprehensive Peace Agreement". In short the agreement shall be called Peace Agreement.

1.2. The agreement shall come into force after public declaration by the government and Maoist side.

1.3. Both the sides shall give necessary directives to all the agencies under their control for immediate implementation of this agreement and to abide by it and implement it and get it implemented.

1.4. All the agreement, consensus and decision reached between seven political parties, the government and Maoists that are enclosed in annex shall be integral part of this agreement.

1.5. The consensus and agreement to be reached hereafter for the implementation of this agreement shall also be the integral part of this agreement.

2. Definition: Unless the subject and context mean otherwise, in this agreement:

(a) "Ceasefire" means the acts to negate all forms of aggressions, kidnappings, disappearances, taking into custody aimed at each other and between Government of Nepal and CPN (Maoist), mobilisation and strengthening of armed forces, destruction in the society by any means including aggression and activities of violence and acts of incitement and instigation.

(b) "Interim Constitution" means "Interim Constitution of Nepal 2063" to be issued until drafting and enforcement of the new constitution by constituent assembly.

"Interim Council of Ministers" means "Interim Council of Ministers" to be formed according to Interim Constitution.

"Both the Parties" means the party of Government of Nepal and the party of Communist Party of Nepal (Maoist).

"Prevailing Law" means Interim Constitution of Nepal 2063 and prevailing Nepal Laws that are not inconsistent with it. But this definition shall not obstruct legal arrangement existed before enforcement of Interim constitution 2063.

"Verification" means the subject of verification and true record keeping of military, combatant and arms by United Nations.

3. Political - Economic - Social Transformation and Conflict Management

Both the parties are in agreement to adopt following policy and program for political-economic and social transformation and to affirmatively resolve existing conflict in the country:

3.1. To ensure forward moving political economic and social transformation on the basis of decision made in summit meeting between seven political parties and CPN (Maoist) held on Nov. 8, 2006 (Annex-6)

3.2. To guarantee sovereignty inherent in Nepalese people in practice by forming interim legislature - parliament according to interim constitution and by holding election to constituent assembly in free and fair manner till the Month of Jeth, 2064 BS by Interim Government.

3.3. To not allow any authority regarding affairs of governance of the country to remain with the king. To bring the properties of late King Birendra, late queen Aishworya and their family under Government of Nepal and to make use of the property in the interest of the state by forming a trust. To nationalise all the properties (like palaces situated in different places, forest and parks, heritages with historical and archeological importance) received by King Gyanendra in his capacity as the King. To decide the issue of whether

or not to retain the monarchy by simple majority in the first meeting of constituent assembly.

3.4. To adopt a political system that complies with universally accepted fundamental human rights, multiparty competitive democratic system, sovereignty inherited in people, supremacy of the people, constitutional check and balance, rule of law, social justice, equality, independent judiciary, periodic election, monitoring by civil society, complete press freedom, people's right to information, transparency and accountability in the activities of political parties, people's participation, impartial, competent, and fair concept of bureaucracy.

3.5. To address the problems related to women, Dalit, indigenous people, Janajatis, Madheshi, oppressed, neglected, minorities and the backward by ending discrimination based on class, caste, language, sex, culture, religion, and region and to restructure the state on the basis of inclusiveness, democracy and progression by ending present centralised and unitary structure of the state.

3.6. To keep implementing at least programs of common consensus for the economic and social transformation to end all forms of feudalism.

3.7. To adopt the policy to implement scientific land reform program by ending feudalistic system of land holding.

3.8. To follow the policy for the protection and promotion of national industries and resources.

3.9. To adopt policy to establish rights of all citizens in education, health, housing, employment and food reserve.

3.10. To adopt policy to provide land and other economic protection to landless squatters, Kamaiya, Halia, Harwa, Charwa and economically backward section.

3.11. To adopt policy to severely punish people amassing properties by means of corruption while remaining in government posts.

3.12. To form common development concept for economic and social transformation and justice and to make the country developed and economically prosperous, at the earliest.

3.13. To follow the policy to increase investment in industries, trade and export promotion in order to increase opportunities for income generation by ensuring professional rights of the laborers.

Management of Army and Arms

In order to hold election to constituent assembly in free and fair manner and for the democratic restructuring of the army to proceed with the following works according to twelve point agreement, eight point consensus, twenty-five point code of conduct, five-point letter sent to United Nations and decision taken by summit meeting held on Nov. 8:

Relating to the Maoists' Army-

4.1 As per the commitment expressed in the letter sent on behalf of the Government of Nepal and the CPN (Maoist) to the United Nations on August 9, 2006, the Maoists' Army combatants shall remain within the following Cantonments. The UN shall verify and monitor them.

The main Cantonments shall remain in the following locations:

1. Kailali 2. Surkhet 3. Rolpa 4. Nawalparasi
5. Chitwan 6. Sindhuli 7. Ilam

Three sub-cantonments shall be placed in the periphery of each of these main cantonments.

4.2. After placing the Maoist combatants within the Cantonments, all the arms and ammunition except those required for providing security to the Cantonments shall be securely stored and the keys to the single lock shall remain with the side concerned. The UN shall monitor the process of placing the weapons under the single lock by keeping records and fitting a device along with siren. In case of need to examine the weapons

placed under the single lock, the UN shall do so under the presence of concerned side. All the technical details along with Camera Monitoring shall be prepared under the joint agreement of the UN, CPN (Maoist) and the Government of Nepal.

4.3. The government of Nepal shall make all the necessary arrangements including ration needed for the Maoist combatants after placing them within the Cantonments.

4.4. The Interim Council of Ministers shall form a special committee in order to inspect, integrate and rehabilitate the Maoist combatants.

4.5. The government shall be taking care of security arrangements of the Maoist leaders.

Relating to the Nepali Army-

4.6. As per the commitment expressed in the letter sent to the UN, the Nepali Army shall be confined within the barracks. Guarantee that the arms shall not be used for or against any side. The Nepali Army shall store the same amount of arms in accordance with that of the Maoists and seal it with single-lock and give the key to the concerned side. In case of need to examine the stored arms, the UN would do so in the presence of the concerned side. Prepare the details of technology including camera for monitoring as per the agreement among the Government of Nepal, the Maoists and the UN.

4.7. The Council of Ministers shall control, mobilise and manage the Nepali Army as per the new Military Act. The Interim Council of Ministers shall prepare and implement the detailed action plan of democratisation of the Nepali Army by taking suggestions from the concerned committee of the Interim Parliament. This shall include tasks such as determining the right number of the Nepali Army, preparing the democratic structure reflecting the national and inclusive character and training them as per the democratic principles and values of the human rights.

4.8. Nepali Army shall be giving continuity to tasks such as border security, security of the conservation areas, protected areas, banks, airport, power house, telephone tower, central secretariat and security of VIPs.

5. Cease-Fire

5.1. Termination of military action and armed mobilisation:

5.1.1. Both sides shall express commitment to refrain from carrying out following activities:

- a. Direct or indirect use of any type of weapon or acts of attack against each other.
- b. Searching or confiscating weapons belonging to other side with or without weapons at the place where the arms have been stored as per the understanding reached between both sides.
- c. Hurt or render mental pressure against any individual.
- d. Set up ambush targeting any side.
- e. Involve in murder or violent activities.
- f. Involvement in kidnap/detention/imprisonment/disappearance
- g. Arial attack or bombardment.
- h. Mining and sabotaging.
- i. Spying military activities of any side.

5.1.2. Both sides shall not recruit additional armed forces or conduct military activities, including transporting weapons, ammunitions and explosives.

However, the security forces deployed by the interim government shall have authority to conduct routine patrol, explore in order to prevent illegal trafficking of the weapons, explosives or raw materials used in assembling weapons at the international border or custom points and seize it

5.1.3. No individual or group shall bear any illegal weapons, ammunitions or explosives while traveling.

5.1.4. Both sides shall assist each other to mark the landmines and booby-traps used during the time of armed conflict by providing necessary information within 30 days and defuse and excavate it within 60 days.

5.1.5. Armies of both sides shall not bear arms or show their presence wearing combat fatigue during any public programme, political meeting or civil assembly.

5.1.6. Nepal Police and Armed Police Force shall give continuity to the task of maintaining legal system and law and order along with criminal investigation as per the norms and sentiments of the Jana Andolan and peace accord as well as prevailing law.

5.1.7. Both sides shall issue circular to its respective armed bodies or personnel to stop addressing any armed personnel of opposite side by the term 'enemy' or behave in similar manner.

5.1.8. Both sides agree to maintain a record of the government, public, private building, land and other property seized, locked up or not allowed to use in course of the armed conflict and return them back immediately.

5.2 Situation Normalisation Measures

5.2.1. Collection of cash or kind and tax collection against one's wish and against the existing law shall not be allowed.

5.2.2. Both sides agree to make public the status of the people under one's custody and release them within 15 days.

5.2.3. Both sides also agree to make public within 60 days of signing of the agreement the real name, caste and address of the people made 'disappeared' or killed during the conflict and also inform the family members about it.

5.2.4. Both sides agree to constitute a National Peace and Rehabilitation Commission and carry out works through it to normalise the adverse situation arising as a result of the armed conflict, maintain peace in the society and run relief and rehabilitation works for the people victimised and displaced as a result of the conflict.

5.2.5. Both sides agree to set up a High-level Truth and Reconciliation Commission as per the mutual consensus in order to probe about those involved in serious violation of human rights and crime against humanity in course of the armed conflict and develop an atmosphere for reconciliation in the society.

5.2.6. Both sides pledge to abandon all types of war, attack, counter-attack, violence and counter-violence in the country with a commitment to ensure loktantra, peace and forward-looking change in the Nepali society. It is also agreed that both the sides would assist one another in the establishment of peace and maintaining of law and order.

5.2.7. Both sides guarantee to withdraw accusations, claims, complaints and under-consideration cases leveled against various individuals due to political reasons and immediately make public the state of those imprisoned and immediately release them.

5.2.8. Both sides express the commitment to allow without any political prejudice the people displaced due to the armed conflict to return back voluntarily to their respective ancestral or former residence, reconstruct the infrastructure destroyed as a result of the conflict and rehabilitate and reintegrate the displaced people into the society.

5.2.9. Both sides agree to take individual and collective responsibility of resolving, with also the support of all political parties, civil society and local institutions, any problems arising in the aforementioned context on the basis of mutual consensus and creating an atmosphere conducive for normalisation of mutual relations and for reconciliation.

5.2.10. Both sides express the commitment not to discriminate against or exert any kind of pressure on any member of the family of the two sides or on the basis of being related to one another.

5.2.11. Both sides agree not to create any kind of obstacle and allow any kind of obstruction to be created in the independent traveling, assuming of duties and executing of work by the Government of Nepal and Public Bodies' employees and assist them in their work.

5.2.12. Both sides agree to allow unrestricted traveling as per the law within the state of Nepal to the United Nations, International Donors Agencies and Diplomatic Missions based in Nepal, National and International Non-Government Organisations, Press, Human Rights Activists, Election Observers and foreign tourists.

5.2.13. Both sides are committed to operating publicity programs in a decent and respectable manner.

6. End of conflict

6.1. On the basis of the historical agreement reached between the Seven Political Parties and the CPN (Maoist) on November 8, 2006, we declare an end to the armed conflict ongoing in the country since 1995 by giving permanency to the ongoing cease-fire between the Government and the Maoist.

6.2. The decisions taken by the meeting on November 8, 2006 of the senior leaders of the Seven Parties and the CPN (Maoist) would be the main policy basis for long-term peace.

6.3. Following the arrival of the Nepali Army in the barracks and the Maoist Army combatants in temporary camps, holding, display and use of violence and arms for creating fear and terror and in any form against the agreement and law would be legally punishable.

6.4. Army of both the sides would not be allowed to publicise for or against any side and support or protest any side. But they shall not be deprived from their right to vote.

7. Human Rights, Fundamental Rights and Adherence to Humanitarian Law

By remaining committed to the Universal Declaration of Human Rights, 1948, the International Humanitarian Law and fundamental principles and standards of human rights, both sides expressed their agreement to the following issues:

7.1. Human Rights:

7.1.1. Both sides reiterate their commitment to the respect and protection of human rights and to international humanitarian law and accept that nobody should be discriminated against on the basis of colour, gender, language, religion, age, race, national and social origin, wealth, disability, birth and other status, thought or belief.

7.1.2. Both sides agree to create an atmosphere where the Nepali people can enjoy their civil, political, economic, social and cultural rights and are committed to ensuring that such rights are not violated under any circumstances in the future.

7.1.3. Both sides express the commitment that impartial investigation and action as per the law would be carried out against the people responsible in creating obstructions to the exercising of the rights envisaged in the letter of agreement and guarantee not to encourage impunity. Apart from this, they shall also guarantee the right to relief of the families of the conflict and torture victims and the disappeared.

7.1.4. Both sides would not be involved in the acts of torture, kidnapping and forcing the civilians in any work and take necessary action to discourage such acts.

7.1.5. On the basis of norms and values of secularism, both sides shall respect the social, cultural, religious sensitivity, religious site and the religious faith of the individual.

7.2. Right to Live:

7.2.1. Both sides respect and protect the fundamental right to live of an individual. Nobody shall be deprived of this fundamental right and no law shall be formulated to award death penalty.

7.3. Right to Individual Dignity, Freedom and Mobility

7.3.1. Both sides respect and protect the right to individual dignity. In this connection, no person including those deprived of enjoying freedom as per the law would be subjected to torture or any other cruel, inhuman or degrading behaviour or punishment. The citizen's right to confidentiality shall be respected.

7.3.2. Both sides shall fully respect the individual's right to freedom and security and shall not be allowed to keep anyone under arbitrary or illegal detention, kidnap or hold captive. Both sides agree to make public the status of every individual made 'disappeared' and held captive and inform about this to their family members, legal advisor and other authorised person.

7.3.3. Both sides shall respect and protect the citizens' right to free mobility and the freedom to choose within legal norms the location of one's residence and express the commitment to respect the right of the people displaced by the conflict and their families to return back to their homes or to settle in any other location of their choice.

7.4. Civil and Political Rights

7.4.1. Both sides are committed to respect the individual's freedom of speech, expression, setting up organisations and holding peaceful gatherings and right to freedom of exploitation.

7.4.2. Both sides respect the right of every citizen to take part directly or through one's selected representative in issues of public concern, to vote, to be elected and equality in joining of public services.

7.4.3. Both sides are committed to respect the individual's right to be informed.

7.5. Economic-Social Rights

7.5.1. Both sides are committed to respect and protect the individual's right to livelihood through employment of their choice or acceptance.

Full text of the peace agreement

7.5.2. Both sides are committed to respecting and guaranteeing the rights of food security of all the people. They guarantee that there would be no interference in the transportation, use and distribution of food, food products and food grains.

7.5.3. Both sides identify with the fact that the citizens' right to health should be respected and protected. Both sides will not create hurdles in the supply of medicines and in health assistance and campaigns, and express commitment for treatment and rehabilitation of the people injured in course of the conflict.

7.5.4. With the realisation of the fact that the right to education should be guaranteed and respected, both sides are committed to maintaining a conducive academic environment in the educational institutions. Both sides agree to guarantee that the right to education would not be impeded. They agree to put to an end, on an immediate basis, activities like taking the educational institutions under control and using them, abducting teachers and students, taking them under control and making them to disappear, and to not to establish barracks in a way that it would impede them.

7.5.5. Both sides agree that the private property of any individual would not be seized or usurped, except permitted by the laws.

7.5.6. Both sides believe in the fact that the industrial climate in the country should not be disturbed and production should be given continuity and that the right of collective bargaining and social security should be respected. They also believe in the fact that if any problem arises between the business houses and labourers, they should be encouraged to resolve the problem in a peaceful manner. Both sides respect the right to work prescribed by the International Labour Organisation.

7.6. Women and Child Rights

7.6.1. Both sides fully agree to protect the rights of the women and children in a special way, to immediately stop all types of violence against women and children, including child labour as well as sexual exploitation and abuse. They also fully agree not to include or use children who are 18 years old and below in the armed force. Children thus affected

would be instantaneously rescued and necessary and suitable assistance would be provided for their rehabilitation.

7.7. Right of Personal Liberty

7.7.1. Both sides agree to the freedom of opinion and expression; freedom to assemble peaceably and without arms; freedom of movement; freedom to practice any profession, or to carry on any occupation, industry or trade; press and publication rights; the freedom to take part in peaceful political activities; the right of equality before the law; and to implement and have a tolerable system of justice implemented.

8. Dispute Settlement and Implementation Mechanism

8.1. Both sides agree to become responsible and accountable in a personal and collective way and not to repeat in future mistakes committed in the past and also to correct these mistakes on a gradual basis.

8.2. The National Peace and Rehabilitation Commission can set up mechanism as per the need for making the campaign for peace successful. The composition and working procedures of the Commission would be as determined by the interim Council of Ministers.

8.3. Both sides are committed to settle all kinds of present or possible future mutual differences or problems through mutual talks, understanding, consensus and dialogue.

8.4. Both sides express commitment that the interim Council of Ministers can constitute and determine the working procedures of the National Peace and Rehabilitation Commission, the Truth and Reconciliation Commission, the High-level State Restructuring Recommendation Commission and other mechanisms as per the need to implement this agreement, the Interim Constitution and all the decisions, agreements and understandings reached between the Seven-party Alliance, the Government of Nepal and the CPN (Maoist).

9. Implementation and Follow-up

Both sides have agreed to make the following arrangements for the implementation of the understandings mentioned in this agreement and for their follow-up -

9.1. Both sides agree to give continuity to the task of monitoring of the human rights provisions mentioned in this agreement by the United Nations Office of the High Commissioner for Human Rights, Nepal.

9.2. Both sides agree for the monitoring of the management of arms and the armies by the United Nations Mission in Nepal as mentioned in the five-point letter send to the UN earlier and in the present agreement.

9.3. Both sides agree to get the United Nations supervise the election to the Constituent Assembly.

9.4. The National Human Rights Commission shall also carry out works related to the monitoring of human rights as mentioned in this agreement together with the responsibility assigned to it as per the laws. In connection with carrying out its works, the Commission can take the help of national and international human rights organisations after maintaining necessary coordination with them.

9.5. Both sides agree to accept the reports submitted by the above-mentioned bodies, to provide the information requested by them, and to implement the suggestions and recommendations given by them on the basis of consensus and dialogue.

10. Miscellaneous

10.1. Both sides agree not to operate parallel or any form of structure in any areas of the state or government.

In Nepal, concerns raised over Maoist actions

October 3, 2007

Dr. Baburam Bhattarai
Deputy Leader
Communist Party of Nepal-Maoist

Buddhanagar, Kathmandu
Nepal

Via facsimile: +977-1-4784045

Dear Dr. Bhattarai:

The Committee to Protect Journalists is deeply concerned by the use of violence and intimidation by members of Maoist-affiliated organizations to disrupt the circulation of newspapers produced by Kantipur Publications, Nepal's largest private news company. Shalik Ram Jamkattel, a Maoist parliamentarian and chairman of the powerful All Nepal Trade Union Federation, has also issued a public threat to forcibly shut down Kantipur Television within days if the group's demands are not met.

As a nonpartisan organization of journalists dedicated to the defense of our colleagues around the world, CPJ upholds the right of all media workers to engage in collective bargaining and carry out peaceful protests to safeguard their interests. However, CPJ maintains that such political activities must be non-violent. The strong-arm tactics used by Maoist party cadres against Kantipur management, employees, distributors, and newspaper vendors are criminal activities. The Maoist leadership is responsible for the actions of party cadres and should take appropriate disciplinary measures against members who harass, threaten, and assault journalists and media workers.

We respectfully remind you of the commitments made by the CPN-Maoist to uphold press freedom guarantees, including those in the Comprehensive Peace Agreement and in the interim constitution. Nepalese journalists have told CPJ that the attacks on Kantipur are perceived as an assault by the Maoist party on the free press as an institution in Nepal.

Negotiations between the Maoist-affiliated trade unions and Kantipur Publications collapsed unexpectedly when the All Nepal Communication, Printing, and Publication Workers' Union issued a September 25 ultimatum for its demands to be met, according to local news reports. The union launched protest activities on September 26 by stopping the collection and publication of advertisements in Kantipur newspapers. Union members allegedly threatened Kantipur staff not to publish any advertisements, with the result that no ads appeared in the next day's edition of the Nepali-language daily *Kantipur* and its English-language sister paper *TheKathmanduPost*.

On September 28, the national editions of the two papers could not be published from the main printing center in Kathmandu due to further threats and intimidation from Maoist union members, according to a *Kantipur* editor.

On September 30, a group of about two dozen members of the All Nepal Communication, Printing, and Publication Workers Union locked the main entrance of Kantipur complex in Kathmandu from the inside, attempted to set the buildings on fire by burning tires and newspapers, assaulted Kantipur Publications Managing Director Kailash Sirohiya, and vandalized his vehicle, according to reports by *Kantipur Online* and the Federation of Nepali Journalists. Later that night, members of the same group vandalized two of

Kantipur's printing presses, effectively preventing the newspapers' publication from Kathmandu. The papers were published from Kantipur's two other regional centers in the nearby city of Bharatpur and the eastern town of Biratnagar.

On Monday, members of the Maoists' Young Communist League confiscated thousands of copies of the newspapers from the resort city of Pokhara, seizing thousands of copies directly from the local office of Kantipur Publications and from newsstands and street vendors, according to local news sources. The same day, a group of Maoist trade union activists and Young Communist League members forced all employees out of the company's Bharatpur office and threatened to kill them if they published the newspapers. As a result of the threats, the Bharatpur editions of both dailies did not appear on October 2.

Also on Monday, Maoist lawmaker Shalik Ram Jamkattel made a series of threatening remarks while addressing a protest meeting outside the Kantipur complex in Kathmandu. He threatened Kantipur management officials and journalists with physical reprisals, identifying many of them by name, and warning that members of his All Nepal Trade Union Federation would move to shut down Kantipur Television within four days. "The Nepali people will not die without the information carried by *Kantipur* daily," he said, according to *TheKathmanduPost*. "We do not need its information. We do not need its journalists either."

On Tuesday, members of the All Nepal Trade Union Federation threatened to bomb Kantipur's Bharatpur office and printing press, according to *Kantipur Online*. That same day, a group of Young Communist League cadres entered Kantipur's Biratnagar printing press offices and warned the staff not to publish the newspapers.

Today, the Maoist-affiliated All Nepal Transport Workers Union announced that its members would not carry and dispatch Kantipur newspapers and threatened arson attacks against anyone who attempted to do so, according to local news sources. "I urge my friends not to carry [the newspapers]. I urge them to burn them," Jagat Simkhada, president of transportation union said, according to the Web site *Nepalnews*.

If the Maoist leadership is indeed committed to respecting press freedom, you and other party officials will make strong public statements condemning the use of violence and intimidation by members of Maoist-affiliated groups and take steps to dismiss or otherwise discipline party cadres who are responsible for such criminal activities. CPJ is disturbed by comments attributed to you today warning of reprisals against those who suggest that the Maoist party bears responsibility for the actions of its members. "If attempts are made to involve our party in the Kantipur case unnecessarily, we will be forced to retaliate," you were quoted as saying, according to the *Kantipur Online* news site.

We urge you to reconsider these remarks and take concrete steps to uphold the Maoist party's stated pledges to uphold press freedom.

Sincerely,



Joel Simon
Executive Director

Press Freedom Situations from January 2007 to December 2007

Nature if Incident	Total
Murder of Journalist	1
Journalist / media house Attacked	164

Journalists threatened and Harassed	100
Administrative and Legal Pressure	6
Arrested	74
Abduct	5
Displacement from job	107
Closure of Publication/Broadcasting	40
Vehicles Vandalized	20
Journalist Found Dead	1
Journalist Dislocated from Working Areas	18
Journalists Looted	5
Journalist Disappeared	1
Obstacles on free flow of information	32
Land Captured	1
Total Constraint In press freedom	575

(Source: FNJ)

Press Freedom Situations from January 2008 to December 2008

Nature if Incident	Total
Murder of Journalist	1
Journalist / media house Attacked	68
Journalist/media house threatened and Harassed	34
Closure of Publication/Broadcasting	49
Arrested	9
Abduct	1
Vehicle Vandalized	16
Restriction In News	7
Total Constraint In press freedom	185

(Source: FNJ)

Table No 4.1.12 Press Freedom Situations from May 2009 to April 2010

Nature if Incident	Total
Murder /found death Journalists	2
Displaced from job	2
Arrested	2
Attack t on Journalists and Media House	28
Threat/misbehave on journalist and media House	95
Restriction In News	15
Vandalized property	19
Displacement from job sector	4
Total Constraint In press freedom M	169

(Source: FNJ)

Press Freedom Situations from January 2010 to December 2010

Nature if Incident	Total
Murder of Journalist	3
Attack on journalist	24
Threat on Journalist	42
Harassment and Beating	30
Jail	1
Abduct	2
Burning News Paper	11
Restriction In News	7
Total Constraint In press freedom M	120

(Source: FNJ)

Media Monitoring since January 2011to December 2011

Nature if Incident	Total
Suspected Murdert	1
Attacked	53
Misbehaved / Man handled	14
Arrested	6
Abducted	1
News paper burnt	4
Media houseattacked and threatened	4
Obstruction to free flow of Information.	5
Vehiclevandalized	4
Total Constraint In press freedom	102

Source: FNJ

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