

government has put severe restrictions on the exercise of freedom of press.

The Government has justified the introduction of the Ordinance on the grounds that the media needs to be 'disciplined'. The Federation of Nepalese Journalists (FJN) challenged the legality of the Ordinance in the Supreme Court of Nepal on the grounds that it violates the Constitution 1990, specifically the guarantee of freedom of expression. After two stay orders, the Supreme Court upheld the validity of the Ordinance.

On October 18 and 19 the Ministry of Information and Communications issued public notifications instructing every FM station to stop broadcasting news, on the grounds that Section 5 of the *Broadcasting Act*, as amended by the Ordinance, made such broadcasts illegal. The Ordinance replaced the words 'news-based program' with 'informative programs'. The definition of 'informative programs' does not include information about politics, government or foreign policy but is limited to programs 'designed with a view to providing information or raising people's awareness on health, education, population, environment, weather, road transportation or those related with development activities'. The amendment thus serves to entrench the government's repeated moves against independent FM radio stations.

While the Ordinance does not prohibit acts such as broadcasting news, it has the same effect by making it more difficult or impossible for news broadcasters to obtain, or maintain, a broadcasting licence. The notification of the Ministry of Information and Communication on October 19, 2005 to FM stations made it clear that the aim of the Government is indeed to restrict news broadcasting. By the renewal of the Ordinance on April 3, 2006, the Government seeks to continue these repressive measures.

### Attacks on Kantipur and Sagarmatha FM

On October 21, 2005, officials from the Ministry of Information and Communications arrived at the Kathmandu premises of Kantipur FM to check the satellite uplink. Later that same evening, the station was surrounded by security forces, who entered the station and seized the satellite uplink equipment. On this occasion, the Government claimed that it was enforcing Section 11 of the *Broadcasting Act*, which states that 'no broadcaster may relay their broadcasting without

While the Ordinance does not prohibit acts such as broadcasting news, it has the same effect by making it more difficult or impossible for news broadcasters to obtain, or maintain, a broadcasting license.

permission of the Government.' On October 26, the Ministry of Information and Communications issued a letter to Kantipur FM seeking an explanation as to why its licence should not be terminated on the grounds that it was broadcasting news, in violation of the amendment to the *Broadcasting Act*. Similar letters were also issued to other FM stations. On November 11, the Supreme Court refused to issue an interim order.

Kantipur and other FM stations began broadcasting news after a landmark Supreme Court interim decision on November 30 that ruled that it was the responsibility of the stations to broadcast news otherwise it would be a violation of the right to information. The court was acting on a writ against the October 19, government order to radio stations asking them to broadcast only "informative" (non-political) programmes in accordance with the October 9, ordinance.

In another attempt to silence independent radio, on November 27 the government attacked Sagarmatha FM – Asia's first community radio station – and arrested five journalists. The attack was apparently to stop the radio station from carrying a BBC Nepali service relay broadcast that included an interview of Maoist leader 'Prachanda'.

The strategy to attack independent radio stations revealed the Government's intention to silence the real voice of the people. In Nepal, a country with a high non-literate population, geographic diversity and difficult terrain, radio is the most popular form of mass communication, and the Government could not tolerate the popularity of the FM stations. By intimidating independent radio it tried to violate Nepalese people's constitutionally guaranteed right to information.

### Intimidation through public policy

The government pressurised independent media through various discriminatory policies such as discriminatory classification of newspapers and the 'one door' advertising policy.

### Discriminatory classification of newspapers by the Press Council

Categorisation of newspapers by the Press Council was biased and discriminatory. Those media critical of the Government were demoted as 'B' division newspapers whereas pro-government but unknown weeklies were promoted as 'A' division newspapers. It became apparent that pro-democracy daily, weekly and fortnightly papers were vulnerable to crackdown, blockade and discrimination.

### Economic controls

Government control on the media extended to public advertising. It began enforcing a 'one door' policy for distributing advertisements in mid-September 2005. The policy seeks to exclude non-supportive media from receiving government-paid advertisements, a vital source of survival, especially for the small weekly and fortnightly newspapers. Much of the private sector advertising is limited to the dailies, while the Government controls about 30-40 per cent of the roughly Rs 2 billion (30,000 USD) advertising pie. After mid-September, to qualify for government advertisements, in



A woman is pinned down by Nepalese riot police batons during a protest at Chahabil in Kathmandu on April 20, 2006. As the rallies continue to escalate, security forces shot dead three protesters and injured over 40 at Kalanki during pro-democracy demonstrations in the Nepalese capital. Photo courtesy of INS photo service.



Riot police attempt to detain pro-democracy protestors in Kathmandu, Nepal on April 5, 2006. At least 50 activists in Nepal's capital were detained during the rally for defying a government ban on protests. Photo courtesy of INS photo service.



Nepalese police attempt to restrain protestors during a solidarity rally in Kathmandu on April 13, 2006. At least 50 development workers were arrested during their protest. The Nepal royalist government lifted a daytime curfew clamped on the capital but continued to arrest demonstrators, journalists, professors and lawyers. Photo courtesy of INS photo service.