

# Free Expression

A Newsletter of Freedom Forum  
WITH MONTHLY MEDIA & ELECTION MONITORING REPORTS



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# Information Classification

# Government Backtracks !

**At a time** the right to information (RTI) regime was gaining ground in Nepal, the government classified information with the ill-motive to prevent people from the access to information of greater public interest. However, the move drew flak from various quarters of life accusing the move of suppressing citizen's right to access to information. The media persons, journalists, legal practitioners, right defenders, civil society members and the general public grew concerned about the government classification of information. They are of the view that the government, in the name of protecting information, made an attempt to conceal information from the public against the Interim Constitution and Right to Information laws. So, they argued that the concealing of information would promote government malpractices and corruption.

A 3-member committee headed by Chief Secretary of Nepal Government classified the information which created furor not only among journalists and general public but also among the government officials and other stakeholders. Initially, the government sectors were obviously silent in spite of getting directive to conceal 140 types of information. However, the Department of Information (DOI) provided information to the Freedom Forum about the circular to the ministries and government commissions to conceal information from the public.

As a civil society organization working for the case of democracy, freedom of expression, right to information and human rights, the Freedom Forum took the government move of information

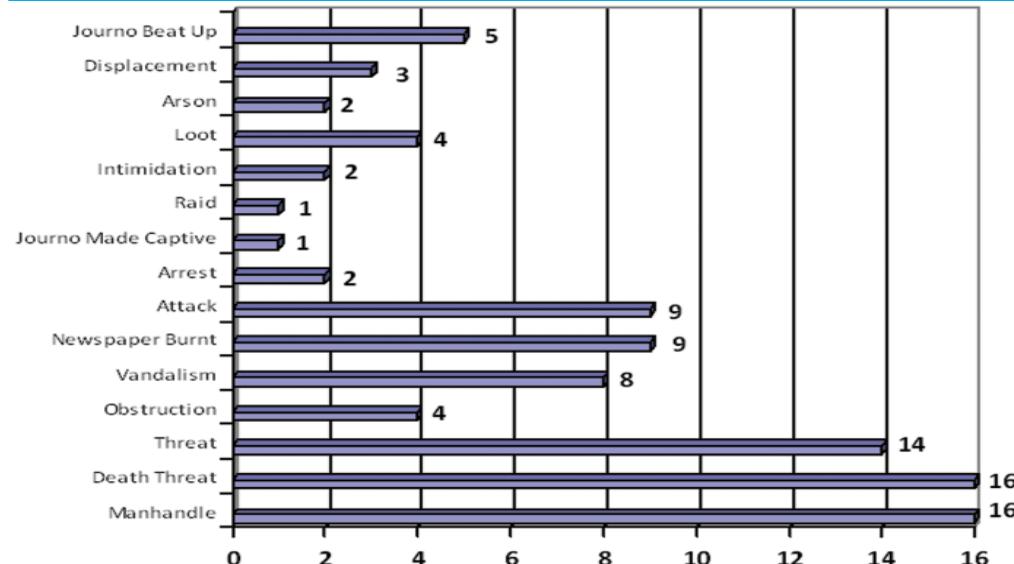
classification both as an opportunity and challenge. In this light, Freedom Forum organized a stakeholders' meeting on January 27, 2012 in order to garner suggestions from the stakeholders whether the information classification was just and legal or not.

Almost all speakers in the discussion censured the government classification terming it an attempt to conceal information in the name of protecting information. They underscored that the classification of information by the government was faulty and rendered the RTI Act 2007 meaningless.

Of course, the procedure the government adopted to classify information was faulty because the committee formed by the government for this was illegal. Separate committees should have been formed to classify information held by each Ministry in line with the RTI Act 3(3). But the classification committee was formed in wholesale thereby flouting the existing rule. Similarly, the classification of information has suppressed the overriding principle of the RTI Act thereby curtailing people's right to information. The classification of information has given superpower to the Council of Ministers by keeping it above the law.

To be noted here is- the Clause 3(3) of the RTI Act-2007 has specified the exceptions that the subject matters that seriously jeopardize the sovereignty, integrity, national security, public peace, stability and international relations; that directly affects the investigation, inquiry and prosecution of crimes; having serious impact on the **(Continued on Page 11)**

## Incidents of Press Freedom Violation in Nepal during 2011





## Message From the Chairperson

With the prolonged transition in Nepal, Unified Communist Party of Nepal-Maoist (UCPN-Maoist), the largest political party following the historic elections to the constituent assembly (CA) is fortifying its strategy to shrink and devalue democratic culture by breaching democratic process and space. The latest example to this demeanor has been the classification of information by the government in the name of protection of information. It came as an ill-effort of the government (political parties and bureaucracy) to suppress citizens' right to information. The vibrant and vigilant civics and the Supreme Court have, however, rendered the government's move ineffective. It is only an example as the UCPN-Maoist has continued its endeavor to frustrate the right to disagreement for long. Democracy indeed guarantees the culture of accountability and responsive governance to the people with due respect to the space to disagreement and criticism. But, we see continuous efforts made to deter public participation on 'threats or dead silence' through suppressive strategy. It is instilled by the so-called consensus politics. As a result, the common citizenry is facing disappointment, frustration and inaction. Such pathetic situation is further fomented by weak rule of law. With this, numerous rulers and administrators have got rid of crime and foibles. At such situation, they have gained confidence to rule autocratically for long. This is finally manifested in the authoritarianism.

The guided and controlled media though seemed independent in surface is fatal to democracy. In the world history, numerous autocrats and anti-humanists have made ill efforts to control people's thoughts making media a propaganda tool, imposed unilateral views and even made mass destruction of human beings. The media has also been made the tool to spread hatred campaign and a war tool. The content and presentation in some of the media, at present, in Nepal show that they have engaged in hatred in the name of information. Lately, the media close to the ruling UCPN-Maoist have dubbed 'people's enemy' to those advocating for the human rights which is the communication of the hatred. Such controlled media used to hush people's views and right to criticism thereby creating dead silence is detrimental to democratic culture. Comprehensive discussion is needed to deter Nepali media from going to such extreme. Similarly, a vigorous campaign is essential against the coordinated ploy to gag free expression.

It is quite appealing and appalling that the political interference, politicization, party investment, political clout on editorial decision and policy and other agenda-making in free media is alarmingly increased. What/who is behind this? Of course, there lies the suppressive strategy adopted as a tool to terrorize and attack media. The undue influence on the bodies within democratic structure, gradual curtailing of the scope of rules and acts, growing control over state-run media, reform in the sector of free media against the commitments made during democratic movements, and backward gearing of essential reforms are the repercussion of the political influence in free media. So, it can be termed 'a long march to limit the ideological freedom and diversity.' The preparations being made, boycotting stakeholders by the government to amend media policy against prior commitment and agreements has, therefore, fueled suspicion.

It is natural that the people deprived of exercising their rights to the freedom of expression and views are unable to furnish effective and reasonable suggestions to the concerned ones regarding the ongoing constitution-writing. It is harrowing reality that the hoary communist agenda have been forcefully imposed in the camouflage of progression and the public media misused thereby culturally bringing people's favour and mandate in ones own's fold. It has, therefore, further jeopardized the democratic future in Nepal. The delays in the political process - conclusion of peace process and the constitution-writing- will undoubtedly take toll on economic and social fronts in the country which will force people to face further crisis. The disarray resulted with this can be seized as an opportunity by the autocratic leadership. Currently, Nepal is standing on this very point where the Nepalis have been the victims of the strategy to weaken people.

The move to render right to information (RTI) ineffective, strategy to restrain and capture free and professional media, encouragement to impunity and lawlessness, and political protection to the criminals and corrupts to terrorize people give a very appalling picture of present-day Nepal. Bad to worse, the cultural diversity is not transformed into the political diversity; rather hatred and animosity are harboured to frustrate social and communal harmony and tolerance. Such situation has added challenges to us, working for the cause of democracy, right to information, and freedom of expression. We are well aware that our success lies at the firm and continuous works in the sectors of human rights. We are active and committed to this deed.

**Tara Nath Dahal**  
Chairperson

## Making Parties Accountable

In a bid to make the political parties transparent and accountable, the Freedom Forum has lately launched a campaign by seeking information with the political parties representing in the parliament.

The Right to Information (RTI) Act 2007 has defined political parties as public agencies, so they are obliged to proactively disclose information of their entire activities in a routine manner.

Premised on this very provision of the RTI Act 2007, the RTI activists associated with the Freedom Forum sought the following information with different political parties including the UCPN-Maoist, Nepali Congress and CPN-UML:

1. Name of information officer in the central office of the party, his/her telephone number and email.
2. What is the official media to disseminate the news and information about the party? Does the party have any mouthpieces, website, newspaper, radio or notice board (citizens' charter)? If any, information about this.
3. Has the party formulated any formal policy on dissemination of information? If formulated, copy of the policy,
4. What is the total number of the members in the party? Is the membership of two or more types? If any, what are these and the information about these?
5. How many staffs does the party have for full time?
6. Are there any leaders and office bearers receiving regular perks and benefits? If any, provide information about the monthly salary and incentives to them,
7. Does the party get regular donation in addition to from its members? If gets, give information about those providing more than Rs 20,000 donation in the recent three years,
8. Has the party invested in any business, hospital, media, cooperatives, bank, finance, school, college, commercial building, transport service, and share in any firm? Detailed information about this.
9. Information about the fixed asset (land, house etc) of the party and the party using,
10. Does the party carry out annual auditing? If carries out auditing, provide copies of the reports of the auditing of recent three years,
11. Copies of the party's statute, regulations, directives and other policy level documents.

The political parties are not only public bodies but also the entities to propel the agenda of transparency and accountability. Therefore, the parties are urged to provide information by internalizing the essence and emergence of the RTI as a tool to foster people responsive governance.

The initiative of the FF has come at a time there are news stories rife about the political parties involved in financial irregularities and failing to meet the deadline of the Election Commission to submit their expense details during elections.

So far, the Nepali Congress, second largest party in the parliament, and Sadbhavana Party have provided most of the information sought by the Freedom Forum.

# Journalists under Security Captivity

To sheer violation of press freedom, an incident occurred in Dhankuta, eastern hilly district, on January 29, 2012.

Security persons took 36 journalists under control for four hours while the latter were for the news coverage about a program being addressed by Prime Minister, Dr Babu Ram Bhattarai, and Chairman of the Rastriya Janashakti Party, Surya Bahadur Thapa.

The journalists from the eastern part of the country were also with black armbands as a peaceful protest against the recent classification of information by the government.

In the name of protecting information, the government had given directive to all ministries to keep 140 types of information confidential which obviously suppresses people's right to information (RTI).

At a time the country is gradually gaining the ground for RTI regime, the government move to keep many types of information secret is a move to promote corruption and malpractice, argue the media experts.

Moreover, taking the journalists under control,

the security personal violated the press freedom thereby depriving people of getting true information on time.

The journalists were in a very peaceful protest, the protest against the unjust government move to classify information.

Similarly, they were in the program being addressed by the Prime Minister, most important and responsible person to ensure rights to all citizens including journalists. But police showed lowly manner by taking them under control for four hours.

It shows how irresponsible the administration is towards press freedom which is a must in a democratic state. On the other hand, the government is trying to be oppressive to the RTI laws thereby being non-transparent in its behaviours.

The Prime Minister needs to become responsible towards people's right to information and respect journalists' rights to make news and peaceful protest against administrative malpractice. The security persons should also be meted out justice in this regard.

## Attackers Slapped 5-Year Jailterm



Bikas Rai and Rupak Rai convicted of murder attempt on journalist, Kishor Budhathoki, with the Annapurna daily from Sankhuwasabha district.

**Bikas** Rai and Rupak Rai have been slapped five year jail term for attacking journalist, Kishor Budhathoki with the Annapurna daily from Sankhuwasabha, a district in the eastern hilly region of Nepal. A single bench of judge Shalik Ram Koirala in the district delivered the verdict on December 4, 2011 to imprison Bikas Rai and Rupak Rai for the murder attempt on journalist Budhathoki.

Journalist Budhathoki was attacked with sharp weapons by Bikas Rai of Khandbari (district headquarters) and his accomplice Rupak Rai over a news story he made about the domestic

violence against women. He was attacked at around 9 pm on August 11, 2011 leaving him seriously injured.

Budhathoki got bruises all over his body and his arm dislocated. He underwent treatment at Biratnagar-based Nobel Medical College.

On September 15, 2011 the attackers were remanded to custody for trial as per the General Code Court Management section 118 (2).

Freedom Forum lauds the court verdict as it has come as an initiative to help check growing impunity in the country.

## Death Threats

Krishna Prasad Jaishee 'Binaya', a cadre of the UCPN-Maoist, the biggest and the ruling party in the country issued death threat on Govinda KC, reporter with the Himalaya Times daily from Dailekh, a district in the far western region of Nepal on December 15, 2011.

In a telephonic conversation, journalist KC said to the Freedom Forum's Media Monitoring Desk, "Joint-Secretary of the UCPN-Maoist in the district, Krishna Prasad Jaishee 'Binaya' threatened me of taking life over the news I published about the plight of a conflict-hit woman. He accused me of assassinating his character and threatened of life while I was going to an office of a local newspaper in the district headquarters."

Meanwhile, Deputy Superintendent of Police at the District Police Office, Bhojpur, Nar Bahadur KC, made verbal abuses against correspondent Samacharpatra National Daily, Gyanendra Khadka and local journalist Buddha Prasad Tamang over the news published in the newspaper in November, 2011.

DSP KC issued threat to journalists claiming the latter were working in support of the armed outfit active in the region, taking up an issue of covering news about the bomb explosion in front of Land Revenue Office some days back.

The police official threatened us for giving space to the news of the outfit taking responsibility of the bomb detonation, victim journalists said.

## Convicted Dhungel threatens

Constituent Assembly (CA) member Bal Krishna Dhungel threatened of physical action on journalists including Manoj Ghimire affiliated to the Kantipur daily and cameraperson Prabin Gyawali at a programme in the capital city on January 29, 2012.

CA member Dhungel who was already convicted by the Supreme Court in a murder case warned at the program attended by the Prime Minister that the journalists making news about him would not be secured. Although the police were saying that Dhungel, a murder convict, was still absconding after the Court verdict, he was found with high level police officials at the program in the capital city, to a sheer mockery of the rule of law.

The public threat of murderer Dhungel to take action on journalists obviously ridicules the rule of law.

## Forum Facilitates Justice

A 21-year-old Santosh Bam from Ramnagar of Nepalganj-7 had beaten up a journalist Tirtha Jaishee and robbed his camera and office bag on January 4, 2012.

But, the police caught Bam on the same day after journalist Jaishee filed complaint in the nearby police office as per the facilitation of the Freedom Forum.

Journalist Jaishee is affiliated to the Bheri FM in Banke, a district in the mid-western part of the southern plain. Meanwhile, police in Dharan arrested Binod Limbu of Mahedranagar-2 of Sunsari district for he had beaten Himal Rai, reporter to the Byline weekly in Dharan for making news on a religious fair at Barahachhetra in the district on January 15, 2012.

At a time the number of government officials involving in the incidents of press freedom violation is rising, these two cases show that police administration of the respective regions have become aware about journalist's rights to some extent.

## Newspaper Vandalized

Vandalism from any quarter in any media house is still a medium to express dissatisfaction over the news it publishes. But lately, a vandalism at a newspaper office was carried out under the direction of teachers, learned people who are respected in society.

The office of the Nigarani Dotcom daily in Biratnagar, eastern city in the southern plain of Nepal was vandalized by a group of some 50-60 students along with two teachers and hostel warden over the news the paper published on November 24, 2011.

The students from local Saptakoshi Boarding School along with two teachers vandalized the newspaper office- smashed window pane, broke cupboard, damaged camera and recorder reasoning the newspaper published a news story that a teacher mercilessly beat up a student making her to admit in the hospital. Due to vandalism, the publication of newspaper was disrupted the next day.

Earlier, the school had tried to hush the beating by requesting the newspaper not to publish the news. Similarly, the landless squatters settled in various parts of the Kathmandu valley vandalized a vehicle (Ba 4 Cha 3254) belonging to the Nepal Samacharpatra daily while it was distributing the newspaper early morning on January 17, 2012.

Earlier, on 19, December 2011, supporters of a Nepal banda (nationwide general strike) organized by Nepal Tarun Dal, sister organization of the Nepali Congress party, vandalized a vehicle belonging to the Nayapatrika daily with plate Ba 8 Cha 3719, and another one of Nepal FM (Ba 6 Cha 4400) in the capital city. The Nayapatrika vehicle was returning office after newspaper distribution while of the FM was on the way to drop the FM staffs. Also, the demonstrators vandalized a motorcycle belonging to Pushpa Neupane, journalist with the Radio Mirmire.

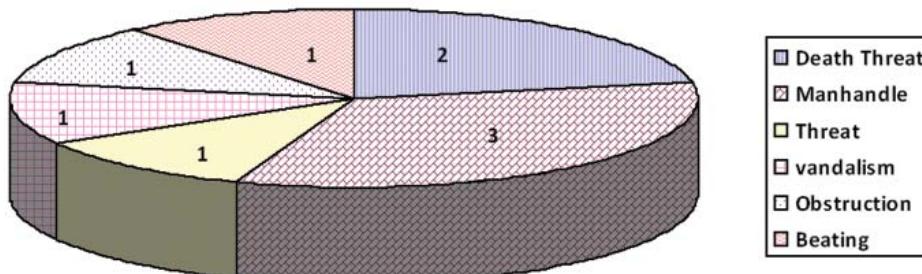
## Assault on Journo

A reporter with the Rajdhani daily, Madhu Jung Pande was attacked by the demonstrators and his motorcycle set on fire in course of reporting at Balaju Chowk, Kathmandu on December 17, 2011. The cadres affiliated with the Tarun Dal, a sister organization of the Nepali Congress, demonstrated and called strike in the capital city over the death of the Tarun Dal Chairman at Chitwan, Shiva Prasad Poudel.

Poudel, who was in Chitwan jail, was attacked mercilessly by a gang in the jail two weeks back. Such incidents have very negative impact on journalists' right and cause self-censorship, which is detrimental to the media freedom.

## Media Monitoring

# Violation Up Again



**Information :** A total of 9 incidents of press freedom violation occurred during this month (Nov 15-Dec 15, 2011) across the country.

Cadre of the UCPN-Maoist in Dailekh district, Krishna Prasad Jaishee 'Binaya' threatened to take the life of district reporter of the Himalayan Times daily, Govinda KC over the news about conflict-hit woman on December 15. Similarly, Deputy Superintendent of Police in Bhojpur district, Bahadur KC issued death threat to journalists- Gyanendra Khadka, reporter to the Nepal Samacharpatra daily and local journalist Buddha Prasad Tamang, accusing them of working in favour of armed outfit by writing news about bomb explosion in the district in the mid November.

Two journalists- Rajan Dahal 'Rashik' affiliated with the Avenues TV, and Pratap Bista, reporter with the Kantipur daily were manhandled while making news about a programme in Hetauda, city in the central region of Nepal on December 12. Nepal Police, on November 19, manhandled reporter to the Kantipur daily, Jay Bahadur Rokaya of Humla, a hilly district in the mid-west of Nepal while mediating a conflict between a Radio employee and the police. Moreover, on November 16, and entrepreneur Hansa Raj Wagle manhandled publisher and editor of Rojgar daily while making news in the capital city.

Krishna Humagain, chief editor of the Arjundhara daily in Jhapa, an eastern district was threatened of action by a member of district sports development committee, Milan Prasain on December 1 while seeking information about the ongoing sports competition in the district.

A total of 9 incidents of press freedom violation occurred during this month (Nov 15-Dec 15, 2011) across the country. Compared to the last month, this month witnessed almost double incidents of press freedom violation. There were only 4 incidents of press freedom violation last month. The threats and attack on journalists have not only come from party cadres and organizations but also from the responsible authorities as the security persons. Police, a responsible state authority, has involved in as many as three cases of media violation which is a worrying matter. Threats and attacks on journalists in case of dissatisfaction toward news instead of complaints in the media office or press council are responsible for increasing impunity. With the impunity unabated, the journalists are threatened and panicked even in minor disagreement where responsible government authority has involved. It indicates that the state may not be serious towards press freedom in the days ahead. As the political competition is spreading up to the lower/local levels in the coming days, the chances of threats to journalists would grow. In such case, effective monitoring would be required.

**Analysis :** Compared to the last month, this month witnessed almost double incidents of press freedom violation. There were only 4 incidents of press freedom violation last month.

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The UCPN-Maoist, the biggest political party is in the helm at present, is trying to withdraw or cancel the cases related the abduction and killing of journalist Dekendra Thapa in which its cadres were involved. It is another example of an ill-effort to promote impunity and gag press freedom in the country.

Another matter to worry is the dissolution of the High Level Commission for Information and Technology (HLCIT). The government decision to dissolve the HLCIT has not only undermined the need of enhancing access to internet freedom and strengthening freedom of expression.

However, slapping five-year jail term to the attackers on journalist Budhathoki in Sankhuwasabha district is a welcome deed. It is also positive to note that the person threatening journalist KC was arrested by the police.

**Projection :** With the impunity unabated, the journalists are threatened and panicked even in minor disagreement where responsible government authority has involved. It indicates that the state may not be serious towards press freedom in the days ahead.

As the political competition is spreading up to the lower/local levels in the coming days, the chances of threats to journalists would grow. In such case, effective monitoring would be required. Vigorous and vivacious campaigns would be needed once the impunity goes unabated and professional practice of journalist erodes.

Constant watch on political activities pertaining to the media freedom will be needed.

## Chapter One: Electoral News

Newspaper	News	Opinion	Editorial	Interview
The Gorkhapatra	6			
The Annapuranapost	3		1	1
The Kantipur	6	3		
The Republica	1	1		
The Kathmandu Post	2	1		
The Himalayan Times	1			

**Summary :** Compared to the last month, this month (November 15- December 15, 2011) witnessed positive political development. Scanned various six national dailies- the Annapurna Post, the Kantipur, the Gorkhapatra

## Electoral news Up

(Nepali) and the Republica, the Kathmandu Post and the Himalayan Times (English) for monitoring the news coverage on electoral issues, there were news stories, interviews, editorial, and write-ups on the electoral system and process, and electoral mechanism. In addition to the formal news, the stories and articles were about the activities of various committees of the Constituent Assembly as

the ongoing debates on form of governance and electoral system.

Among 26 items regarding the electoral issues, there were 19 news stories, four articles, two editorials and an interview. Most of the items are published from the central level while there are some reportings from the local level. With the debate on form of governance in the CA, the news stories are brought forth about the election system to be adopted for the president

Compared to the last month, this month (November 15- December 15, 2011) witnessed positive political development. Scanned various six national dailies- the Annapurna Post, the Kantipur, the Gorkhapatra (Nepali) and the Republica, the Kathmandu Post and the Himalayan Times (English) for monitoring the news coverage on electoral issues, there were news stories, interviews, editorial, and write-ups on the electoral system and process, and electoral mechanism. In addition to the formal news, the stories and articles were about the activities of various committees of the Constituent Assembly as the ongoing debates on form of governance and electoral system.

and prime minister, and the parliament.

Categorically stating, the Kantipur daily published three articles and six news stories. Similarly, the Annapurnapost wrote an editorial and published an interview on the electoral system. The Kathmandu Post published an opinion article while the Republica published an editorial and a news story. The Himalayan Times carried a news story. Most of the news were given the first page importance. The print media therefore carried the news on election shedding light what electoral system would be adopted.

**News in Detail :** On December 14, the Kantipur daily published investigative news, 'Consensus on Electoral System, Voting Right at 18'. According to the news, the dispute resolving sub-committee of the Constitutional Committee forged agreement on electoral system and voting rights age. Also the news mentioned about the issues yet to be decided on the electoral system and the political consensus needed for this.

On the same day, the Annapurnapost daily wrote the news, 'Agreement on Mixed Electoral System' on the first page. The news further stated that the political parties agreed on direct and proportional election for the form of governance. The parties were yet to decide on the number of representatives in spite of deciding to have the bicameral parliament. Moreover, the committee on determination of the form of parliamentary body proposed 151 members in the house of representatives (lower house) and 51 in the national assembly (upper house).

The Gorkhapatra daily the same day, published a news, 'Mixed Electoral System'. Similarly, it published the news, 'All inclusive election system needed' the same day. The news makes the heading with the remarks of the Chairman of the Constitutional Committee, Nilambar Acharya. On December 14, the Kathmandu Post daily published the news, 'Parties Okey Mixed Electoral System, Sub-Committee Settles for 18 as Voting Age'. Moreover, the Republica published the same news on the heading, 'Leaders Agree on Mixed Electoral System' in its front page. The English dailies have carried the same information of the news as published in the Nepali dailies.

On December 15, the Annapurnapost daily wrote an editorial, 'Election System: Need of Guaranteeing Right Representation'. The editorial has emphasized that the electoral system should not be changed repeatedly. It would be positive to continue the electoral system adopted in the election to the Constituent Assembly. On the same day, the same daily published an interview with former chief election commissioner, Bhojraj Pokhrel. The interview was titled 'Threshold Must in Mixed Electoral System'. Responding to a query about the mechanism to control the malpractices in the mixed electoral system, Mr Pokhrel, referring to the CA election where the country was regarded a single constituency and proportional list maintained, said, "After the country ushers in into the federal system, every province should have separate list. If we

do this, the parliamentarian selected through the proportional system becomes responsible to his province." He added that the closed list must be strict.

Similarly, in response to a question about the mixed election which renders economic burden to country, Mr Pokhrel said, "Various bodies are in need of election after the promulgation of new constitution. The country bears economic burden while conducting elections for the local government, provincial parliament and two parliaments in the central level. Therefore, we need to be attentive to minimize the expenses in the mixed electoral system. For this some threshold must be maintained. He opined that if the central level adopts mixed system, it would be better to hold direct election in the province.

On December 13, the Kantipur daily published an article penned by former chief election commissioner, Mr Pokhrel giving the title, 'Election System and Inclusive Issue'. In this article, Mr Pokhrel opined that the election system must not be complicated so that no vote would be invalid. The result of the election should be inclusive representing the community. He suggests adopting the Mixed Member Proportional Representation (MMPR) rather than sub-system parallel of the proportional system.

Moreover, the Kantipur daily on December 8 published an article, 'Election needed to prevent malpractice in local bodies' penned by Maina Dhital. On 16 November, an article 'French Model Meeting Point' penned by Rabindra Adhikari was published in the Kantipur daily. The writer has mentioned the French model as a model having both positive aspects of presidential and parliamentary system.

Some others news are about the need of election in the local bodies.

Meanwhile, a news was carried about the activities of the election commission of Nepal. As per the news, 'Voter ID Card to Nepalis living Abroad' published in the Kantipur national daily on December 4, the election commission was planning to provide voter ID card to the

Nepalis living abroad.

**Analysis :** With the consensus and agreement among the political parties, the media seemed active to make news on the developed political issues including the debates on the electoral system. The media has given priority to the news on electoral system, local election and voter registration. They have created debates on the merits and demerits of the mixed electoral system. The opinion articles and interviews have further helped to create atmosphere for holding discussion on election.

It is very positive to have double news on election carried by media this month. Although the news stories on voter registration collected from the local level, the main issues of the constitution writing being discussed in the parliament and CA committees as electoral system are generated from the central level.

The news on the political agreements regarding constitution making has given a positive message. The publication of the news on electoral system is gradually increased. Along with the irregularities in the local bodies, the demand of election of local bodies has been raised. Such news has drawn attention to the central level of national politics. Even the people have been made more aware with the news. Another positive sign is even the editorial on election was published this month.

However, the media has not heeded the future form of election commission and its structure, rights, voters' awareness, impartiality of election and electoral norms. Similarly, the media is yet to dig out relevant issues in terms of CA committee's decision on election system in the central parliament. The media may not have heeded this because the new election was still shrouded in mystery. The election issues are yet to discuss in the civic and academic levels. Therefore, the media may have missed its agenda.

**Conclusion :** The newspapers published from Kathmandu have covered with priority the news on discussion among parties in the CA committees on the form of governance and electoral system.

The issues on electoral system have got space in the front page of daily news. The electoral system would get greater coverage after the agreement is forged on the electoral system in the provincial and local levels. It would be prioritized also because the agreement has already been made to have bicameral parliament in the central level. However, the policy makers in the media and journalists need to heed the future structure and autonomy of election commission which can also play role on making election free and fair.

## Chapter Two: Crucial Move amidst Uncertainties

**Statue Writing and Peace Process :** Compared to the previous two months, this month saw positive news in Nepali print media on constitution making and peace process. The fourth-time extension of the term of the Constituent Assembly (CA) for six months, regrouping process of Maoist combatants, Supreme Court verdict on CA's tenure and constitution making, formation of State Restructuring Commission (SRC) etc have got major spaces on the newspapers of this month. The political parley of the first week of this month was centralized on the issue of formation either of experts' panel or SRC and news were came accordingly. Some of the news highlights covering this issue are titled as: Decision to form experts panel (Gorkhapatra, Nov 17, 2011, P.3) Dispute delays statue amendment; Lawmakers fear experts' panel will override CA committee

(The Kathmandu Post, Nov 17, 2011, P.1) Amendment obstructed by indigenous demand (Annapurna Post, Nov 17, 2011, P.1) House fails to pass bill again; Baidhya faction, indigenous caucus stand in opposition (The Himalayan Times, Nov 11, 2011, P.1).

All these news have reflected the special issue of constitution making which was awaited for a long and remained in limbo. After a long discussion parties reached on consensus for expert panel yet they couldn't stick to it and failed to form the expert panel for making recommendations on the issues of state restructuring. It was because the indigenous caucus of parliamentarians and Maoist Baidya faction had obstructed in constitution amendment process in the eleventh hour. Dramatically, then after, political parties shifted their commitment from expert panel for state restructuring to

(Continued....)

previously shadowed agenda of constitutional commission which was reported by newspapers as : Parties shifted again towards commission (Annapurna Post, Nov 19,2011,P.1), State Restructuring Commission within three days (Gorkhapatra, Nov 19,2011,P.1),Commission takes shape, finally(The Kathmandu Post, Nov 23,2011,P.1).

These news titles covers the shifted views of parties on state restructuring from making a panel of expert to constitutional commission-SRC. Previously, the constitutional provision of commission was not shaped on time because of Maoist's initial reluctance and strong opposition by Madhesi parties. Finally, the constitutional commission has been formed. Yet, most of the newspapers haven't covered the exclusive investigative stories on it.

Why political parties have finally agreed to form a State Restructuring Commission (SRC) beyond their previous reluctance on forming it? What has inspired parties to make changes in their previous decision within a short span of time? These issues are not explored objectively.

The extension of Constituent Assembly's term has also been covered in different newspapers. Some of the highlights of the different papers are as follows:

Govt. seeks to extend CA term by six more months(The Kathmandu Post, Nov 25, 2011, p.1), Shape up or ship out, apex court tells CA(The Himalayan Times, Nov 26, 2011, p.1), Supreme Court says: extend the CA term for the last time (Kantipur, Nov 26,2011,P.1), Constituent Assembly term again extended for six month(Gorkhapatra,Nov,30,2011,p.1), Six month timeline for statue drafting floated, (Republica, December 3,2011,p.1).

Assessing these news, the supreme court's verdict can clearly been argued in distinctly urging the CA for drafting the new constitution because it has urged for ending the recurring trend of extending the CA's term as the term has finally been extended for six months. The Supreme Court has urged for the completion of the constitution drafting within the six months. Otherwise, it has urged to follow the referendum or re-elect the Constituent Assembly. Some minor voices were heard inside the Constituent Assembly against this decision of the Supreme Court. Broadly, it has been recognized by the CA. Consequently, new time-line for constitution drafting has been adopted.

Similarly, some positive news has been observed regarding the peace process during this period. Some of the highlighted news are as follows:

Survey teams set off for cantonment sites; Regrouping to start Saturday(The Kathmandu Post, Nov 17,2011 P.1),Categorization from today (Kantipur, Nov 19, 2011,P.9, Gorkhapatra) More in adjustment, zero in rehabilitation (Kantipur, Nov 20 2011, p.1) Seventy percent combatants willing to join army (Kathmandu Post, Nov 21, 2011, p.1).

During this period, the pending but crucial work of peace process, regrouping of Maoist Combatants has successfully been conducted. This has been able to revitalize the obstructed peace process that has been highlighted in the above mentioned papers.

Despite these positive news on peace process, some negative messages have also been observed in the monitored newspapers. Some of their highlights are as follows:

Missing three thousands combatants (Kantipur, Nov 29, 2011, p.1), Formal Process to return seized property begins; Baidya camp's protest defers actual handover (The Kathmandu Post, Nov 21,2011,p1), Anyone forcing land

withdrawal will be chased away: Vaidya Faction.(Kantipur Nov 22, 2011, p.14), Land returned but seized again(Republica, Nov 27, 2011, p.1)

The regrouping of Maoist Combatants has moved ahead positively. Though, some hurdles are observed in peace process that has been reflected in above mentioned news headlines. Returning of seized land and property is one of the conditions for peace process that has been signed in different agreements among major political parties including Maoist. Though, Baidya faction of the Maoist has formed the retaliatory groups in different districts in against of the government move on returning seized land and property.

**Party-building :** The ongoing internal rift in United Communist Party of Nepal- Maoist (UCPN-M) has still remained as a major news story during this month. The major newspaper highlights regarding the internal rift in UCPN-M are as follows:

Baidya's supporter was beaten by establishment (Kantipur, Nov, 19, 2011, P.3), Baidya faction warns of resistance(The Kathmandu Post Nov 22,2011,p1), Maoist internal rift Increase (Kantipur, Nov 23,2011,p13), Punishment among each other in Maoist (Gorkhapatra, Nov 26, 2011, p.13), Attack between Maoist two factions, members injured (Gorkhapatra Nov, 20, 2011, p.13)

These news have reflected the intensifying rift in Maoist which has not simply limited intra-party disputes rather it has strongly affected

**The protest of indigenous caucus of parliamentarians was seen as the immediate cause behind the parties shift towards SRC. Though, the root cause of parties shifting towards SRC seems for escaping and resolving the internal conflicts, especially in Maoist.**

the ongoing peace and constitution drafting process.

The internal rift in the Nepali Congress (NC) as in previous month has also been mounted in this month. The dissolution of few sister wings sparked the Congress rift which has still been intensifying that has been carried by the following news headlines:

Still two parallel district committees (Kantipur, Nov 22,2011,p.7), Deuba camp threatens to boycott CWC(The Kathmandu Post, Nov 23,2011,p.1), Congress internal rift not resolved, (Kantipur,Nov 23,P.1), Deuba camp boycotted Congress meeting(Kantipur, November 24,2011. p.1), Departments and committees not yet formed due to disputes (Kantipur, Dec11, 2011. p.3) I should either move ahead or quit: Koirala (Republica, Nov,25,2011)

All these news titles have reflected the increasing internal rift in NC from top to bottom that has adversely affected the creative role of opposition parties within CA and the peace building process.

Similarly, CPN-UML has been highly engrossed in internal rift during the last three four months which has now relatively seen engaged in resolving such internal conflicts and reform initiatives of the party. Some of the news exposing this trend are as follows:

Organizational reform initiatives will be lunched: UML (Kantipur, Nov,20,2011, P.3)),Initiative to make Oli a CA member (Kantipur,December 8,2011,p.1) Why Khanal and Oli are becoming close?(Kantipur, Dec 10, 2011,p.3),CPN-UML going to end panel in intra-party election(Kantipur,Dec,13,2011,p.3)

All these news titles have reflected the initiatives taken in party reform. Ironically, the internal portfolio debate and making CA members to non- members has been the crux of reconciliation of the intra-party conflict.

In a different context, the news titled Talks to unify RPP, RJP, RPP (N) inconclusive (Republica, Nov 17, 2011) has highlighted the converging tendency of the right-oriented parties which is still in discussion.

**Conclusion :** Observing the political news this month, both achievements and obstructions are monitored in peace and constitution drafting process. Despite internal hurdles in the Maoist, the special committee on management of arms and rehabilitation has completed its prime task of regrouping of Maoist's combatants and has collected their wishes to join army or choosing the other alternatives.

Returning of the seized land is protested by forming protest groups from Baidya faction of UCPN-M, which has obstructed the ongoing peace process.

Besides this, Supreme Court's decision on extending the CA's tenure for six months has also been acknowledged by the CA, as it has added the six more months of its tenure. CA also has developed time-line of constitution drafting, consensus on forming a mixed electoral system, consensus on individual's property rights which are the major developments of this month in constitution drafting. Similarly, the long debated issue of forming SRC is finally materialized.

Regarding the formation of the state restructuring commission, the political parties were on consensus for forming an experts' panel to resolve the issues on state restructuring in previous month that has dramatically been shifted towards forming the constitutional commission which was a case on debate since the interim constitution promulgated.

The protest of indigenous caucus of parliamentarians was seen as the immediate cause behind the parties shift towards SRC. Though, the root cause of parties shifting towards SRC seems for escaping and resolving the internal conflicts, especially in Maoist.

This incident exposes the loose reign of parties over their parliamentarians, which further indicates the deinstitutionalization of political parties and increasing hold of small interest groups beyond party authority which is an important threat for parties to keep them intact in political agendas in the coming days.

During this period, the internal conflict, especially on the ruling party UCPN-M and the main opposition party NC have seen vitally been suffered.

The conflict in the ruling party UCPN-M has blurred the constitution drafting and peace process. The debate in NC has obstructed it in playing the creative role of opposition in the constitution making and peace process.

Similarly, the news on party unification and reformation on CPN-UML is a positive, though, the internal portfolio management and making CA members to non- members to resolve the remaining internal rift has made confusion on identifying the crux causes of the internal disputes.

Observing all these political developments, some crucial steps have been taken in both constitution drafting and peace process. However, how those processes will be developed and how the achievements will be materialized is still not assured. As per our forecast in the previous report that the government change case will be raised - that is seen- materialized.

## Media Monitoring

A total of 12 incidents of press freedom violation occurred during this month (December 16, 2011-January 15, 2012). Compared to the last month, this month witnessed three more incidents of press freedom violation reaching 12. Most of the incidents of press freedom violation occurred because of violent nature of the political cadres. It denotes that the political parties and their cadres in Nepal are still in need of knowledge about press freedom and journalist's right to collect news. The party cadres are unable to tolerate media criticisms. Similarly, the government officials and employees involved in the incidents of press freedom violation significantly this month. It is the result of the old mindset among the government officials that information should not be revealed. The impunity might have encouraged the arbitrary nature on the government employees. The growing misunderstanding among the political parties is likely to mar the people's rights to freedom of press. The unstable political situation will grow the incidents of press freedom violation. If the government does not take initiatives for freedom of press, the impunity will go unabated in Nepal.

### Information

A total of 12 incidents of press freedom violation occurred during this month (December 16, 2011-January 15, 2012).

Himal Rai, reporter with the Byline weekly of Dharan, a city in the eastern hilly region of Nepal was beaten up and robbed by Binod Limbu for writing news about religious fair on January 15. Earlier on January 3, an unknown gang beat up Tirtha Jaishee, reporter with Bheri FM, Nepalganj, a city in the western part of Nepal while he was going to office early morning. The gang also looted his tape recorder and diary. Similarly, a person named Subash Rai beat up journalist Heman Yatri affiliated to the Naya Sansar weekly under the direction of a teacher Raj Kumar Rai over the news journalist Yatri wrote about a case of domestic violence in Morang, a district in the eastern part of the country on December 22, 2011.

On December 19, 2011, the banda (general strike) organizers manhandled Pushpa Neupane, journalist with the Radio Mirmire in the capital city while returning from office. Sharan Karmacharya and Hem Lata GC, reporters to the ABC television from Banke, a district in the Midwest of the southern plain in Nepal were manhandled by Nepali security persons and intimidated by the employees at customs office, India while making news about the misuse of government vehicle by Nepal Army on December 21, 2011. Similarly, a reporter Rohit Bhandari, and cameraperson Jayaraj Thapliya with the Mountain Television were manhandled by the responsible employees of the Social Welfare Council in course of making news about the agitation of the employees and

corruption in the Council in the capital city on December 23, 2011. Inebriated Assistant Chief District Officer (CDO) Rajendra Prasad Ghimire at Tanahu, a hilly district in the western part of Nepal manhandled editor at the Setimadi daily in the district, Dambar Bahadur Adhikari and editor of the Madiseti Prabaha Omkar Acharya in course of making news over the alleged financial irregularities in the distribution of medicine against elephantiasis on January 4, 2012.

The banda (general strike) organizers vandalized two press vehicles—one belonging to the Nayapatrika daily and another of Nepal FM on December 19, 2011. On the same day, a motorcycle belonging to journalist Pushpa Neupane affiliated to the Radio Mirmire was also vandalized by the banda organizers.

A reporter with the Rajdhani daily, Madhu Jung Pande was attacked by the demonstrators in the capital city, Kathmandu, on December 17, 2011 while making news about the demonstration.

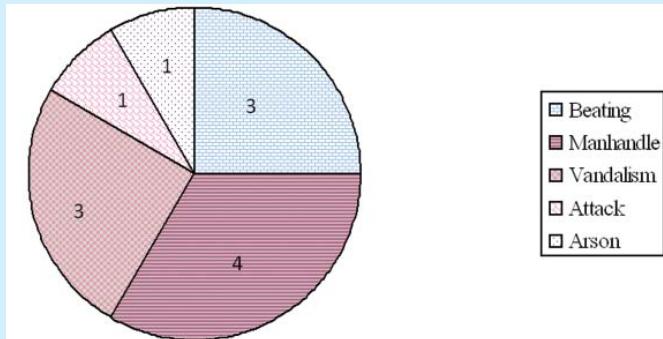
In the same incident, a motorcycle belonging to reporter Pande was set on fire. The demonstration was organized by the cadres affiliated with the Nepal Tarun Dal, a sister organization of the Nepali Congress over the death of the Tarun Dal Chairman at Chitwan, Shiva Prasad Poudel.

Police in Banke district arrested 21-year-old Santosh Bam of Ramnagar of Nepalganj-7 in the evening of January 4, 2012 for beating up and robbing journalist Tirtha Jaishee.

Incidents of Press Freedom Violation during December 16, 2011-January 15, 2012

**Analysis :** Compared to the last month, this month witnessed three more incidents of press

## Govt. Officials in Violation



freedom violation reaching 12.

The prompt action of police administration to search and nab attacker on journalist in Banke district is a positive deed in deed. Such prompt action helps create secured environment for the journalists to work, and check impunity as well.

Most of the incidents of press freedom violation occurred because of violent nature of the political cadres. It denotes that the political parties and their cadres in Nepal are still in need of knowledge about press freedom and journalist's right to collect news. The party cadres are unable to tolerate media criticisms.

Similarly, the government officials and employees involved in the incidents of press freedom violation significantly this month. It is the result of the old mindset among the government officials that information should not be revealed. The impunity might have encouraged the arbitrary nature on the government employees.

**Projection :** The growing misunderstanding among the political parties is likely to mar the people's rights to freedom of press. The unstable political situation will grow the incidents of press freedom violation.

With the increase in the press freedom violation, the journalists, rights defenders and civil society need to be watchful on the activities of the political parties.

Similarly, the rise in the press freedom violation will provoke impunity, and self-censorship among the journalists.

If the government does not take initiatives for freedom of press, the impunity will go unabated in Nepal.

## Part Two : Electoral Monitoring

### Chapter One: Election News Up Again

**Summary :** From both qualitative and quantitative viewpoints, the media brought forth higher number of news on election.

Following the debates and discussion on the form of governance in course of drafting new constitution, there was good media coverage on the issues related to elections. A total of 33 items relating to election were published in various six dailies- the Kantipur, the Annapurna Post, the Gorkhapatra (Nepali) and the Republica, the Kathmandu Post, and the Himalayan Times (English).

The news, articles and editorials were about the election of the local bodies, voter's registration, transparency in election expense, selection of electoral system in new constitution and the activities of the Election Commission.

Among 33 items, 13 were the news about local bodies' election while six about voter's registration, an editorial, 4 about transparency on election expenses, 3 about the activities of the Election Commission, 3 about the election system, and editorial on form of governance. Most of the news items are produced from the capital city, Kathmandu, while some few from the local levels. In this month, the Gorkhapatra

Newspaper	News	Editorial	Opinion	Others
Gorkhapatra	9			
Annapurnapost	3	1		Report 1
Kantipur	8			
Republica	3	1		
Kathmandu Post	6			
Himalayan Times	1			

daily published 9 news items while the Kantipur daily published 7 stories, and the Annapurna daily four including an editorial. Similarly, the Kathmandu Post brought forth 7 items while the Republica did four including an editorial, and the Himalayan Times only one. Most of the news items on the election and electoral system are given first page priority.

**News in Detail:** On December 29, 2011, the Kantipur daily published

(Continued ...)

a byline news, 'Parties fail to submit election expense' in the third page. The news divulged the political parties' violation to the Election Commission rule that they must submit election expense details and income and expenses in the Commission. It means the parties do not want to show their expense details. The news has given importance to the fact the big parties are reluctant to divulge their economic status. Although the news is based on the views of an official in the Commission, other stakeholders' views are not included here.

On the same issue, the Gorkhapatra daily also carried a byline news story on January 11, 2012, giving headline, 'Two small parties submit financial report'. The news pointed to the ineffective implementation of the legal provision on this. The news further mentioned that the Election Commission registered the names of 10.6 million people for the electronic voters.

The Republica daily published the news, 'House panel to order interim polls for local body'. The news said a development committee of the constituent assembly member concluded that interim election was essential to be held at the local body to make it responsible toward people. It would also help curb irregularities in the local bodies, the news stated. The news on same issue was published in the Kathmandu Post, and Kantipur daily the same day (?).

The Annapurna Post daily published the news, 'Citizenship problem for voter's registration' on January 2, 2012. The news has mentioned that the citizenship problem has hindered the registration for electronic voter identity card in Biratnagar, the eastern city of the country. As per the news, the volunteers mobilized for the awareness on electronic voter's registration and election pointed out that many people had no citizenship certificate. As a result, the voter's registration campaign was hindered. However, the awareness on the voter registration and election contributed to the 20 percent rise in the number of people to register their names for the electronic voting ID card bearing image and fingerprint. But, the news was silent about which communities were deprived of citizenship certificates.

The state-run daily, Gorkhapatra published a news, 'Election within a year: Koirala' on December 26 with Hetauda dateline. The news said President of the Nepali Congress, Sushil Koirala urged his party cadres to be ready for new election reasoning that the peace process was moving ahead positively.

Similarly, the same daily on the same day published the news that voter registration was resumed in Kapilvastu, district in the southern plain of the country, and the people began thronging district administration officer for the citizenship certificates. The electronic voter registration was halted in the district for some month due to the Madhes-based political parties.

The Republica daily published the news, 'Ten million odd voters in electoral rolls' on January 2, 2012 in its third page. As per the news, the voter registration launched by the Election Commission was completed in 73 districts, while it was underway in Kapilvastu district, was to resume in Banke district the same week.

The Himalayan Times on January 3, 2012, published, 'Prez through electoral college, says NC'. The news said the main opposition Nepali Congress proposed a provision for the president to be elected from the electoral college in the new constitution. As per the principle of balance of power, an intense debate was held among the parties on directly elected president and the prime minister. The news about the same issues was carried out by the Kantipur daily the same day.

**From both qualitative and quantitative viewpoints, the media brought forth higher number of news on election this month (December 16, 2011-January 15, 2012). Following the debates and discussion on the form of governance in course of drafting new constitution, there was good media coverage on the issues related to elections. A total of 33 items relating to election were published in various six dailies- the Kantipur, the Annapurna Post, the Gorkhapatra (Nepali) and the Republica, the Kathmandu Post, and the Himalayan Times (English). The news, articles and editorials were about the election of the local bodies, voter's registration, transparency in election expense, selection of electoral system in new constitution and the activities of the Election Commission. However the political front could not free from uncertainties this month.**

On January 5, 2012, the Annapurna daily wrote the editorial, 'Fresh election only option after the dissolution of corrupt mechanism, local body'. The editorial wrote: although the Interim Constitution of Nepal 2007 had devised in its article 139 (2) that a mechanism would be set up in the local body with the participation of the political parties as per the agreement till the next election to the local level, the all-party mechanism became so corrupt that it lead its own dissolution. Therefore, there was no choice but to hold the election in the local level to control rampant corruption in the local bodies, the editorial suggested.

Similarly, on December 30, 2011, the Kantipur daily published a news story, 'Election education and information centre in final stage'. As per the news, the Election Commission was about to finalize the construction of a building for the election education and information making it equipped with modern technologies. The centre would provide training on various 25 international models on democracy, good governance and election.

On December 27, 2011, the Kathmandu Post brought forth the news that the Commission for Investigation of Abuse of Authority (CIAA) informed the Prime Minister about the its order on dissolution of the all party mechanism in the local bodies as village development committee (VDC), Municipality, district development committee (DDC) and about the need to hold election in the local bodies. The news in the box within this, 'We're prepared: EC' said the Election Commission was ready to hold any sort of election if the political parties and the government were ready for this.

As a follow up news, the Kathmandu Post published the news on January 11, 2012, with the title 'EC prepared for Local Election: Uprety'. The news, referring to the views of Acting Chief Election Commissioner, Nilkanth Uprety, mentioned the growing need of holding election in the local level by considering the dissolution of the all-party mechanism in the local bodies.

Meanwhile, the Republica daily on January 11, 2012, published the news, '78 parties yet to submit audit report of election commission' which mentioned about the parties yet to submit the auditing report to the Election Commission.

Similarly, the Nagarik daily published an article, 'Directly Elected Prime Minister' penned by Lal Babu Yadav on January 15, 2012. Mr Yadav has argued that proportional election system and parliamentary system would be more instable.

**ANALYSIS :** Going thoroughly about the news and opinion related to the election, the media has given emphasis on the non-implementation of the political agreements.

The media has also given priority to the news related to the mounting corruption in the local bodies due to not having elections in the local for long. The media also pointed out the need to hold the local level election to curb the corruption. But the political leaders have expressed diverse views as the election in the local level could/ could not be held at present. With the heated debate on the form of governance, the issues as what should the proper electoral system in Nepal was brought to limelight by media. Similarly, the media meticulously brought for the merits and demerits of the presidential and prime ministerial system as the form of governance. Also given priority are the news related to the voters' registration. Most of the news stories are produced from the central level, the capital city while the news on voter registration are from the district level. With the debates on the form of governance and electoral system, the participation of people in the media has risen as they have continuously expressed their views through the letters to the editors.

The election has now been the matter for editorial. Very relevant issues as the election to the parliament and types of mechanism in the province and constituency have been brought out by the media. However, the media have failed on seeking answer to the question: when does the election happen.

**Conclusion :** The media have given priority to the debates and discussions on form of governance and electoral system in the committees under the Constituent Assembly and Legislature Parliament.

The newspapers have begun giving first priority to election related news by publishing in the front page. In spite of having agreement on house of representative and national assembly in the central level having mixed electoral system, the electoral issue is still to have more debates after the political parties finalize the rights and jurisdiction of president and prime minister, procedure to elect them, and form of governance in the provincial and local level. Similar is in the case of form of governance.

However, the policy makers in the media and journalists are needed to be aware on making election administration autonomous, formulation of its policies and how the future election could be made free and fair.

## Chapter Two : Uncertainty Looms Large in Politics

**Statute Writing and Peace Process :** In this month, there were very few positive news stories in Nepali print media on constitution-making and peace process. The joint application of parliament and government to review the previous decision on Constituent Assembly (CA) tenure was rejected by the Supreme Court (SC). This issue got major focus in print media. Similarly, the internal rift in the Unified Communist Party of Nepal-Maoist (UCPN-M) and

its adverse effects on constitution-writing and peace process has been observed in the news. Similarly, the issue of forms of governance could not reach consensus. Rather, previously decided issues by the dispute resolution sub-committee of the Legislature-Parliament on constitution drafting are revoked by the Maoist's Baidya faction. All these issues finally led to polarization among parties especially the opposition political parties Nepali Congress

**(Continued ...)**

(NC), Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) and other fringe parties, together, have come on issue of constitution making and peace process and UCPN-M has remained on the other side. This has increased doubt and mistrust among parties. These negative developments also led a change in the working calendar of CA. Some of the news highlights covering these issue are titled as: Maoist disputes snags integration 2nd phase (Republica, Dec, 20, 2011, P.1), Baidya faction is against previous consensus on constitution-making (Annapurna Post, Dec 25, 2011, P.1), Postponement of Constitutional Committee meeting for one week (Gorkhapatra, Dec 26, 2011, P.4), Obstructed constitution-writing (Kantipur, Dec 26, 2011, P.2), Maoist rift mars statute writing (The Kathmandu Post, Dec 27, 2011, P.3)

These news titles have reflected the obstructed process of constitution-writing and peace process. Most of these negative developments are interlinked and associated with the outcomes of the internal rift of UCPN-M. The Baidya faction of UCPN-M utterly opposed in the constitutional committee on the previously agreed issues of constitution drafting by the dispute resolution sub-committee. These hurdles are also reflected in the regular schedule of the Army Integration Special Committee. Consequently, it hampered the timeline, given by the Committee for the farewell of the ex-Maoist combatants who opted for voluntary retirement. Thus, the ongoing peace process has become dormant.

The form of governance is another issue which got much media debate. Most of the discourses are aroused via newspaper commentaries, op-eds and editorial. Previously, media reported that the form of governance was agreed upon for the mixed system. But the said consensus could not last long. Some of the highlights on this issue are as follows:

No consensus on forms of governance (Annapurna Post, Jan 3, 2012, P.1), Who is Executive? President or Prime minister? (Kantipur, Jan 7, 2012, P.1)

The ongoing difference among political parties on constitutional issues has widened the gap between ruling party-UCPN-M and opposition parties. Consequently, the polarization has been reflected among political forces which has been reflected on the news as: Nepali Congress and CPN-UML ally on Peace Process (Kantipur, Jan 8, 2012, P.1), Small parties to back NC, UML on peace process (Republica, Jan 9, 2012, P.3)

The power tussle among state organs has been observed via newspapers' coverings. It began after SC's verdict that defined the tenure of CA only for six months. It invited immediate reactions by ministers and parliamentarians. It was mounted when SC rejected the joint review application by executive and parliament together. Some of the news on this issue are, Executive, Legislature call for revision of ruling on CA term (The Kathmandu Post, Dec 27, 2011, P.1) SC rejects review petition (Republica, Dec 28, 2011, P.1)

All these negative happenings and leisurely developments on constitution-making and peace process finally have hampered the working calendar of CA, and it has been amended again. These issues have been covered by newspapers like Postponement of Constitutional Committee Meeting for one Week (Gorkhapatra, Dec 26, 2011, P.4), CC for another amendment to CA calendar (Republica, Jan 5, 2012, P.1)

**Party-Building :** The internal rift is still prevailing in the major political parties this month. Existing rift in UCPN-M has become calm to some extent after its Central Committee meeting. The main dispute between the establishment and Baidya faction was to either to choose and be focused on

the line of 'peace and constitution' as proposed by party chairman Pushpa Kamal Dahal or to be focused on 'peoples' revolt' proposed by Baidya faction in the party. Finally, UCPN-M has found a midway- approach to reconcile both the ideas. Both leaders, Dahal and Baidya have expressed their commitments to make utmost effort for concluding the peace and constitution writing process and also have agreed that 'peoples' revolt' was inevitable if conspiracy was hatched against the 'dignified army integration process' and drafting of 'people's constitution'.

They also decided to take party decision on the matter of peace and constitution by collaborative approach. However, they themselves proclaimed it as a 'transitional' and 'temporary' solution. They said they are united in terms of 'activities' and continued 'ideological difference' as well. But how they can assure other parties with their revolutionary mentality and confused ideological stand and how was it possible to forge consensus in constitution-making and peace process, enshrining the values of pluralist democracy in the new constitution. Some of the news stories on UCPN-M intra party rift are observed as follows:

Maoist rival leaders may cross swords Baidya faction is intended to spark the internal rift as Palungtar (Kantipur, Dec 21, 2011, P.1), Baidya faction ask Prachandas' response (Annapurna Post, Dec 24, 2011, P.2), Prachanda submitted Unity proposal (Gorkhapatra, Dec 25, 2011, P.1), Baidya faction towards a revolt (Annapurna Post, Dec 28, 2011, P.3) Maoist rift: Dahal, Baidya settle on temporary arrangements (The Kathmandu Post, Jan 9, 2012, P.1), Ideological debate won't stop: Gajurel (Kantipur, Jan 15, 2012, P.1), Maoist United though said transitional resolution (Kantipur, Jan 16, 2012, P.1)

The internal dispute in Nepali Congress (NC) is still in existence. The issues of the dissolution of few sister organizations provoked the rift in Nepali Congress that has been covered by following headlines : Koirala Making NC Weak: Deuba (The Himalayan Times, Dec, 16, 2011, P.5), Party Moving towards Split: Deuba (Annapurna Post, Dec 18, 2011, P.8), Third wing in NC says Directly elected Prime minister (Kantipur, Jan 7, 2012, P.1) According to media report, new wing has emerged in NC which advocates directly elected prime-minister as executive, which is different from official line on the form of governance.

CPN-UML, which was greatly engulfed in the internal rift during the last five month has now in the process of narrowing the factional egos and differences through the countrywide campaigning for party reform and unification. Some of the news stories revealing these notions are as follows:

UML Unites after Internal Conflict (Kantipur, Dec 17, 2011, P.6), UML Initiatives for Unification, (Kantipur, Dec, 19, 2011, P.3), Common view on Maoists key to UML Unity: Pokharel (Republica, Dec 21, 2011, P.2), Eleven points unity proposal in UML (Kantipur, Dec 31 2011, P.2)

After long silence, Election Commission, Nepal (EC) has asked all registered political parties to submit their annual audit reports since last three years. There is strong legal obligation for political parties that they should submit annual audit report until the six months of every fiscal year. Political Party Act 2002, Right to information Act-2007 and Constituent Assembly Election Act-2007 have strongly devised the provision of regular disclosure of audit report. Despite the strong legal provision, most of the parties didn't submit annual audit report and election expenses. Most of the newspapers highlighted the issue as: Parties fail to submit report on election expenses (Kantipur, Dec 29, 2011, P.1), Big parties don't submit income and expenditure

details (Nagarik, Jan 10, 2012, P.3), Parties in preparation of audit report after EC ultimatum (Nagarik, Jan 12, 2012, P.1).

To make the political parties' activities transparent, Freedom Forum has begun seeking information with the parties representing in the parliament in the first phase. The Right to Information (RTI) Act 2007 has defined political parties as public agencies, so they are obliged to proactively disclose information of their entire activities in a routine manner.

**Conclusion :** Monitoring the political news in the print media, no positive developments on constitution-writing and peace process were found this month. As per the media report, both legislature and executive were dissatisfied with the verdict regarding CA's tenure by the Supreme Court. The dispute over the form of governance re-emerged in Constitution Committee. The move on peace process has halted as we had said in the previous month. After regrouping of Maoist combatants, the disagreements emerged among UCPN-M, NC and CPN-UML thereby hampering the proposed timeline for integration, rehabilitation and voluntary retirement by Army Integration Special Committee.

UCPN-M could not agree to first bid farewell to those opting for voluntary retirement and vacating the camps rather they stuck to the parallel work of all aspects of arms adjustment and rehabilitation. The search for reconciliation on intra-party rift in Maoist have fueled more for disagreements as the Baidya camp was disgruntled on many issues agreed by the party establishment.

The negative attitude of UCPN-M inspired other parties to make a coalition of sixteen political parties beyond government ally and declared that UCPN-M was not sincere to constitution writing and peace process. These all show the distrusts and disagreements among parties especially with UCPN-M and others. This has hampered the regular working schedule of CA.

These negative developments and hurdles on peace and constitution-writing process are primarily associated with UCPN-M's internal rift. The internal reconciliation move of UCPN-M finally has led the disagreement and mistrust among political parties, as UCPN-M Baidya faction is resurfacing all of the previously agreed agenda on peace and constitution writing.

Maoist has addressed its internal rift but temporarily in words only. They have accepted 'people's revolt' as a condition if there is conspiracy against 'people's constitution'. They have allowed the diversities of ideologies within party. In this context, the UCPN-M, being a major party of the peace and constitution writing process, its each reverse step has hampered the ongoing peace and constitution writing process.

The constitution writing process cannot be isolated from the ideological stand of political parties. Now, Maoist's own stand and explanation on people's revolt and conspiracy over people's constitution is Maoist's own monolithic and dogmatic understanding which is not acceptable for other political parties.

Though, temporarily, it has been useful for their unity in activity. So, as long as the revolutionary mentality and the hangover of peoples' constitution lie in the Maoist, it will obstruct the environment of constitution-writing and peace process. The Maoist either should choose one of the options to follow the accepted democratic practices and principles on constitutionalism or stick to the so called people's revolutionary mentality for its temporary unification. This dual mentality on Maoist cannot pave the way for peace process and constitution writing. With this mentality, the peace and constitution-writing process will not go ahead.

# Information sought with NOC, FM

As a civil society organization, Freedom Forum has been continuously working for the empowerment of citizens through various activities on democracy, human rights, right to information and press freedom. Lately, the FF has emerged active in people's right to information.

Considering that many public bodies/agencies are obliged to provide information as per the RTI Act 2007, the FF has sought information with Nepal Oil Corporation (NOC), the sole supplier of the petroleum products in Nepal, about free distribution of petroleum products to various public bodies and persons.

After the Information Officer at the NOC denied information, the Freedom Forum moved again to NOC chief for this on December 27, 2011.

The NOC, has, however, flouted the directive of the Department of Information as it did not provide information sought by the Freedom Forum till date. As the NOC is a public body, every Nepali citizen has the ownership on it. Its administrative and financial activities must therefore be transparent to all Nepalis.

Moreover, the Freedom Forum has sought information on ratification process of Rome Statute with the Ministry of Foreign Affairs on December 26, 2011.

## A research pilot project to assess measures

Freedom Forum in collaboration with Development Initiative (DI) based in the United Kingdom has recently launched a foreign aid transparency initiative under the aidinfo programme on a pilot basis. The broader objective of the initiative is to contribute to achieving national developmental goal through improved accountability, transparency and aid effectiveness in Nepal.

As an integral part of the initiative, Freedom Forum is undertaking research to gather and compare information on various aid dimensions from key donor agencies including multilateral (Asian Development Bank and World Bank), bi-lateral (UKAID, USAID, JICA and NORAD and UN Agency (UNDP) link them to funding information at district level in Chitwan and Dolakha.

The research based on purposive sampling methodology will be carried out at central, district and beneficiary level. Data collected through

### Aid Transparency Initiative

field researchers will be processed and analyzed and the process and study report of the research works will be produced and disseminated.

Aid transparency and effectiveness has emerged as an important issue in public debate and discourse with growing awareness on the importance of how aid is being spent.

Correspondingly, donor agencies have also become more sensitive in providing with support to developing countries, however it is still not clear as how sensitive the donors are and what mechanism they have developed to disclose aid information. The issue has become central to the least developed and post conflict country like Nepal, which is heavily dependent on foreign aid and grants. With this in background, the project is essentially tailored to collect evidence on the best approaches to obtain aid related information quickly, cheaply and easily and amplify lessons about the importance of aid transparency at country level.

## Govt. Official roughs up journalists

On 4th January 2012, an inebriated Assistant Chief District Officer (CDO) at Tanahu, Rajendra Prasad Ghimire manhandled editor at the Setimadi daily in the district, Dambar Bahadur Adhikari and editor of the Madiseti Prabaha Omkar Acharya in course of making news over the alleged financial irregularities in the distribution of medicine against elephantiasis.

According to editor Adhikari, they had reached at the District Health Office to make news about the elephantiasis, but found both chief district health officer, and assistant CDO Ghimire drunk at the former's quarters. He added that Assistant CDO Ghimire suddenly spoke foul on them accusing them of going there to beg money with chief district health officer.

He added that as the responsible government officials were drunk and treated ill on them, they returned without making news.

Similarly, two journalists were manhandled in the capital city by the government employees on 23, 2011. A reporter Rohit Bhandari, and cameraperson Jayaraj Thapliya with the Mountain Television were manhandled by Director at the Social Welfare Council Madan Rimal and Deputy Director Bhagawati Sangraula in course of making news about the agitation of the employees and corruption in the Council in the capital city on 23rd December 2012.

Council Director Madan Rimal and Deputy Director Bhagawati Sangraula not only tried to seize the camera but also took them inside a room and manhandled, saying, "Who bribed you to make news about this office?"

Freedom Forum has also recorded six more manhandle cases during the three months, November 2011-January 2012.

## Freedom Forum begins Friday Forum

Freedom Forum launched a weekly program, Friday Forum, on December 30, 2011 aiming at promoting this as a platform to discuss contemporary political issues keeping in centre the four themes of the Freedom Forum.

The themes are freedom of expression, right to information, human rights and democracy. The first Friday Forum discussed about the reconciliation policy of the late Nepali Congress leader, BP Koirala.

The thoughtful discussions on the contemporary issues are aimed at providing suggestions to the concerned bodies for the input in new constitution.

The Friday Forum is conducted every Friday for two to three hours from 2:00pm onwards.

## Freedom Forum in International Platform

- Mr Taranath Dahal, Chairperson, Freedom Forum attended the 'Design Workshop of Communities of Practice on Right to Information', organized by Affiliated Network of Social Accountability-South Asian Region (ANSA-SAR), at BRAC Center Inn 75, Mohakali, Dhaka, Bangladesh during January 22-23, 2012.
- Mr. Dahal attended the 'Asian Civil Society Consultation on National Security and Right to Information Principles', jointly organized by Institute for Defense Security and Peace Studies, Open Society Foundations and FORUM-ASIA, among others, in Jakarta, Indonesia on November 8-10. 2011.
- Mr. Chiranjivi, Kafle, Executive Member, Freedom Forum participated in the 'South Asia Learning Programme on Right to Information', organized by Commonwealth Human Rights Initiative (CHRI), at New Delhi and Gujarat of India from November 13-23.

## Journalists !

Are you in trouble in course of using your rights to press freedom ? Are you in need of any legal help regarding your right ? If so, feel free to contact us :

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# Information Classification



Discussion organized by Freedom Forum against Information Classification in Kathmandu on 27 January 2012

(Continued from Page 1)

protection of economic trade or monetary interests; that jeopardizes the harmonious relations among the castes and communities and that interferes on individual privacy, security of body, life, property and health of a person.

In spite of having such clear provision about the exception in the RTI Act, the committee headed by Chief Secretary of the Government has turned hostile to the citizen's right to information. As many as 140 types of information about the ministries, constitutional bodies and other public agencies have been banned for public going beyond the exceptions enshrined by the Act. With this, everyone can conclude that the information classification came as an attempt to keep people away from information which resembles autocratic rule in Nepal.

Attempt to control publicly important information is not only to ignore the fundamental rights of citizens but also a deliberate and implied action to promote corruption in the ministries and other government bodies. At a time the government (bureaucracy and political parties), was in need of becoming transparent in its activities, the classification of information has clearly advocated for the non-transparency, which is detrimental to a democratic State.

The stakeholders' meeting also attended by the Chief Commissioner of the DOI, Binaya Kasajoo, had concluded to

- To condemn the government classification of the information by all civil society organizations,
- To make aware and educate the government (political parties and bureaucracy) about the RTI,
- To prepare protest letters and memorandums and submit to the Prime Minister and concerned bodies, and
- To take legal recourse by filing writ petition in the Supreme Court.

Following the stakeholders' meeting, both private and government sectors were highly sensitized in this regard.

The information classification came with negative intention, however, rendered positive effects in the public and stakeholders in a sense that it created public debates and discourse on RTI, its use, its benefits and foibles of Nepali bureaucracy and political parties in terms of RTI. The repercussion of the information classification helped make people aware about their rights. It, in a way, enlightened the ignorant bureaucracy and political parties about

right to information, a best ever tool to make government transparent and accountable and a key to good governance and democratic culture.

Obviously, Freedom Forum worked as an inspirational factor to engage the stakeholders against biased and politically motivated classification of information.

Initially, Freedom Forum had sought information with Chief Secretary on information classification on 12 January 2012, and came to know about the information classification from confidential source.

Freedom Forum immediately made international update on January 25 about the information classification by Nepal government which rendered negative impact on people's right to information. Similarly, a press release was issued by the Freedom Forum condemning the government move and thereby sensitizing the national media about campaigning against the illegal deed. Also the Office of the Prime Minister and Council of Minister was drawn attention to this regard. The national daily as the Annapurna Post was told to publish the news about the classification on the same day.

The 27-January stakeholders' meeting helped a lot to bring rights workers together to exert pressure on the government to revoke this decision.

The repercussion of the Freedom Forum's campaign against information classification was evident in the legal practitioners too as the democratic Lawyers' Association filed writ petition on the very day in the Supreme Court demanding the revocation of the classification. Moreover, the organization had active participation in the street protest of the government move on January 29. Senior advocate Dr Ram Krishna Timsina also filed writ in the Supreme Court the same day demanding the repeal of the government move.

Broadcasters like televisions and radios also covered the news about the classification massively, contributing to make it an issue of public debate and discourse. A nationwide protest was launched by the journalists against the information classification the next day. The Supreme Court issued a stay order in the name of the government to not implement the information classification.

Bowing down before the mounting pressure from the civil society and considering the Supreme Court stay order, the government finally decided not to implement the information classification. As a result, the Office of the Prime Minister and the Council of Ministers issued circular to all ministries and concerned departments not to implement information classification.

## Timeline of the Campaign against Information Classification

### January 12, 2012:

Freedom Forum (FF) seeks information about information classification with Chief Secretary of Nepal Government

### January 24, 2012:

Freedom Forum (FF) learns about information classification

### January 25, 2012:

- a. Dharmendra Jha, FF board member, published a byline news about information classification in the *Annapurna Post*,
- b. FF makes information updates on information classification,
- c. FF issues press release against information classification,
- d. Office of the Prime Minister drawn attention towards this,
- e. FF Chairman gives interviews on radio and TV on information classification

### January 27, 2012:

- a. FF holds stakeholders' meeting in Kathmandu to garner suggestion about information classification
- b. Democratic Lawyers' Association (DLA) files writ petition against information classification at Supreme Court

### January 29, 2012:

- a. FF participates in the street protest against information classification
- b. Dr Ram Krishna Timsina, former registrar of the Supreme Court, files writ petition in Supreme Court demanding the revocation of information classification.

### January 30, 2012:

- a. Nationwide protest against information classification
- b. The Supreme Court issues stay order in the name of government on information classification responding to the DLA writ petition

### February 1, 2012:

- a. The Supreme Court for second time issues stay order in the name of government to not implement information classification in response to the writ filed by Dr Timsina,
- b. Considering the pressure from various quarters, the Office of the Prime Minister and Council of Ministers finally issues circular to all ministries and concerned bodies not to implement the information classification.

# Nepal ranks 106

According to a report unveiled by the Reporters without Borders, Nepal is ranked 106th among 179 countries in term of press freedom situation.

## Press Freedom Index in the SAARC Country, 2011/2012

70	Bhutan	24,00	↓
73	Maldives	25,00	↓↓
106	Nepal	38,75	↑↑
129	Bangladesh	57,00	↓
131	India	58,00	↓
150	Afghanistan	74,00	↓
151	Pakistan	75,00	=
163	Sri Lanka	87,50	↓

## Syria, Bahrain and Yemen get worst ever rankings

This year's index sees many changes in the rankings, changes that reflect a year that was incredibly rich in developments, especially in the Arab world," Reporters Without Borders said as it released its 10th annual press freedom index. "Many media paid dearly for their coverage of democratic aspirations or opposition movements. Control of news and information continued to tempt governments and to be a question of survival for totalitarian and repressive regimes. The past year also highlighted the leading role played by

netizens in producing and disseminating news.

Crackdown was the word of the year in 2011. Never has freedom of information been so closely associated with democracy. Never have journalists, through their reporting, vexed the enemies of freedom so much. Never have acts of censorship and physical attacks on journalists seemed so numerous. The equation is simple: the absence or suppression of civil liberties leads necessarily to the suppression of media freedom. Dictatorships fear and ban information, especially when it may undermine them.

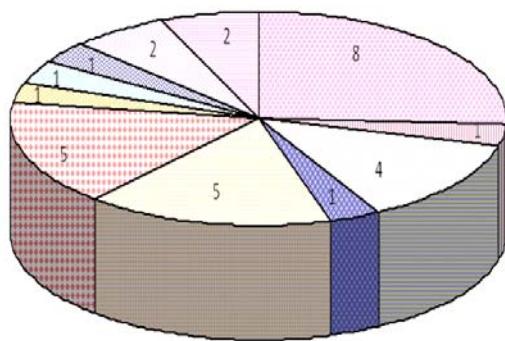
It is no surprise that the same trio of countries, Eritrea, Turkmenistan and North Korea, absolute dictatorships that permit no civil liberties, again occupy the last three places in the index. This year, they are immediately preceded at the bottom by Syria, Iran and China, three countries that seem to have lost contact with reality as they have been sucked into an insane spiral of terror, and by Bahrain and Vietnam, quintessential oppressive regimes. Other countries such as Uganda and Belarus have also become much more repressive.

This year's index finds the same group of countries at its head, countries such as Finland, Norway and Netherlands that respect basic freedoms. This serves as a reminder that media independence can only be maintained in strong democracies and that democracy needs media freedom.

It is worth noting the entry of Cape Verde and Namibia into the top twenty, two African countries where no attempts to obstruct the media were reported in 2011.

(Source: Reporters Sans Frontiers)

(Incidents of Press Freedom Violation in Nepal from Nov. 2011 to Jan. 2012)



- Manhandle
- Death Threat
- Beating
- Obstruction
- Vandalism
- Threat
- Attack
- Arson
- Journo in Captivity
- Newspaper Burnt
- Loot

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