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# Press Freedom in Peril

*Media, despite not having a long professional history, has been serving as a best tool to boost up democratic values and build up culture in Nepal. Whether it is to inform public or make government transparent and accountable to the public, or bring into light the social and economic maladies, the media has untiringly contributed to Nepali society. With the restoration of democracy for the second time, the number of media- both electronic and print- saw unprecedented increase.*

The spurt in media obviously played significant role to build informed citizenry and expand the horizon of right to information (RTI) regime in Nepal. Big cases of tax evasion and corruption were exposed by the media thereby making people aware about financial irregularities and malpractices. However, whether it is due to the lack of professional skills on the part of journalists or the lack of security to them by the state, the condition of Nepali journalists is not that satisfactory in terms of security. The rights of journalists are violated at every step, the threats mount on them simply because of a news story they make. More important and remarkable here, Nepal witnessed the murders-excruciating murders- of many journalists due to their profession, the right to news reporting.

Yet again, Nepali media saw a gruesome killing

of a journalist in Jhapa, a district in the southern plain of the eastern most part of Nepal in the night of April 3, 2012. Journalist Yadav Poudel, district reporter with the Rajdhani national daily and the Avenues Television was found dead at 1:30am on the road near Birtamod Bus Park in the district. His right hand was fractured and blood coming out of his head. It was near Panchthar Damak Sekuwa Corner.

The 39-year-old, Poudel was the permanent resident of Sijuwa VDC of Morang, neighboring district of Jhapa.

"An untiring and staunch supporter of media freedom and right to information, Poudel was working as a journalist for a decade in the district. He quickly became popular with his profession," commented fellow journalists.

Journalist Poudel was killed

(Continued on Page 15)

## How was Poudel Killed?

Journalist Poudel was killed at Hotel Purvanchal and Sekuwa Corner at Birtamod, Jhapa in the night of April 3. He was killed by Yuvraj Giri, former chairman of hotelier's association in Jhapa district over minor dispute. Giri pushed journalist Poudel down from the rooftop of the third floor hotel and left to death.



Slain Journalist Yadav Poudel

Freedom Forum's probe team, including other media mission and police investigation showed that Giri and Poudel had dinner together in the hotel, and planned to stay there to discuss about a newspaper said to be published by Giri making journalist Poudel its editor. In course of discussion, there emerged disputes which led to killing. The investigation showed that Giri's plan to discuss about the publication of newspaper-Ujjyal (Continued on Page 15)

## Three Black Days in Nepali Media 20-22 May

## Unprecedented Attacks on Media

As the deadline to promulgate constitution (May 27) was approaching fast, political discussion and party decisions on contentious issues of 'restructuring of state' created furor in Nepal. Various parts of the country saw spate of protests and struggles including banda (general shutdown) by different ethnic groups. The people in the far west became united and began struggles for their region undivided while the Tharu community in the southern plain protested this. Similar other struggles continued for the ethnic rights, seeking identity in the provinces to be carved out in the federal set up.

Amidst the chaos triggered by the protests and bandas, Nepali media received flurry of attacks, threats, vandalism, intimidation and different forms of harassments from the demonstrators and banda enforcers of various ethnic groups in different parts of the country.

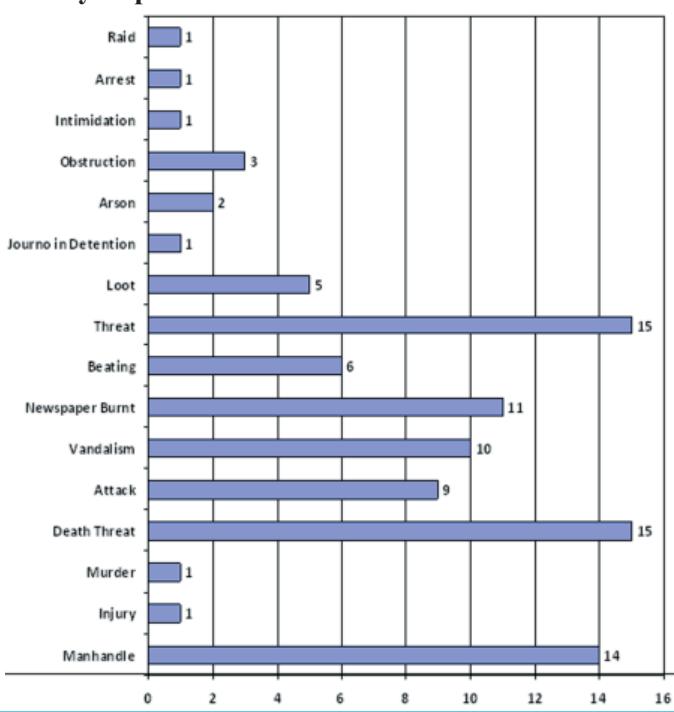
First of its kind in Nepal, the media faced the attacks and threats in a way it never came across even during the royal regime's tough time to media. In the name of demanding rights by groups, they grossly violated the rights of others. Importantly, the

media had to bear the brunt. The free movement of media persons and press vehicles was strictly obstructed and journalist's right to free reporting was blatantly disrespected during shutdowns.

During the two weeks (8-24 May 2012), Freedom Forum has recorded a total of 88 incidents of press freedom violation across the country.

In the three day nationwide banda (20-22) organized by the Indigenous Nationalities' Joint Struggle Committee spearheaded by Nepal (Continued on Page 4)

## Yearly Report : Incidents of Press Freedom Violation



May 1, 2011-April 30, 2012



**Message From the Chairperson**

The hope of Nepalis to get the much awaited constitution finally went in vain after the Constituent Assembly dissolved without yielding constitution. The differences among political parties mounted at the last moment on the issues of state restructuring were the most noticeable cause behind the failure to bring constitution. With the dissolution of the CA, many hopes fell; the dream for New Nepal, especially for the consolidation of democracy and civil society campaign for freedom and human rights has been pushed to back burner. The political and constitutional uncertainties have loomed large creating effects on multiple sectors. All sorts of campaigns and movements to get rights have met bleak prospect because the anarchic scene dominated the national affairs. The nation is indeed in a critical mode. Even before the dissolution of the CA, the country witnessed wave of protests demanding the rights of diverse communities be incorporated in the constitution. These very protests created hostile environment for free press and freedom of expression.

Moreover, the preparations made so far to bring constitution with the guarantee of people's rights became meaningless after the dissolution of the CA. As a result, the uncertain situation is to effect negatively on the civil society campaigns for peace and democracy. The civil society cannot remain indifferent to this political and constitutional uncertainty. Moreover, the role of civil society has become further important not only because the political parties have failed to meet the people's aspirations but because the parties need to be made more aware on civil rights, justice, freedom, democratic culture and values and right to information.

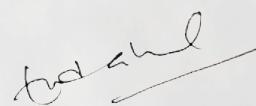
The spirit of campaigns launched by the civil society organizations like Freedom Forum was and is always for the better society where there is informed citizenry empowered with rights, where there is flourished democracy.

However, coping with crisis is inevitable. Unless the political leadership comes up with clear vision how to cater justice to people ensuring their rights and participation in State mechanisms, other efforts will become feeble. The vigor needed for political leadership to navigate this critical transition is provided by the civil society because the civil society untiringly contributes to the welfare of citizenry in an unbiased way. Therefore, what we suggest the political parties at present is they need to come up with concrete and clear cut visions that must address the real needs with the guarantee of democratic culture where press freedom, independent judiciary and right to information are must. Important is enabling environment for national consensus where people from diverse professions are incorporated unlike the political consensus limited to political circle.

The country at present is in immediate need of broader consensus which incorporates the aspirations from multiple areas. The broader consensus should lead to national unity which must dismantle every disgruntling faction in a peaceful way. Whether it is civil society or political parties to take initiative to forge national consensus, the initiative should intend at reaching public to know their views on the situation and garner suggestions for future course. The need of reaching public is acknowledging people's supremacy through legitimate behavior.

It is time need of hour to build trust and forge consensus that brings into track the uncertain national politics and dismantles the partisan foibles and interests. The importance of broader consensus is for creating national unity, social comity and culture of tolerance among the people from diverse cultures and castes. Once there is consensus, there is the protection of human rights. People's right to freedom is protected if the political understanding and unity is strengthened. But, the rifts among parties lead to chaos which is threat to people's freedom. The guarantee of people's freedom helps make society democratic.

Therefore, whether it is to hold new election or seek other measures to bring the country into political and constitutional normalcy, people's rights must be guaranteed and protected, democratic culture strengthened and the achievements of democratic movements protected.

  
Tara Nath Dahal  
Chairperson

**'Courageous Journalism Award' to KC**



NHRC Chairman conferring Award on journo KC

**World Press Freedom Day- 2012**

This year's Courageous Journalism Award has been presented to Rajesh KC, cartoonist of the Nagarik daily on May 4.

The award is presented every year jointly by International Press Institute (IPI), Nepal Chapter, and Freedom Forum to a journalist on the occasion of World Press Freedom Day (May 3).

Journalist KC was felicitated with the award in recognition of his long time contribution to freedom of expression through the medium of cartoon.

Handing over the award to KC at a talk programme on 'Status and Challenges of Freedom of Expression in Nepal', National Human Rights Commission (NHRC) Chairperson Kedar Nath Upadhyay said the freedom of expression and human rights had been bearing the brunt with deteriorating status of press freedom coupled with growing impunity in the country.

Calling on the government to remain serious towards addressing unchecked impunity in the country, he argued that none's human rights would be guaranteed until impunity was put to an end.

Speaking on the occasion, IPI, Nepal Chapter Chairperson Padma Singh Karki, Freedom Forum Chairperson Taranath Dahal, former Chairpersons of Federation of Nepali Journalists (FNJ) Harihar Birahi, Suresh Acharya and Dharmendra Jha said the Nepali media had been reeling under self-censorship in one or other way.

The growing state of self-censorship has also been a serious blow to people's constitutionally guaranteed right to information as journalists have not been able to bring out the issues of public concern, they said.

On the occasion, INSEC Chairperson Subodh Pyakurel, human rights activist Prof. Kapil Shrestha, felicitated personality KC, among others highlighted various problems the journalism sector and people facing problems regarding right to freedom of expression.

# Freedom of Expression Practitioners Killed in Blast

A bomb blast occurred at Ramananda Chowk of Janakpur in the southern plain of Nepal on April 30, 2012 took lives of four innocent people and injured 28 others.

The explosion that took place while members of Mithila State Struggle Committee were staging a sit-in to pile pressure for Mithila state in course of the state restructuring of Nepal is a blatant violation of citizen's constitutionally guaranteed freedom to peaceful assembly and freedom of expression.

The deliberate and organized incident of bomb explosion, targeting the peaceful sit-in is an outright attack on civil and political freedom of expressing own thoughts and ideas



Artiste Ranju Jha who was killed in blast

and their right to assemble without arms.

Those killed in the bomb blast-Ranju Jha, Bimal Sharan Das Kurmi, Suresh Upadhyay and Jhagaru Das-were associated to theatre, an important means of freedom of expression.

Jha was the member of Mithila Theatrical Council and also a renowned film and theatre artist.

At a time Nepal was passing through a significant process of constitution-making and state restructuring, the possible fear and horror triggered by such attack would silence people's

right to free expression and reduce public participation in such crucial process.

## Two Reporters Succumb to Injury

Deepa Ale, reporter with the *Sagarmatha Television* from Nepalganj, was mercilessly attacked by the banda enforcers, leaving her seriously injured at Chitranganagar of Banke, mid-western city in the southern plain of Nepal on May 22, 2012. She was attacked by the banda enforcers of the Tharuhat Joint Struggle Committee, an ethnic group agitating in the southern plain demanding separate Tharuhat state. Reporter Ale was attacked with cleft bamboo sticks, stones while she was returning home after news reporting. The attack caused serious injuries on her left eye, and head.

"A dozen of young boys suddenly trapped my motorbike on the way. I fell down. They hurriedly thronged and began beating me with sticks, stones and others till I became faint. I had to have 15 stitches on my forehead and treatment of my eye at Nepalganj Nursing Home," ailing Ale said, adding she was discharged after 9 days.

Earlier, on May 21, Ashok Dulal, a photo journalist with the *Abhiyan* daily published from the capital city, was attacked mercilessly at Gwarko of Lalitpur district. As a result, he received serious injury to his head, neck and body. He was treated at B and B Hospital.

Moreover, on the first day of the banda, a reporter with the *Rajdhani* daily, Navraj Chalise was attacked at Chabahil in the capital city while he was heading to office

on motorcycle. But, he managed to flee. Meanwhile, Freedom Forum recorded six cases of attack from February - April 2012.

On April 23, 2012, a journalist with the *National News Agency (RSS)* of Nepal, Ratna Shrestha, was attacked by police persons while making news about a road accident in Bhaktapur, a neighbouring district of Kathmandu, on April 23, 2012.

Similarly, Nimendra Sahi, reporter with the same Agency from Bajura, district in the far western region of Nepal was attacked by locals on March 29, 2012. Tekendra Karki, Basanta Adhikari and two others attacked him. It was obvious that the month of May saw unprecedented attacks on journalists. A total of 21 cases of attacks were recorded this month.



Injured Journo Deepa Ale receiving treatment.

## Student Union burns newspaper

The cadres of All Nepal National Free Students Union (ANNFSU) affiliated to the Communist Party of Nepal (UML) vandalized a *Republica* daily's stall at Koteswor, Kathmandu on April 20, accusing the daily of carrying biased news about the clash at Pashupati Multiple Campus of Chabahil a day before. The activists stormed the stall snatched several copies of the *Republica* daily and burnt them.

The daily had published news about ANNFSU students' clash with Nepali Congress-aligned Nepal Students Union activists over a minor dispute. The incident shows that the citizens are still unaware that they have rights to take legal recourse to find facts about news and be catered justice in case of biased or false news. Also, with the incident, it is fair to urge the UML party to teach its cadres and party wings to respect press freedom and people's right to information.

Meanwhile, in May five newspapers were burnt by the enforcers of banda and strikes at different parts of the country reasoning the newspapers did not publish the news in favour of protests.

## Minister manhandles journalists

To everyone's astonishment, a Minister of State turns up to a hospital inebriated at night and misbehaves and manhandles anyone appearing before him. Minister of State for Health, Saroj Kumar Yadav, who had reportedly gone to meet his ailing relative at Bir Hospital in the capital city on March 18, 2012, manhandled Praveen Dhakal of Saurya daily and tried to seize the camera journalist Gyanendra Karki of the same daily was using to take the photo and make news about the incident. He also spoke foul on them.

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

To sheer mockery of responsibility and morality, the State Minister was inebriated and acted abnormally.

On March 21, 2012, Bibhu Adhikari, reporter with the *News 24* Television, Resham Tiwari with *Nepal Television*, Binod Pyakurel with the *Tarai Television*, Basanta Khatiwada with *Ghatana Ra Bichar* weekly and Prakash Lamsal with the *Image Television* were manhandled by disciples and protectors of Ram Bahadur Bamjan who is claimed to be little Buddha for his years long meditation and seclusion. It occurred in Bara, a district in southern plain of the central region of Nepal.

## Life Threat by Maoist cadre

Publisher and editor of the local *Dawn News* daily, Rajendra Adhikari and its photo journalist Bandu Raj Parajuli were issued death threat by Gunda Raj Shrestha, a cadre of workers' union affiliated to the Maoists party for publishing news about syndicate in the transportation a month back. It occurred in Pokhara, a city in the western region of Nepal, on April 10, 2012.

Rupa Sharma 'Neha' associated with the *Metro FM* in the capital was issued death threat in the first week of February over an article she published in a fortnightly magazine in the capital city, Kathmandu.

Journalists- Shrawan Deuba associated with the *Nayapatrika* daily, Deepak Oli with the *Sourya* daily, and Bhim Chaudhari with the *Tarai Television* were made captive for two hours from 7:30pm onwards by the timber smugglers and threatened of life if they wrote news about the smuggling on March 12, 2012 in Doti, a district in the far-western region of Nepal. Journalist Oli said they had reached deforestation site to make news and take photos in the neighbouring Doti district but were cornered by some 40 smugglers and made captive. They released after two hours threatening of life if they made the news on deforestation and smuggling.

Journalist Umesh Mehta with the *Popular FM* at Itahari, an eastern city of Nepal was threatened of life over the news he made about an undue measure-to be elected in a School management committee.

Also, Chief Editor of the *New Highway* weekly, Sashi Bichitra in Parsa, a district in the central region of Nepal's southern plain, was issued death threat by an unknown person by telephone on March 22, 2012. Shrestha threatened over phone that if they continued writing news about syndicate system, he would kill them. Similarly, five cases of death threat were recorded in May.

## Unprecedented... (Contd. from page 1)

Federation of Indigenous Nationalities (NEFIN), the journalists faced most difficult time even in the capital city. During the three days alone, a total of 64 incidents of press freedom violation occurred in the country.

Two journalists were severely injured in the attacks by banda enforcers. On May 21, a photo journalist with the Abhiyan daily, Ashok Dusal was attacked mercilessly by the strikers in the capital. He received serious injury to his head and neck. He was discharged after a week's treatment at the B and B hospital.

Similarly, on May 22, Deepa Ale, reporter with the Sagarmatha Television from Nepalgunj, a city in the southern plain of the Midwest Nepal was attacked cruelly by the Tharuhat Joint Struggle Committee leaving her seriously injured on her head and left eye. She was discharged after 9 days treatment at the Nepalgunj Nursing Home. At least 21 days rest was needed for the treatment of her eye. Also her motorcycle (Bhe 3 Pa 586) was vandalized and completely damaged.

### New Trend

- In addition to the unprecedented number of press freedom violation, Nepali media faced new kind of threats and attacks this time. Even the responsible persons of ethnic communities turned hostile to media. They made such a virulent criticism against media that did not only hurt media sector but also incited ethnic conflicts in the country. Mall K Sundar, a responsible leader of Newar community publicly warned of burning (finishing off) entire media.

*"Malla K's remark will provoke attacks and threats on media persons. It is Nazi-like style. The authority must bring him to book because his remark not only attacked media, fourth estate of the state, but will also spur communal hatred and ethnic conflict in Nepal. The three days, 20-22 May remained as 'black days' in Nepali media," says Freedom Forum Chairman Taranath Dahal.*

- Also, remarkable here is NEFIN general secretary Ang Kaji Sherpa threatened of finishing of all media and journalists in the country reasoning the media did not prioritize the protests of the NEFIN. He issued public threat on media and death threat to some journalists.
- The journalists were threatened to write in favour of protests against the notion of free press.
- In a sheer mockery of rule of law and gross violation of press freedom and freedom of expression, the government and security

persons became mute spectators to the attacks on media persons by the banda enforcers. Till date, no person has been arrested and taken action against his/her atrocities on media.

- The role of media was completely ignored by the supporters of *banda*. Rather, they treated journalists as their enemies. Journalists were made the main targets during the banda.
- Most of the cities- Chitwan, Pokhara, Nepagunj, Itahari including the capital city, Kathmandu, became battleground in a sense the journalists faced hard times in course of reporting.
- To everyone stupefaction, no organizations took responsibilities of attacks on media.
- Nepali media is now under tremendous terror and threats which has obviously instilled fear on journalists with self-censorship.
- The attack on media this time was coordinated. The banda enforcers sought journalists and threatened, attacked and manhandled them. It was as if revenge on media.

to media freedom in Nepal.

**May 8** (during Banda organized by Tharuhat Joint Struggle Committee) Manhandle = 2

**May 9** (day of far west banda) Intimidation = 1, Threat = 1, Manhandle = 2  
**Total = 4**

**May 10** (during Nepal Banda organized by Brahmin, Chhetri, Dashnami,.. ethnicities) Manhandle = 3, Vandalism = 2, **Total = 5**

**May 11** Manhandle = 2

**May 12** Death Threat = 1 Newspapers Closed = More than 6  
(Note: The far western *banda* organized by the people in the region demanding the region 'undivided' created lack of paper, ink and others for publishing newspaper.)

**May 13** (public threat of boycotting media by NEFIN) Threat to entire media = 1

**May 17** (during Nepal banda organized by Brahmin, Chhetri, Dashnami.. ethnicities) Attack = 1, Manhandle = 1, **Total = 2**

**May 20** (during Nepal banda organized by various ethnicities led by Nepal Federation of Indigenous Nationalities, NEFIN) Attack = 15, Manhandle = 4, Threats = 2 Vehicle Torched = 5, Death Threat = 2 Intimidation = 1, Vandalism = 7, **Total = 36**

**May 21** (during Nepal banda organized by various ethnicities led by Nepal Federation of Indigenous Nationalities, NEFIN) Attack = 1, Death Threats = 1, Vandalism = 9 Newspaper Burnt = 1, Severe Injury = 1 Manhandle = 2, Camera Seized = 1, **Total = 16**

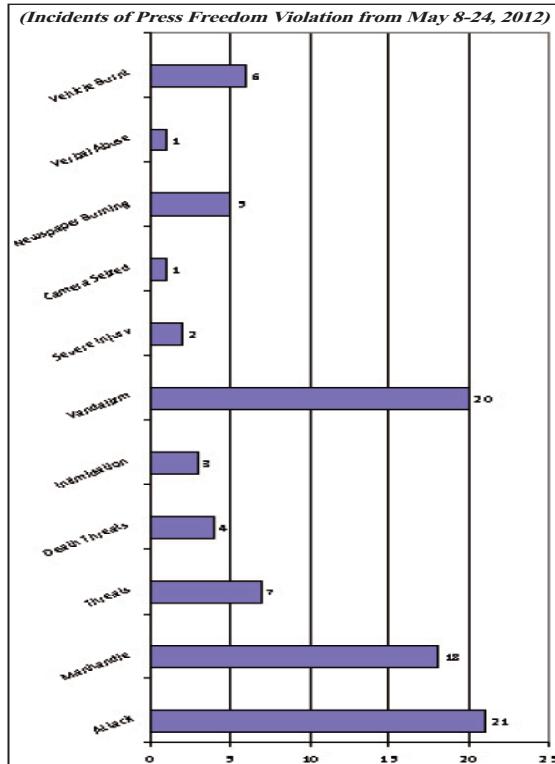
**May 22** (during Nepal banda organized by various ethnicities led by Nepal Federation of Indigenous Nationalities, NEFIN) Newspaper Burning = 1, Threats = 2, Attack = 3 Intimidation = 1, Severe Injury = 1 Verbal Abuse = 1, Manhandle = 1, Vandalism = 1, Pres Vehicle Burnt = 1, **Total = 12**

**May 23** (Public Threat to entire Nepali media by former legislator and ethnic leader Malla K Sundar) Threat to entire Nepali media = 1, Attack = 1 Manhandle = 1, **Total = 3**  
(The manhandle and attack by banda enforcers of Tharuhat Joint Struggle Committee)

**May 24** (during Tarai banda being organized by Broader Madhesi Front) Newspaper Burning = 3, Vandalism = 1, **Total = 4**

**Grand Total = 88**

*(Day-wise Media Monitoring)*



**Conclusion :** Analyzed the situation, Nepali media will face more challenges in the days ahead. It shows that if the country adopts ethnicity-based federalism, more chaotic days would prevail in the country. As a result, journalists may become targets of every ethnic group. The press freedom violation will mount with declining democratic values and culture. Instable political situation is to become hostile

## Public Threat on Entire Nepali Media

At a programme organized jointly by the Indigenous Nationalities' Joint Struggle Committee, and Newa Autonomous State Manka Struggle Committee, in the capital on May 23, 2012, Malla K Sundar, a responsible person from ethnic Newar community, publicly accused the media of fomenting communal hatred and called to burn (finish off) all media. Malla K, who is a former legislator and a journalist too, became irate with media and spit venom against entire media fraternity in the public programme. Freedom Forum takes this remark as a very incendiary which may cause communal hatred and incite mounting attacks and threats on media. With this, media, a tool to democracy will face

even more hard times.

Malla K's remark will provoke attacks and threats on media persons. It is a Nazi-like style. His remark has not only attacked media, fourth estate of the state, but will also spur communal hatred and ethnic conflict in Nepal. Moreover, General Secretary of Nepal Federation of Indigenous Nationalities (NEFIN), Ang Kaji Sherpa, publicly threatened of physical action on the Federation of Nepali Journalists (FNJ) dubbing it a an association of '*brahmin caste*'.

He made such remarks while speaking at a programme organized in the Capital on May 20.

# Making Public Agencies Accountable

Freedom Forum has kept on its efforts to strengthen right to information (RTI) regime to build and support democratic values in the governance in Nepal. Considering the need of well-informed citizenry for strengthening democracy, Freedom Forum has been prodding the public agencies for transparency and accountability with the use of RTI as an apt tool. In this connection, Freedom Forum sought information of various kinds with Nepal Oil Corporation (NOC), Foreign Ministry and Legislature-parliament.

**NOC :** At a time Nepal was reeling under the acute shortage of petroleum products, Freedom Forum sought information with the NOC as of free distribution of petrol, diesel, and kerosene. Also demanded were the information as who were provided petrol free of cost and on which scale and standard since 2006, and what were purchased amount, rate and sale prices of each time with clear date.

The NOC, sole distributor of petroleum products in Nepal, provided partial information after frequent prods from the Freedom Forum and with the directive of the National Information Commission. On April 9, 2012, the NOC provided 75-page long information to the FF. The information shows there was no policy and scheme of distributing fuel. It was clear that the NOC provided fuel randomly to the bigwigs.

The partial information of the NOC revealed it distributed a total of 37,824 litres of petrol and 29,484 litres of diesel free of cost to the bigwigs since fiscal year 2008-09.

But the list was full of anomalies. NOC failed to provide all vehicle numbers to which it distributed petroleum free of cost. The Executive Chief in the NOC exercised his rights to distribute the fuel.

Distribution of fuel without keeping record points to corruption. Even the numbers that it has provided seem bogus as they don't mention zones or the alphabets. Coupon numbers mentioned in the list are also not in order. Moreover, there is no buying and selling rate of petroleum products as demanded by the FF.

The NOC was bound to provide information after the NIC had issued a verdict on March 20, 2012 ordering the Chief of Nepal Oil Corporation (NOC) to compulsorily provide information to the Freedom Forum about the free distribution of oil, diesel and petrol, and its buying and sales details within 15 days of the verdict, reasoning that it was illegal to deny information by the NOC, a public agency, on this as per the RTI Act 2007.

The FF had first filed an application in the NOC seeking information on December 27, 2011.

**Foreign Ministry :** The Foreign Ministry, on February 29, 2012, provided most of the information the Freedom Forum sought about the government activities carried out for the ratification process of the Rome Statute.

The Ministry provided a complete 20-page copy of the information on a report submitted to the then Deputy Prime Minister and Minister for Foreign Affairs on December 14, 2006 by a

## RTI Strategic Campaign



फ्रिडम फोरम याचार्यीको तातानाथ दाहालसे नेपाल आयल नियम बबरभल, काठमाडौंगाट मिति २०८५देखि २०१२ मा मात्र गरेको सूचना अधिकारी र अपूर्ण उपलब्ध गराएको भनी यस आयोगमा मिति २०५८देखि २०८५ मा पुनरावेदन गरेको, पुनरावेदनले मात्र गरेको सूचना नियमे मात्र गरेको स्वरूपमा है। ताता दिनांकित उपलब्ध गराउन नमिन्ने हो भने सो को आयल र कारण यस आयोगमा दार्तनाहरू दार्तनाहरू। अपूर्ण पुनरावेदनको मात्र बोलीमा अपूर्ण र अपूर्ण सूचना उपलब्ध गराउनकोमा सूचनाको लक्ष्यमानी थेको ३२ वर्षालिम कारणालाई यसको यसी विधि बढाउने जानकारी घराउन भनी आयल नियमका प्रमुखका नाममा यो आदेश जारी गरिएको छ।

संसदीय विभाग  
(संविता भृष्णारी विभाग)  
सूचना आयुक्त

प्राप्तिकारी  
(प्रियाचार्य)  
सूचना आयुक्त

प्रियतमकमार कमानु  
प्रमुख सूचना आयुक्त

द्वितीय सम्बन्ध २०८५ साल जेष्ठ ११ तारे रोज १ शुभम .....।

study team formed by the government as per the directive of the House of Representatives on October 18, 2006 to ratify the ICC Statute.

Similarly, it informed Freedom Forum that it proposed the Council of Ministers to become state party to the Rome Statute on February 5, 2009. But, regarding the third question as when Nepal government was tabling proposal on endorsement of the Rome Statute in the Legislature-Parliament/House of Representatives, the Foreign Ministry said as the process of becoming state party to the Rome Statute was not complete, it could not guess when the government was tabling the proposal for endorsement.

However, it took long time for Freedom Forum to get the information. First, the Ministry did not heed the information seeking, so Freedom Forum moved to the Ministry Secretary on

January 16, 2012 as per the RTI rule. Yet again, the Ministry denied information and wrote it to Freedom Forum on January 23, 2012, reasoning the classification of information which directed the Ministry to protect information.

Untiringly, the Freedom Forum moved to the National Information Commission on February 6, 2012. The Commission directive on February 12 finally forced the Ministry to provide information to the Freedom Forum in accordance with the RTI Act. Earlier on December 26, 2011, the Freedom Forum had filed an application in the Ministry of Foreign Affairs seeking information about the government efforts made in the process of ratification of the statute of the International Criminal Court (ICC).

In line with the RTI Act, Freedom Forum Chairperson Taranath Dahal, for the study, filed the application in the Ministry seeking the photocopy of a report submitted to the then Deputy Prime Minister and Minister for Foreign Affairs on December 14, 2006 by a study team formed by the government as per the directive of the House of Representatives on October 18, 2006 to ratify the ICC statute which is also known as the Rome Statute.

Also sought along with this were the information and details about the activities the government was carrying out for the endorsement of the Rome Statute like when the government was presenting proposal in the Legislature-Parliament for the endorsement.

**Legislature-Parliament :** Similarly, the legislature-parliament on April 20, 2012 provided most of the information sought by the Freedom Forum. It provided the following copies of reports of the Public Account Committee - first report (2049BS), fifth report -Part 1 and 2 (2053BS), sixth report-Part 1, 2, 3 (2053BS), seventh report- Part 1 and 2 (2054BS), eight report (2055BS), ninth report (2055 BS), eleventh report (2056BS), twelfth report (2058 BS), thirteenth report (2063BS), fourteenth report (2063 BS), fifteenth report (2064 BS), sixteenth report (2067 BS), and seventeenth report (2068 BS) of the Public Account Committee.

The parliament, however, did not provide second, third, fourth and tenth reports of the PAC. As per the clause 3 of the RTI Act, the Freedom Forum had sought the copies of the reports of the Public Account Committee (PAC) of the legislature parliament and House of Representatives from 2048 BS to 2068BS.

# SION : An Initiative to Leverage RTI Movement

Information officers serving the central public agencies of Nepal government, including ministries and constitutional bodies, have established their own network, making strong commitment and vision to leverage the right to information (RTI) movement and its better practices.

The network formed on May 15, 2012 in the name of 'Society of Information Officers, Nepal (SION)' initially on the involvement of dynamic information officers of central agencies will have broad-based participation of other information officers working with different agencies.

The SION has been set up with Spokesperson and Information Officer at the National Vigilance Centre (NVC) Under Secretary Sher Bahadur Dhungana as its Coordinator, Spokesperson and Information Officer at Nepal's Supreme Audit Institution Office of Auditor General, Joint-Secretary, Mohadutta Timilsina as the Co-coordinator and Information Officer and Under-Secretary at Ministry of Commerce and Supply Under-Secretary Deepak Raj Pandey as Secretary.

Among others in the founding committee of the SION are Information

Officer and Under-Secretary at Forest Ministry Yagya Nath Dahal, Under-Secretary and Legal Officer at Ministry of Physical Planning and Works Rajendra Nepal, Under-Secretary and Information Officer at Finance Ministry Bhuminath Sharma and Information Officer at Foreign Ministry Uttam Kumar Shahi.

It is the tangible outcome of the Freedom Forum's continuous effort and facilitation to organize public information officers and to expedite RTI implementation in a proactive manner. Freedom Forum's Chairperson Taranath Dahal is advisor to the SION.

With this, it is indicative that employees at the government agencies are encouraged towards the practice of open governance.

It is noteworthy that the Judicial Training Service Centre on the involvement of Freedom Forum had imparted two-day training to 40 information officers of high-level agencies of the Nepal government two weeks ago. Being inspired from the training, the information officers have established the Society with the commitment to work for the expansion of right to information.

## A Success Story

# Historic Achievement in Journalist's Rights

In Nepal, journalists are frequently facing difficult moments while carrying out their duties. For the citizen's rights, journalists' role is obviously laudable. But, do the journalists, working for other's rights, have their rights protected? In Nepali context, there are examples rife that the rights of journalists are violated from various sectors including from the media house they are working at.

Paying journalists regularly by the media house is not only the respect to the labour but also the respect to professional rights of journalists. Once the journalists are professionally secured, they can work independently which promotes healthy journalism. It therefore contributes to media freedom and citizens' right to information and finally upholds the democratic culture.

Freedom Forum is happy to share a case that two working journalists have been catered justice. Two legal cases relating to journalist's rights have been settled on their favour.

Ram Prasad Dahal, a journalist associated with the *Rajdhani* daily who was sacked by the media house, Utsarga Publications illegally seven years back has been restored to the post of reporter with the media house obliged to Court decision to pay remuneration to Dahal as well.

It is historic indeed in the entire Nepali media that the Court has given verdict in favour of a working journalist.

The Labour Court, Kathmandu, on April 12, 2012, ordered Mahendra Sherchan, Chairman of Utsarga Publications Pvt Ltd. to provide the salary to Dahal whom he sacked illegally on March 2, 2005 from the *Rajdhani* national daily, restore him and inform the court about his restoration in the daily.

Journalist Dahal had to run from pillar to post to claim his rights. To come to this state of restoration to his post with payment, Freedom Forum's Legal Desk facilitated the litigation in Dahal's favour at various courts

as from the Supreme Court to the Appellate Court to the Labour Court. The latest verdict from the Labour Court was delivered after journalist Dahal appealed in the Court on April 11, 2007 reasoning Mr Sherchan did not abide by the Court's decision of October 8, 2006 to restore him in the daily.

Earlier, The Supreme Court (SC) of Nepal on May 21, 2011 had issued an order in the name of *Rajdhani Daily* to provide compensation to and reinstate journalist Ram Prasad Dahal in the work. Yet again, the Appellate Court, Lalitpur, on April 25, 2012, fined Rs 15,000 to the government as compensation to journalist Sita Ram Parajuli associated with the *Jwala Weekly*, for detaining and giving mental torture.

A joint bench of Justices duo Tank Bahadur

The Labour Court, Kathmandu, on April 12, 2012, ordered Mahendra Sherchan, Chairman of Utsarga Publications Pvt Ltd. to provide the salary to Dahal whom he sacked illegally on March 2, 2005 from the *Rajdhani* national daily, restore him and inform the court about his restoration in the daily.

Moktan and Sushma Lata Mathema delivered the verdict as per the clause 6 (1) of Torture Act 2053BS in response to the Supreme Court's direction on 3 November 2009 to consider again the decision it made on 18 June 2004 to scrap the case filed by journalist Parajuli demanding compensation.

First, journalist Parajuli had demanded compensation from the government filing a case in the Kathmandu District Court on 28 November 2002, reasoning it illegally detained him and tortured mentally during 2002 royal takeover. The court decision is laudable because it advocated the rights of journalists, who are real needs to a democracy. Freedom Forum had provided



Journalist Ram Prasad Dahal

legal facilitation to journalist Parajuli.

Meanwhile, Freedom Forum has been concerned over not paying journalists at the Metro FM run by Kathmandu Metropolis.

Freedom Forum's attention has been drawn towards an incident occurred in the capital city on 24 February 2012.

Sad to learn that journalists in the Metro FM were manhandled by the employees under the FM management and taken under control by the police while they were in a peaceful agitation with the demand of permanence in the job. Journalists Yuvraj Bidrohi and Raju Lama among others were also intimidated by the police under the direction of the FM management.

Because of very low wages in media houses, and insecurity rife, the professional security of numerous journalists is challenged in Nepal. The FM management needs to provide the wage to the journalists by abiding by the Working Journalists' Act, and the remuneration fixed by the Minimum Remuneration Fixation Committee in order to ensure professional security of the journalists.

## Consultative Meetings on Aid Transparency

With a view to receiving feedbacks and inputs from broader spectrum of key stakeholders on aid transparency research questionnaire, Freedom Forum held separate consultative meetings in Bharatpur, Chitwan and Charikit, Dolakha on March 25 and 26, respectively.

As an integral component of the 'Aid Transparency Status Study' project, the consultative meetings attended by the representatives of Civil Society Organizations, government offices, donor agencies anti-corruption activists and media discussed the ways in which foreign aid information could be used to contribute more to the development of the country.

On the occasion, participating speakers called for the effective and users-



friendly information dissemination mechanism, people's participation in decision-making and development process, facilitating role of government bodies and strong citizens monitoring on the spending of foreign aid at local level.



Welcoming the participants, Freedom Forum Chairperson Taranath Dahal said the transparency of foreign aid, which shares a huge contribution to the national budget, is spectacular to bring development effectiveness so that proactive citizens' monitoring to the public money is a must. Likewise, technical advisor to the study project, Basanta Lamsal presented the research questionnaire and methodology on the occasion.

# Impunity Reigns in Nepali Media

A total of 11 incidents of press freedom violation occurred during the period from January 16 to February 15, 2012. There was no significant change in the press freedom violation this month as it witnessed only one incident less than the last one. There were 12 incidents of press freedom violation last month. Greater level of awareness and campaigning from civil society and media sectors need to be continued as a key to control suppressive steps of the political parties and government.

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

Journalist Rupa Sharma 'Neha' associated with the *Metro FM* was issued death threat in the capital on February 8, 2012 over an article she published in a fortnightly magazine, *Himal*.

Essential technical gadgets including computer hard disks were stolen from *Radio Janaawaj FM* at Banke, a district in the southern plain of the Midwestern region of Nepal on February 7, 2012 thereby disrupting the FM radio service. According to the sources, former station manager Kamal BK Nirmohi was behind the loot as he was warning of disruption in the FM after he was ousted on the charge of financial irregularities five days back. Meanwhile, two armed persons looted a digital camera, mobile phone, purse and office bag of Poshnath Adhikari, reporter with the *Kantipur* daily from Dhading, a hilly district adjoining the capital city on January 19, 2012.

Bal Krishna Dhungel, a Constituent Assembly member of the ruling UCPN-Maoist, convicted by the Supreme Court over a murder case, publicly threatened journalists Manoj Ghimire associated with the *Kantipur* daily and Pravin Gyawali, cameraperson at the same media over making news about him on January 29, 2012.

Earlier on January 25, students affiliated to various political cadres organizing *banda*, general strike, threatened of burning newspapers if they published news against the strike they organized in Palpa, district in the hilly region of the western part of Nepal.

Also, a cadre of the Nepali Congress, Murali Kumal, threatened executive editor of the *Lamjung Khabar* daily, Navin Raj Kuikel, expressing dissatisfaction over the editorial published in the newspaper on 24 January 2012.

Similarly, the party cadres had manhandled cameraperson Anjan Kumar Himali affiliated to the *Janaapekshya* weekly while taking picture

of their program the same day.

An unknown person threatened of action on Surya Tamang, news editor at *Rupakot Community Radio* of Khatang, a hilly district in the eastern part of the country on January 23, 2012.

In course of the general strike, the students agitating against the price hike of petroleum products burnt the copies of the *Nagarik daily* in Palpa, a hilly district in the western part of the country on January 25. They burnt the *Nagarik* accusing it of writing editorial against the general strike.

Similarly, on January 22, 2012, various sister organizations of different Madhes-based political parties burnt the *Kantipur* daily in various parts of the country including the capital city, Kathmandu, reasoning that it published an article that tarnished the image of Madhes- the southern plain- and undervalued the sentiment of the Madhesi people. They decried the article by Saurav.

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

The landless squatters settled in various parts of the Kathmandu valley vandalized a press vehicle belonging to the *Nepal Samacharpatra daily* in course of demonstration in the capital city on January 17, 2012. Even the driver was mistreated by the vandals.

In January, the government classified the information which sparked furor among media persons, rights activists and civil society. However due to tremendous press from the various quarter, the government withdrew the information classification.

**Analysis :** There was no significant change in

the press freedom violation this month as it witnessed only one incident less than the last one. There were 12 incidents of press freedom violation last month.

Disruption of FM radio following loot is quite appalling how the failure in the management or personal cause deprive people of their right to information. It is a wrong trend that the management in the media/information sector itself fails to know the sensitivity and significance of information. The FM radio has necessarily the crucial role to educate grassroots people on different issues and promote freedom of expression at local level. But the manifestation of internal rift among the public erodes public trust on media.

The threat to journalist by a person already convicted of murder by the Supreme Court is a serious threat to media freedom. He is walking scot-free because of political protection by the ruling Maoist party. It shows the rule of law is ridiculed in Nepal thereby promoting impunity.

Similarly, the sister wings of the political parties are growing hostile to media and journalists which indicates that our political parties are indifferent to press freedom.

Government's latest move – the classification of information- was censured not only by the journalists but by the people from every quarter because it came against the spirit of the Right to Information Act (RTI) Act-2007 and against the Interim Constitution. It was a severe blow to people's right to information. In the name of protecting information, the government was trying to conceal hundreds of information of public importance. Once the information of public importance was concealed, the government (bureaucracy and political parties) was likely to be autocratic. As a result, the transparency and good governance elude and corruption thrives.

However, bowing down before the public pressure, the government withdrew its decision of information classification. It denotes that the awareness in the public is growing day by day. It must be taken positively.

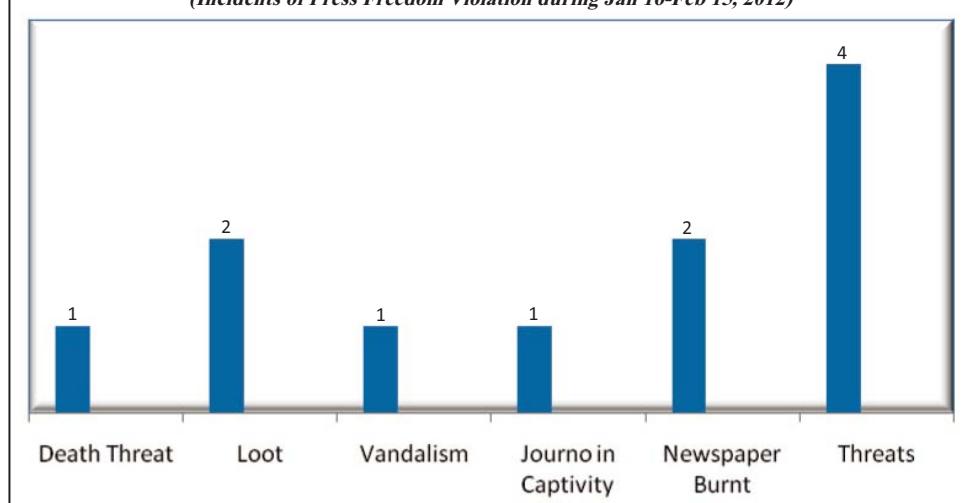
**Conclusion :** Scanned the analysis, the government may adopt any autocratic measures to suppress people's right to information. Therefore, the role of public, civil society and media is growing to keep constant watch on government.

With the rule of law ridiculed and incidents of press freedom violation going unabated in the country, the impunity may grow further which would jeopardize journalists' and people's rights in the days to come.

The self-censorship is likely to grow more. This situation may indirectly keep people aloof from receiving factual and objective information and ideas, which does not help media's role to keep vigilance on the wrong doings by public agencies.

Greater level of awareness and campaigning from civil society and media sectors need to be continued as a key to control suppressive steps of the political parties and government.

(Incidents of Press Freedom Violation during Jan 16-Feb 15, 2012)



## Chapter One : Electoral News in Media

During January 16-February 15, 2012, as the committees under the Constituent Assembly failed to forge consensus on the disputed issues in the drafting of constitution, there was meager news coverage about the electoral system. Although election is the integral part of the democracy, Nepali media has not internalized it as an important agenda to ensure democratic environment in future. In the political front, some negative news came in the media in the initial days but positive ones appeared in the second half of the month especially on constitution making and peace process. The process of bidding farewell to the Maoist combatants opting for voluntary retirement is an achievement on peace process in spite of some hurdles from combatants themselves and the commanders. However, frequent amendments of the CA calendar for not making decisions within stipulated time frame, resurfacing the consented issues on CA, confusing and double standard of the major party- UCPN-M, may invite further hurdles on conclusion of peace process and constitution-writing within the stipulated time.

**Summary :** As the committees under the Constituent Assembly failed to forge consensus on the disputed issues in the drafting of constitution, there was meager news coverage about the electoral system. However, the repeated directives of the Election Commission to the political parties to submit election expenses got good coverage in print media. Scanning six daily newspapers- *Annapurapost*, *Kantipur* and *Gorkhapatra* (Nepali language) and *The Republica*, *The Kathmandu Post* and *the Himalayan Times* (English language), a total of 14 news items on election were found this month. This is almost half the last month. The news and articles were related to the election in the local bodies, voters' registration, transparency on election expenses, and discussion on new electoral system in the constituent assembly. Most of the matters were published from the central level. Very few news as voters' registration is reported from the local level. The *Gorkhapatra* daily published three news stories and one article about electoral system and voters' registration while the *Kantipur* daily carried three stories about transparency in election expense and local election. Similarly, the *Annapurapost* carried news about voters' rights and election in the local bodies. The *Kathmandu Post* threw light on the transparency in the expense of political parties in a news story. Moreover, *The Republica* carried three news items while the *Himalayan Times* brought no news at all about the election.

Newspaper	News	Article	Editorial	Others
The Gorkhapatra	3	1	-	-
The Annapurapost	1	1	-	-
The Kantipur	3	-	-	-
The Republica	3	-	-	-
The Kathmandu Post	2	-	-	-
The Himalayan	-	-	-	-

**Important News :** *The Republica* daily, with dateline Kathmandu, January 27, published a news story, 'EC to prove parties' finances'. The news mentions that the Election Commission was coming up with research on financial aspects including auditing of the political parties in near future. According to the news, commissioner in the Election Commission Dolakh Bahadur Gurung was heading the team to conduct the research. Most of the political parties (30) including the Nepali Congress have, however, submitted auditing report to meet the formality. But 30 other political parties are silent whether they could submit the financial details.

The news has also brought forth the views of the persons seeing finance/economy of the

political parties. Similarly, the news has talked about the income and expenditure of the party. The news makes question how the money comes from to feed and mobilize some 180,000 full time cadres and some 200,000 others. The news has also questioned the financial report of the CPN-UML. The second largest party, Nepali Congress' failure to submit financial reports in 2010 and 2011 has been also focused. This news has made meticulous reporting on the financial aspects of the political parties.

In this regard, another daily, the *Kathmandu Post* wrote on January 29, 2012 under the title, '42 parties to face EC action' and mentioned that the Election Commission was to take action against 31 political parties who were dillydallying to submit financial details. Similarly, the EC was also to take action against 11 other political parties for they flouted the submission process. The Election Commission had issued a notice in the *Gorkhapatra* daily giving 15-day ultimatum to the political parties to submit the financial details, the news said, adding that As many as 80 parties have been registered in the Election Commission. Among them 42 would face action. Similarly, 31 are yet to submit financial details. According to the news, the Rastriya Janashakti party, Madhesi Janadhikar Forum-Nepal, and Tarai-Madhes Democratic Party, are being penalized by the Election Commission. If the political parties do not submit financial reports without meeting due procedure, their registration is scrapped as per the Election Commission Act-2006. The news mentioned that the Commission was to initiate action from February third week. Although it is a comprehensive reporting, it lacks the views of the representatives of the parties who failed to produce the financial reports.

There is a legal provision that the political parties need to submit financial details before

six months of the passage of every fiscal year by conducting auditing of the income and expense by a government auditor. However, most the parties have flouted the legal provision in spite of the passage of three years following the election to the Constituent Assembly (CA).

On January 20, 2012 the *Republica* daily published a news story, 'Submit financial details: EC to parties' and informed the public that among 30 political parties in the parliament, the Madhes-based political parties were unable to submit the financial details. The news has carried the views of the representatives of some political parties who failed to submit the financial details.

The state-run *Gorkhapatra* daily published a news item 'Pressure to put for election in

## Electoral News Down

local bodies,' on January 23, 2012. According to the news, the Rastriya Prajatrantra Party is to organize nationwide campaign to exert pressure on the concerned authorizes to hold election in the local bodies.

Related to the election in local bodies, a minister in course visit said the Election would be held in April/May. The news on this is published by the *Kantipur* daily on 22 January, 2012. Minister for Information and Communication, Jayprakash Prasad Gupta said this while speaking at a program in Rajbiraj.

Moreover, the *Gorkhapatra* daily published a news story, 'Multi-member constituency level fully proportional list system appropriate' quoting the acting Chief Election Commissioner, Nilkanth Uperty. He said this at an interaction on electoral system and representation of dalit in the capital city on 22 January, 2012.

Similarly, on January 20, 2012, the *Kantipur* daily published the news, 'Directive to hold election at local bodies'. The news mentioned that a committee under the Legislature-Parliament directed the government to hold election in the local body without rendering any effects on peace and constitution writing process. The committee chairman urged the government to hold election in the local level though for interim purpose, saying the local bodies must not be remained without people's representatives. According to the news, the members of the UCPN-Maoists in the committee said it was not good to go on election in the local bodies without settling problem of restructuring of state. However, the news story further mentioned that most of the committee members were for holding election in local bodies reasoning they must be left without people's representatives.

The *Gorkhapatra* daily, on January 19, 2012, published an article, 'Election in Local Body and Republic' by Prem Kumar Khanal. Mr Khanal in the article has argued that the announcement of election in the local level will set up civic administration.

Similarly, the same daily on January 24 published news about the sharp decline in the number of voters in Bajhang, district in the far western region of Nepal.

On January 13, 2012, the *Republica* daily published the news, 'Undisclosed Sources Funding Parties: EC'. The news has mentioned about the income and expenditures details of the UCPN-Maoist, Nepali Congress and the CPN-UML. As per the news, the details the parties submitted to the Election Commission lacked several details.

Moreover, the *Kantipur* daily published a news story, 'Parties demand more time to submit financial details' on January 24, 2012. Some political parties including the Nepali Congress have demanded more time with the Election

Commission for the submission of their financial details.

The *Annapurna daily* brought forth the news about the decision of the constitutional committee that the Nepali people with 18 years of age would be given voting rights in all levels. The news came under the title, '18 Year for voting in House of Representatives' on January 18, 2012.

On January 16, 2012, the Kathmandu Post published a news, 'Local Election in November December' quoting the speech of Minister for Local Development, Top Bahadur Rayamajhi. Minister Rayamajhi was speaking at a program in Arghakhanchi, a hilly district in the western region of Nepal.

**Analysis :** Analyzing the six national dailies, no special discussion and debate was held in various committees of the Constituent Assembly. It obviously resulted in meager news coverage this month. It also means that there was no investigative reporting and coverage on electoral issues.

The newspapers carried the news about the maladies in the local levels in the absence of elected representatives and the need of holding election immediately. The news converge about the failures of the political parties to

submit the details of election expenses, Election Commission's prods to them to submit the report, transparency in election expenses, Election Commission's decision in these regards can be taken very positively. The media prioritized these issues. The media which worked actively on need of local election last month focused on the situation to be resulted after the political parties failed to submit the details of their election expenses this month. Most of the news were produced from the central level.

However, the Nepali media only made the follow up stories on the activities and warning of the Election Commission. They failed to make direct approach to the political parties and inquire the parties, dig further news and develop follow up stories. As a result, it could be a matter of debate and discourse in the public level.

The slack committees under the Constituent Assembly in terms of discussion and debate on form of governance and election resulted in few number of news compared to the last month. There were some news stories from the district levels about voters' registration.

The readers expressed their views on electoral system relating these on form of governance through the letters to editors.

There was no editorial on election this month. Other relevant issues as the size of the parliament in the central level under the electoral system, formation of the constituency, determination of the structure of provincial government, type of local government and election also eluded the media.

**Conclusion :** Most of the newspapers published from Kathmandu carried the news about the efforts made by the constitutional sub-committees, agreements in various committees, details of party's expenses in election. Although election is the integral part of the democracy, Nepali media has not internalized it as an important agenda to ensure democratic environment in future. Similarly, the electoral issues seem to be taken lightly as an issue under the form of governance and state restructuring. However, the electoral news is given first page priority.

It can be expected that the electoral issues would emerge vibrant and enter into further debate and discourse after the political parties forge consensus on the form of the electoral system in the provincial and local government. Similarly, media is yet to bring news and create discourse about the guarantee of the autonomy of election commission in the changed context.

## Chapter Two : Political Development

# Progress on Peace Process

**Statute Writing and Peace Process :** Assessing the news this month, some negative news came in the media in the initial days but some positive ones appeared from the second half of the month about the political development especially on constitution making and peace process. The process of bidding farewell to the Maoist combatants opting for voluntary retirement has been concluded. The beginning of the returning home by combatants is a great achievement on peace process in spite of some hurdles from combatants themselves and the commanders. Seizing of paycheques have been observed during the farewell process. The much awaited report of State Restructuring Commission (SRC) has been submitted to the Prime Minister. But as per assumptions of many, it failed to lead to the way out in terms of contentious issues on state restructuring. The decision of government to recognize the transaction of land deal as per the guidelines of Maoists' so-called people's government during the conflict era has hindered the ongoing peace and statute writing process. These obstacles have obviously delayed and obstructed the working calendar of constitution writing again. The news highlights regarding the land issues and its negative effects are titled as: *Recognition of land and property transactions by Maoists' People's Government during Insurgency* (Kantipur, Jan 17, 2012), *Distance widens* (Kantipur, Jan 18, 2012), *Snag on Peace and Constitution* (Kantipur Jan, 18, 2012), NC, UML boycott four- party meeting (The Himalayan times, 17 Jan, 2012) *Parliament Obstructed by Nepali Congress (NC) and Communist Party of Nepal-United Marxist and Leninist (CPN-UML)* (Kantipur, Jan17, 2012), *Land deals: Stay order stays*(Kathmandu Post ,Jan 31) *Oppn's 7-day ultimatum to govt* (The Himalayan Times Feb 7, 2012 ), *House Moves ahead after Govt. backtracks* (The Himalayan Times, Feb 9, 2012).

These news titles clearly depict the initial political development of this month. Mainly, the governments' recognition of the land

and property transactions by so-called Maoist Peoples Government during the insurgency period created trust deficit among political parties. Opposition parties protested the government move by obstructing the Legislature-Parliament meeting with the parties in the government. Finally, the government was compelled to roll back the move after the Supreme Court stay order on the land and property deals. Consequently, the routine of constitution writing and peace process halted. Following the stipulated deadline and failure to make tangible progress as per plan, political parties have amended the Constituent Assembly's (CA) work schedule for the third time after CA's term extended for the last time. This development has been covered by the newspapers *Constitution drafting calendar amended* (The Kathmandu Post, Feb 2, 2012), *CA work plan to be amended* (The Himalayan Times, Feb 11, 2012), *Reshuffling Constituent Assembly action plan* (Gorkhapatra, Feb 13, 2012)

State restructuring and federalism as the most debated issues of constitution making process are yet to be determined. State Restructuring Commission has submitted the report to the government in the divided form and has failed to give a way out on contentious issues of state restructuring and federalism. Rather, consented issues from concerned committees of CA have been resurfaced by State Restructuring Commission (SRC) report. The news titles have revealed the SRC report and initial reaction of different communities including political parties on it as: *SRC term extended* (The Himalayan Times, Jan 27, 2012), *Divided SRC members agree to submit single final report* (The Kathmandu Post, Jan 31, 2012), *SRC submitted divided report* (Kantipur, Feb 1, 2012) *State restructuring: SRC fails to offer a way out* (The Kathmandu Post, Feb 1 2012), *Obstacle might become by two report* (Gorkhapatra, Feb 1, 2012) *No meaning of SRC report* (Kantipur, Feb 2

,2012), *Don't obey the report of Commission (Gorkhapatra, Feb 4,2012)*, *Ethnic and non-territorial province is unacceptable: Nepali Congress (Kantipur, Feb 10, 2012)* SRC report burned by parties (The Kathmandu Post, Feb 10 2012)

The farewell of the Maoist combatants opting for voluntary retirements has been concluded by the special committee on Arms Adjustment, Rehabilitation despite some hurdles for providing first installment of paycheques. However, this has been a great achievement on peace process in this month. This news has been highlighted in newspapers as: *Combatants farewell begins within three days* (Kantipur, Feb 27, 2012), *Voluntary Retirement to conclude Saturday* (República, Feb 11, 2012)

The seizure of paycheque during the farewell to the combatants by the commanders ridiculously proved Maoists' 'money minded revolution' and misuse of huge payment by state fund. At the same time, UCPN-M's sister wing YCL demanded cash incentives with its party and it is reported that the party will give cash incentives to the YCL. All these news are revealed on newspapers as: *Fight after paycheque seizure by Commanders* (Kantipur, Feb 6, 2012), *Money taken from combatants for YCL* (Kathmandu Post, Feb 9, 2012), *Combatants runs to police to save her money* (República, Feb 8, 2012), *Cut from retiring fighters to go to the disqualified* (Kathmandu Post Feb 9, 2012), *Maoist party to give cash incentives to YCL cadres* (The Kathmandu Post, Feb 8, 2012)

Moreover, the paycheque seizure incident and the YCL demand for cash incentives reasoning they are the real combatants and just been out because of party promise to compensate them later, and acceptance of their demand by the UCPN-M , revealed the fact that the blame of other parties that YCL were brought out of cantonments.

(Continueud ...)

**Party Building :** In comparison to the last month, the internal rift of the main political parties has been shrunken this month. The internal rift in UCPN-M has narrowed down by accepting both ideas of revolt and peace with constitution-writing process by the meeting of its central committee. These notions are revealed by the news as: *Maoist Meeting: Both proposals will be discussed to lower level (Kantipur, Jan 15, 2012)*, *Maoist dispute heightened in Banke District (Kantipur, Jan 16, 2012)*, *'Peoples revolt' Maoist parallel action plan (Kantipur Jan 24, 2012)* *Maoist internal rift stalls peace, statute writing (The Kathmandu Post, Jan 20, 2012)*, *Maoist Gen Secy announces end of party disputes (The Himalayan Times, Feb 1 2012)*.

The third largest political party, CPN-UML announced unity drive to consolidate the party. The news on this are covered as, *CPN-UML starts unification of leftists (Kantipur, Jan 17, 2012)*, *Unifying UML activists (Kathmandu Post, Jan 29, 2012)*, *Factionalism ended (Gorkhapatra, Jan 16, 2012)*

The main opposition party NC has also been strengthening its internal capacity initiating dialogue to resolve the internal rift and

forming party departments. The internal rift regarding dissolution of few sister wings has been under resolution by creating different ad hoc committees belonging to both Deuba and Koirala factions. The news on this came as: *Congress forming Madhes department (Kantipur, Jan 18)*, *Deuba faction wishes dialogue (Kantipur, Feb 2, 2012)*, *Congress settles disputes over sister wings, (The Himalayan Times, Feb 5, 2012)*

Compared to the last month, the internal rift in the main political parties has been diminishing. But it has grabbed other Madhesi parties. This news has been covered as: *Rift widens in Forum democratic (Kantipur, Jan 18 2012)*.

The issues of political finance and transparency of party expenditure has become major issue this month due to vibrant role of Election Commission (EC). The EC forced the political parties to submit their financial details otherwise face action as per law. This has really compelled most of the parties to submit their expanses to the EC. Some news highlights on these issues are: *Thirty eight parties submitted details (The Himalayan Times, Jan 19, 2012)*, *Thirty one parties in the process of punishment (Kantipur, Jan 26, 2012)*, *How rich are the*

*political parties (Kantipur, Feb 11, 2011)*

**Conclusion :** The farewell to the ex-Maoist combatants can be taken as a significant achievement in the peace and constitution-making process. It has further accelerated parties to the implementation of arms adjustment and rehabilitation plan passed by the army integration special committee. But, suddenly erupted issues of providing cash incentives to YCL and self- interpretation of adjustment package with different vow on rank harmonization in army integration can create trust among parties. This may hamper the arms adjustment and rehabilitation process.

Because all political parties have negatively responded to the report of SRC, which failed to show any way out of existing stand and debate on restructuring and federalism, the first and final resolution on these matters must come from the consensus among the parties. Similarly, frequent amendments of the CA calendar for not making decisions within stipulated timeframe, resurfacing the consented issues on CA, confusing and double standard of the major party- UCPN-M, may invite further hurdles on conclusion of peace process and constitution-writing within the stipulated time.

## Media & Election Monitoring, Bulletin: 9 (Feb. 16- March 15, 2012)

# Fear among Journalists Unabated

**Information:** A total of six incidents of press freedom violation occurred during this month from February 16-March 15, 2012.

Journalists- Shravan Deuba associated with the *Nayapatrika* daily, Deepak Oli with the *Sourya* daily, and Bhim Chaudhari with the *Tarai Television* were made captive for two hours from 7:30pm onwards by the timber smugglers and threatened of life if they wrote news about the smuggling on March 12, 2012 in Doti, a district in the far-western region of Nepal.

A reporter with the *Nagarik* daily, Upendra Lamichhane from Birgunj was attacked in Bara, a district in the southern plain of central region of Nepal on March 12, 2012 without any apparent reason.

Similarly, Govinda Subedi associated with

A total of six incidents of press freedom violation occurred during this month from February 16-March 15, 2012. Although the number of press freedom violation has declined this months, the journalists have been attacked from various sectors and working under terror and threats. With the declining security situation across the country, journalists are obviously the victims. Because of very low wages and insecurity in the media houses, the professional security of journalists is challenged in Nepal. The political parties are serving their individual and partisan interests at a time to focus the constitution-writing and conclusion of peace process. It would undoubtedly be resulted in further chaos, and the disorder would render negative impact on press freedom. If the peace process is botched up, the journalists and civil society will face more challenges.

the *Himdut* daily published from Pokhara was beaten by a gang in a number of 9-10 while returning home from the newspaper office on 11 March 2012. He received injuries to legs and head. The attack by a person named Arjun Baidya left journalist Lamichhane seriously injured. He got his nose fractured. He has been undergoing treatment at the National Hospital, Birgunj.

On March 7, 2012, two tipsy persons, one named Bhakta Bahadur Budha among them, seized the camera journalist Sher Bahadur Khadka was using to take a picture of a cultural program at Atichaur VDC of Bajura, a district in the far western region of Nepal. They manhandled saying, 'why are you taking picture?' He is affiliated with the local *Radio Bajura*.

A group of thieves broke into the office of the *Drishti* weekly published from the capital city in the night of March 6, 2012 and took away computer hardware thereby disrupting the newspaper service and making people deprived of their right to information.

Journalists in the *Metro FM* run by the

Kathmandu Metropolis were manhandled by the employees under the guidance of FM management and taken under control by the police while they were in a peaceful agitation with the demand of permanence in the job. Journalists with the FM, Yuvraj Bidrohi and Raju Lama among others were also intimidated by the police under the direction of the FM management on February 24, 2012.

The Kathmandu District Attorney, without sufficient investigation, filed a case on copy right against journalist and lyricist Surya Kumar Chhetri working with the *Ujjyal* FM in Kathmandu on February 3, 2012 over airing investigative news story about the CRBT fraud. Meanwhile, the Area Police Office, Simara arrested assailant Baidya and began investigation into the case. Similarly, the District Police Office in Pokhara apprehended a dozen of people in connection with the attack on journalist Subedi, and investigating into the case.

The Film Development Board, a government body, has made public a 10-point policies and program and decided to ban the morning show of the film.

**Analysis :** Although the number of press freedom violation has declined this months, the journalists have been attacked from various sectors and working under terror and threats. With the declining security situation across the country, journalists are obviously the victims. Because of very low wages and

(Continued....)

insecurity in the media houses, the professional security of journalists is challenged in Nepal. The protest of the journalists in the Metro FM run by local government demanding minimum wage shows that even the government is not serious about the rights to journalists and has ignored the Working Journalists' Act. The prompt action of the police personnel to nab those involved in attack on journalist in Kaski and Bara district is a laudable in deed. But in the name of making the film sector respected and disciplined, the 10-point policy and program by the Film Development Board has intended to curtail the freedom of expression. It is appalling.

**Conclusion :** As the free and fair atmosphere for journalists to carry out their works is not

created, the chance of further attacks and threats on journalists can not be ruled out. Although the local administration as in Kaski and Bara has taken prompt action mete out punishment to those involved in the attack on journalist, the central administration is not that active. So, unless the administration nationwide is active and aware about journalists' rights and press freedom, journalist will continue facing challenges in the days ahead.

Moreover, the political parties are serving their individual and partisan interests at a time to focus the constitution-writing and conclusion of peace process. It would undoubtedly be resulted in further chaos, and the disorder would render negative impact on press freedom. If the peace process is botched up, the journalists and civil

society will face more challenges.

As done last month by the government to suppress people's right to information by categorizing the information, a government body, Film Development Board, this month, tried to trample people's freedom of expression by bringing a 10-point policy and program which is clear to suppress people's rights to information and expression. It indicates that the government can bring any suppressive policy at any time, there greater level of campaign for people's rights to information need to be launched by the media and civil society. Similarly, pressure on the government and various media houses is essential to make them fully abide by the laws relating to journalists' rights.

## Chapter One : Electoral News in Media

# Few Electoral News Stories

**Summary :** As in the last month, there was very little media coverage this month (Feb 16-March 15, 2012) on electoral issues when gone through the news in various six print media- *The Republica*, *The Himalayan Times*, and *The Kathmandu Post* (English dailies), and *The Kantipur*, *The Annapurnapost* and *The Gorkhapatra* (Nepali dailies).

Compared to the last month, there is no big change on the news this month. There were 14 items last month but 16 news items were carried in the media on electoral issues this month. The news items are about election in local body, transparency on electoral expense, selection of electoral system in new constitution, and the activities of the Election Commission (EC).

Among the total news items, 2 are on election in local body, 10 on transparency on election expense, one editorial, and 3 others on the need of another election if the Constituent Assembly (CA) fails to make constitution.

**Detailed News:** The Kantipur daily published a news, 'Submit Financial Details: EC to parties' (February 18, 2012). As per the news, the financial details the political parties submitted to the EC lacked the source of income. Therefore, the EC warned the parties to submit the financial details on time meeting the legal procedures. The EC further said the financial details the parties submitted failed to depict the party activities during the year.

In the similar issues, the Republica daily (February 18, 2012) wrote under the heading, 'EC to penalize parties for failing to submit

As in the last month, there was very little media coverage this month (Feb 16-March 15, 2012) on electoral issues when gone through the news in various six print media. There were 14 items last month but 16 news items were carried in the media on electoral issues this month. The news items are about election in local body, transparency on electoral expense, selection of electoral system in new constitution, and the activities of the Election Commission (EC). On the political front, the evacuation of Maoists' fighters-lodged cantonments by bidding farewell to those opting for voluntary retirement begun last month helped to accelerate the peace process, but the issue of rank harmonization in the army integration witnessed conflicts among the political parties. If the political parties fail to do miracle at the last moment, the political uncertainty would loom large in the months to come as well. So political parties must forge consensus, conclude peace process and promulgate constitution.

financial details' while the Himalayan Times daily on the same day published the news, '18 parties face EC action'. As per the news the Himalayan Times carried the EC was to take action on different 18 political parties who failed to submit the financial report in spite of frequent prodding.

The Kathmandu Post (3 March 2012) wrote, 'EC to Parties: File Fact or Lose Listing'. The daily made in-depth reporting on the transparency of the political parties in terms of financial activities. The news mentioned that among 80 political parties, 18 parties failed to submit convincing financial details. The EC was demanding election details with the political parties in a bid to make them transparent. The news has informed about the income and expenditure details of various 6 main political parties including the UCPN-Maoist, Nepali Congress and the CPN-UML.

The Republica (March 15, 2012) also made news on the EC activity as, 'EC to Make Field Visit to Verify Electoral Rolls'. As per the news, the EC has reaching village and municipality in order to monitor the whether some missed the voter registration. The EC was to reach 3,726 villages and 734 municipalities to this end. The EC has so far registered the 10.3 million citizens for voters' registration. The news reported that the EC would accomplish the voters' registration by June.

A news mentioning that the EC had abrogated the registration of various 11 political parties for failing to submit their financial details in spite of frequent warning. The Kathmandu Post brought this news with the heading, 'EC Scraps

Registration of Ten Lesser Known Parties' on March 3, 2012. As per the news the parties the EC scrapped their registration were not that known. Similarly, the EC fined two parties- Nepal Jansangh Party, and Nepal Prajatantrik Yuva Sangh Party. However, the news has no quotes of any

persons related to the parties.

The news on the similar case was brought by other newspapers as The Himalayan Times, and the Annapurna Post on the same day. The state-run Gorkhapatra daily on March 11, 2012 brought a news story, 'Election if not constitution written: Deuba'. The news came with Biratnagar dateline. As per the news, senior leader of the Nepali Congress Sher Bahadur Deuba said election should be held if the constitution was not promulgated within May 27. Similarly, the same daily wrote on February 24, 2012 that new mandate was needed if the constitution was not promulgated within May 27. The news came under the heading, 'Only New Election gives Outlet: Bhandari'. Vice-Chairperson of the CPN-UML, Bidya Bhandari was saying this at a program in Kathmandu. She, as the news said, was reiterating that another election was essential if the CA fails to give constitution.

Again on March 5, 2012, the Kantipur daily carried a news under the heading, 'Election if not Statute'. Senior leader of the Nepali Congress Deuba was speaking at a programme in Rolpa stressing the need to hold new election in case the constitution was not written by the CA. There was no alternative of the election in this case, he added, says the news.

The Kathmandu Post (February 27, 2012) wrote the editorial, 'Party Money'. The editorial said the party's role on maintaining transparency for the development of democratic culture. It also stressed the transparency on party's expense and the bill on party the EC presented to the government. The editorial suggested the government to pass the bill immediately.

The Annapurna daily (February 23, 2012) published a news story, 'Best to hold election in local body: Rayamajhi'. Minister for Local Development Top Bahadur Rayamajhi said the election in the local body was best alternative to present representatives in the local level. Talks on whether to hold election in local level were going on among political parties, the news said, quoting the Minister.

(Continued ...)

Newspaper	News	Article	Editorial	Others
The Gorkhapatra	2	-	-	-
The Annapurnapost	2	-	-	-
The Kantipur	3	-	-	-
The Republica	3	-	-	-
The Kathmandu Post	3	1	-	-
The Himalayan	2	-	-	-

Meanwhile, another state-run the Rising Nepal (English daily) wrote an editorial on March 5, 2012 with the heading, 'EC's Move to Discipline Parties'. The editorial has taken positively the move the EC to penalize some parties for failing to submit financial details on time. It further said the EC's move would help corruption on our political parties.

Similarly, on February 14, 2012, the Himalaya Times (Nepali daily) published the news mentioning that VDC offices padlocked demanding election in local body.

**Analysis:** Analyzed the news this month, most of the news are based on formal discussion, speech, party activities and meetings. They failed to bring any investigative news on

electoral system and process which could create debates and interactions. It is because there was no positive development in the issues of constitution writing from the Constituent Assembly, debate on election eluded the media. Moreover, the media did not make any follow-up on the electoral system which is one of the contentious issues in the constitution writing.

Unlike last month, even the letters to the editors were very few on electoral systems relating to the form of governance and local development. An editorial was brought this month on party expenses relating it to the transparency. The news on the move of the Election Commission came giving priority on

party's transparency. It is positive in deed.

**Conclusion:** The news this month focused EC's drive on transparency of the political parties. The media showed great interest on revealing of the income and expenditure details. The news has helped express people's discontent and grievances on political parties' financial irregularities. Therefore, it is fair to say that the media would play positive role on making political parties transparent.

The media failed to show interest on three main issues related to election- development of electoral system, strengthening of electoral administration and local election. It is much awaited and media needs to be inspired to engage on these key issues.

## Chapter Two : Political Development

# Slow Political Progress

**Constitution Writing and Peace Process:** The news and analysis this month eluded any positive development regarding the peace process and constitution writing. Although the evacuation of Maoists' fighters-lodged cantonments by bidding farewell to those opting for voluntary retirement begun last month helped to accelerate the peace process, the issue of rank harmonization in the army integration witnessed conflicts among the political parties.

In order to help the army integration, an integral part of the peace process, the Chief of Army Staff floated a proposal. It was censured by the Nepali Congress and CPN-UML at first but welcomed by the ruling UCPN-Maoist. The Nepali Congress and the UML disagreed with the proposal saying it was biased and would give priority to the Maoist fighters thereby humiliating Nepal Army persons. However, after the Nepal Army gave clarification about the proposal that it was not that biased, the parties became satisfied and agreed it. Let's see the following news headings: *Agreement signal on Brigadier* (The Kantipur, February 15, 2012), *NA won't go beyond Accord* (The Kantipur, February 19, 2012), *NC, UML Against Group Integration of Ex-Combatants* (The Rising Nepal, February 21, 2012), *Brigadier General's Meet: Contribute to End Peace Process* (The Kantipur, February 25, 2012), *Prachanda Claims Integration Ready to Take Up* (The Himalayan Times, March 8, 2012), *No Agreement on Rank Harmonization* (The Kantipur, March 2, 2012), *Defense Ministry unaware on NA's Proposal* (The Kantipur, March 6, 2012), and *NA's Proposal against 7-pt Deal* (The Kantipur, March 15, 2012).

Based on news, we can say that the partisan interest and stands have again stalled the

army integration process which is an integral part of peace process. It is clear that until the army integration move forward, the peace process would not accelerate. As a result, the constitution writing process which is moving slowly would again be pushed to back burner, and the agreement to conclude peace process before promulgating constitution is in limbo. The adverse situation on constitution writing is best summarized with the following news: *Don't extend CA Term* (The Kantipur, February 15, 2012), *CA Calendar Gets Ten Days to Resolve Prickly Issues* (The Himalayan Times, March 14, 2012), *Parties Miss Accord* (The Kathmandu Post, February 22, 2012), *CC Meet Ends Inconclusively* (The Rising Nepal, February 28, 2012), *PR Sub-Committee Gears Up to Resolve* (The Himalayan Times, February 16, 2012), *Crisis if not Statute on Time* (The Annapurnapost, March 5, 2012), *Next War if not Statute by May 27* (The Kantipur, March 4, 2012), and *Senior Leaders Agree to Amend the CA Rules* (The Himalayan Times, March 13, 2012).

With these news headings above, it is clear that positive development on constitution writing and peace process eluded this month too. Which first- peace process or constitution writing- became a matter of debate among the big three political parties- UCPN-Maoist, Nepali Congress, and CPN-UML. The Nepali Congress and the CPN-UML stuck to the demand of conclusion of peace process first while the UCPN-Maoist reiterated the stand that both peace process, and constitution-writing should be taken ahead side by side. With this issue and of the army integration too, the agreement in the meeting of the dispute resolution sub-committee of the constitutional committee eluded time and again. The meeting was postponed frequently. Although the top leaders of big political parties were assigned to forge consensus on the contentious issues of the constitution drafting, they could not make any efforts to settle the disputed issues. The inaction of the big parties finally caused the extension of the Constituent Assembly calendar on constitution writing.

During this period, a sitting minister was sent to jail for involving in corruption. The Supreme Court gave a verdict against Minister for Information and Communication, Jayprakash Prasad Gupta revoking the clean chit by the special court to him. He has to serve more than one year jail term. Although the Supreme Court verdict was lauded from all quarters, the Madhes-based political parties said it was biased and against the spirit of the Madhesi people. They tried to give a political colour to the Supreme Court decision but in vain. It is

the first time a sitting Minister went to jail for corruption.

**Party-Building :** As the intra-party fighting in the main opposition Nepali Congress, and the CPN-UML has lessened to some extent this month, they have presented themselves a bit serious on constitution writing as with launching pressure campaigns on various important issues of the constitution. However, the ruling UCPN-Maoist witnessed the infighting again which is made elaborate with the following new headings: *Maoist Interparty Crack Widening* (The Kathmandu Post, March 7, 2012), *Maoist Hardliner Want PM Gone Fast* (The Kathmandu Post, March 8, 2012), *Demands Galore in the Maoists* (The Kantipur, March 11, 2012), *Congress' Madhes-focused Campaign* (Gorkhapatra, March 5, 2012), *NC Launches Village Centric Campaign on March 14, 2012* (The Himalayan Times, March 11, 2012), *UML Calls CWC Meeting* (The Kantipur, March 2, 2012), *UML's Show of Strength In Tundikhel Today* (The Kathmandu Post, March 3, 2012), and *UML on Intervention Strategy* (The Annapurna Post, March 3, 2012).

Similarly, the intra-party conflict in the Madhes-based political parties emerged last month continued this month too. Some news on this are: *Leadership Debate Intense in Forum-Republican* (The Gorkhapatra, March 16, 2015), *17 CA members of Forum-Democratic demand party meeting* (The Annapurnapost, March 4, 2012).

**Conclusion :** The news and analysis this month clearly indicate that the ongoing peace process could not see any concrete progress. As projected last month, the political wrangling continued thereby impeding the progress. The army integration, which is integral part of the peace process failed to make desirable improvement because the political parties rather enjoying the media rumour on the army integration. The media propaganda rendered negative effects on the professional identity and trust of Nepal Army and tried to drag this institution into controversy. The political consensus on the army integration, a key to progress on peace and constitution can not be seen in sight as the parties are stuck to their demands.

Assessed the political scenario, if the parties again ignore the main agenda of the national as done last month, the same repetition of amending the CA calendar seems imminent with the nearing CA term. It would create further chaos. Then, if the political parties fail to do miracle at the last moment, the political uncertainty would loom large in the months to come as well.

## 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 :

### FREEDOM FORUM

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[nepalpressfreedom.org](http://nepalpressfreedom.org)

A total of 9 incidents of press freedom violation occurred during this month from March 16-April 15, 2012 across the country. Journalist Yadav Poudel was killed in Jhapa, a district in the southern east plain of Nepal in the night of April 3, 2012. The number of the incidents of press freedom violation increased by 3 thereby reaching 9 this month as compared to the last month. With the murder of journalist Yadav, self-censorship among journalist is likely to grow more in the days ahead. It would obviously contribute negatively to the fair journalism. However, with the political parties making consensus on drafting of new constitution, the elections are imminent. When there are elections, the role of media will be important, and also journalists may face challenges.

**Information:** A total of 9 incidents of press freedom violation occurred during this month from March 16-April 15, 2012 across the country.

Journalist Yadav Poudel was killed in Jhapa, a district in the southern east plain of Nepal in the night of April 3, 2012.

Journalist Yadav Poudel, 39, was the reporter with the *Rajdhani* daily and the *Avenues Television* from Jhapa, and also the executive editor of local *New Mechi Times* daily. He was found dead on road near Birtamod Bus Park at Birtamod in the district. The police recovered him dead with right hand fractured and blood coming out of head at 1:00am. It was near Panchthar Damak Sekuwa Corner. The 39-year-old, Poudel was the permanent resident of Sijuwa VDC of Morang, neighboring district of Jhapa, and working as journalist for a decade in Jhapa.

After a-week-long investigation with the arrest of 10 persons including hotel entrepreneurs on the same day, police found Yuvraj Giri main accused of the murder of journalist Yadav Poudel.

Yuvraj Giri, former chairman of hotelier's association in Jhapa district was preparing to publish a newspaper named 'Ujjyal Purva' having journalist Poudel as chief editor from Nepali New Year (13 April, 2012)

Although police said their investigation had held Giri as the main accused, further information could also divulge after the arrest of absconding Madan Rai. Moreover, the police said investigation so far shows the murder of journalist Poudel was not premeditated.

However, due to mounting pressure by the media mission and fellow journalists, the government has formed a judicial probe commission giving a month for investigation.

Minister of State for Health, Saroj Kumar Yadav, manhandled reporter with the *Sourya* daily, Praveen Dhakal and photojournalist with the same daily, Gyanendra Karki at a hospital in the capital while making news about State Minister's misbehavior at the Hospital in the capital city on March 18, 2012.

Sub-Inspector of Police at Metropolis Police Sector, Imaadol of Lalitpur, neighbouring district of the capital city Kathmandu, denied information when a journalist Tekraj Thami of the *Sourya* daily inquired about a case of domestic violence the police was investigating on March 20, 2012. The Sub-Inspector of Police said in a threatening manner, "I don't provide you any information. I don't care what you write."

The followers and protectors of Ram Bahadur Bamjan who is claimed to be 'little Buddha' for his longtime meditation and seclusion beat up five journalists while taking photographs of Bamjan as he was being made public for sermon in Bara, a district in the southern plain in the central region of Nepal on March 21, 2012.

The journalists were also verbally abused. They

are Bibhu Adhikari, reporter with the *News 24 Television*, Resham Tiwari of *Nepal Television*, Binod Pyakurel of *Tarai Television*, Basanta Khatiwada of the *Ghatana Ra Bichar* weekly and Prakash Lamsal of *Image Television*.

On March 29, 2012, Tekendra Karki, Basanta Adhikari and two others attacked Nimendra Sahi, district reporter with the *National News Agency (RSS) Nepal*, saying, "Why are you boasting with camera in the name of being journalist?" He was beaten at Bandhu VDC of Bajura, a district in the far western region of Nepal while he was returning home after reporting.

Due to the attack, Shahi received injuries on eyes and forehead. Moreover, his purse and mobile set were also looted by the assailants. After treatment, he is out of danger now.

Pranil Bhandari, news reporter and newsreader at the *Machhapuchhre FM* was attacked while returning home from office in Pokhara, a western city of Nepal, on April 4, 2012 without any apparent reason.

Similarly, Chief Editor of the *New Highway weekly*, Sashi Bichitra in Parsa, a district in the central region of Nepal's southern plain, was issued death threat by an unknown person by telephone on March 22, 2012. The phone call was made twice by a person claiming himself Chaurasiya. The person told journalist Bichitra that he would be killed within 27 March as he had spoken foul word on Chaurasiya three months ago while drinking. But journalist Bichitra said the threats may be the repercussion of the news he made about the organized smuggling in the neighbouring Sarlahi district. Chaurasiya made the call by the phone number 9844093100.

On April 2, 2012, death threat was issued against journalist, Umesh Mehta with the *Popular FM* at Itahari, an eastern city of Nepal on April 2, 2012 over the news reporting about unfair election in a local school management committee.

Publisher and editor of the local *Dawn News daily*, Rajendra Adhikari and its photo journalist Bandu Raj Parajuli were issued death threat on April 10, 2012 by Gunda Raj Shrestha, a cadre of workers' union affiliated to the Maoists party for publishing news about syndicate in the transportation a month back.

Moreover, the editor of the online media, [www.onlinepatrika.com](http://www.onlinepatrika.com), Subin Shrestha had his left eye injured while taking photograph of a police clash with the protestors during a torch rally organized by a faction of the ruling Maoists party in the evening of April 11, 2012.

Editor Shrestha had to be admitted in the Tilaganga Eye Hospital for treatment. He is normal now.

# Shock Wave in Nepali Media

**Analysis:** The number of the incidents of press freedom violation increased by 3 thereby reaching 9 this month as compared to the last month.

The most appalling in the Nepali media is the murder of journalist Poudel in Jhapa district on the eve of Nepali New Year. It has spread shock wave to all journalists across the country.

It clearly shows that the journalism is always at risk- be it because of the incompetence of journalists or because of the state's failure to provide safety to them.

Although the police investigation so far has said the murder of journalist Poudel is not premeditated, it is continuing further investigation into the murder. Therefore, a fair probe is essential.

Anyway, it must be taken positively that government has formed judicial probe commission to investigate into the murder.

With the murder of Poudel, all journalists across the country have again been worried over their profession. Some in the eastern part of Nepal have even said they are not sure whether they continue journalism. So, all journalists are wearing a veil of fear.

It is shameful that even the ministers are violating press freedom by terrorizing journalists with manhandle and threats. It is the manifestation of sheer irresponsibility and undemocratic culture the government and its ministers promoting. Similar is in the case of a police person denying information to the journalists in Lalitpur district.

People, if dissatisfied with the news, need to take legal recourse rather than attacking journalists or vandalizing media house.

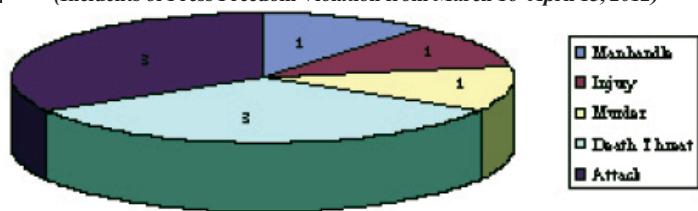
**Projection:** With the murder of journalist Yadav, self-censorship among journalist is likely to grow more in the days ahead. It would obviously contribute negatively to the fair journalism.

In order to make journalism a safe and respected profession, the journalists too will have to focus on skill development and improve behavior.

Similarly, the concerned bodies will need more efforts to ensure security to journalists.

However, with the political parties making consensus on drafting of new constitution, the elections are imminent. When there are elections, the role of media will be important, and also journalists may face challenges.

(Incidents of Press Freedom Violation from March 16-April 15, 2012)



## Chapter One : Electoral News in Media

# Formal News on Election

**Summary:** From the view point of formal news coverage in the six print media (of Nepali medium- *Annapurnapost*, *Kantipur*, and *Gorkhapatra* dailies, and of English medium- *Republica*, *Kathmandu Post*, and *The Himalayan* dailies) we went through, the coverage is positive this month, March 16-April 15, 2012. A total of 16 news items were published about the issues ranging from electoral and political issues to the activities of the Election Commission (EC). No editorial was made relating to election this month. The news stories were produced from both local and central levels.

**News in Detail :** The *Annapurnapost* daily carried a news about voters registration update and verification with the dateline April 15, 2012, Solukhumbu. According to the news, the EC was verifying the voter's name with the help of locals. There are 40,399 voters registered under the biometric voter registration drive. The news has also brought forth the view of party representatives in the district.

Similarly, with 12 April, Phidim dateline, the *Annapurnapost* wrote about the voter registration update and verification in Panchthar district under the heading, *Biometric Voter Registration*. On April 14, the *Kantipur* daily wrote from Kathmandu, *Voters' Registration from Sunday*. According to the news, the EC was publishing the voters' list and verifying later. Relating the same issue, the *Kathmandu Post* wrote on April 13 under the heading, *EC to Publish Voter's list*.

Newspaper	News	Article	Editorial	Others
The Gorkhapatra	1	-	-	-
The Annapurnapost	5	1	-	-
The Kantipur	2	-	-	-
The Republica	3	-	-	-
The Kathmandu Post	-	-	-	-
The Himalayan	4	-	-	-

The *Himalayan Times* with dateline Kathmandu, 13 April, 2012, published a news story, *Call for Civic Election*. The news mentioned that election in the local body was essential to curb rising corruption. The news has quoted the views of Minister for Local Development Top Bahadur Rayamajhi saying an acceptable

mechanism was needed in the local body till the local election was held. It has even contained the views of Secretary at the National Planning Commission and representatives of various political parties.

The same daily wrote news the same day, EC to Set up New Centre. According to the news, the EC was launching a centre for education and information about election from May. The well-equipped centre will provide ample information about election.

The *Republica* daily, with dateline Dhankuta, 10 April, wrote, *Only 50 percent of Registered Voter Obtain Voter ID Card*. According to the news, only half percent of eligible person for voting registered their names for biometric voting. People gone abroad for job and political representatives had missed their names for voter registration, the news mentioned.

The same daily wrote the next day- *EC gear up to regulate parties' fund*. The news said the EC was proposing a bill about the income and expenditure of political parties in a bid to make the parties transparent. The EC has proposed various rules for the parties to be financially clean. The state-run *Gorkhapatra* daily on March 24 from published a news story that the number of biometric voters in Kapilvastu was 205,733. The voter registration was halted time and again in the district due to the obstruction created by the political parties.

The *Annapurnapost* brought forth similar news under the heading *3 million to get biometric voter ID*. The news was published on March 28. According to the news, 2 million had gone abroad for job while 1 million within the country missed the biometric voter identity card. It was said by an election commissioner at a regional training organized by the EC in Pokhara, a city in the western region of Nepal. The training was for empowering EC staffs to be prepared for next election.

Moreover, the same daily published the news, *Local election first after Constitution: Khanal on April 9*. According to the news, leader of the CPN-UML, Jhalanath Khanal told the representatives of political parties and civil society members

From the view point of formal news coverage in the six print media (of Nepali medium- *Annapurnapost*, *Kantipur*, and *Gorkhapatra* dailies, and of English medium- *Republica*, *Kathmandu Post*, and *The Himalayan* dailies) we went through, the coverage is positive this month, March 16-April 15, 2012. Onto the political front, the future political course and the drafting of the new constitution by May 27, 2012 primarily depends upon how political parties deal with different ethnic and interest groups along with their respective ethnic CA members within the Constituent Assembly.

that local election would be given first priority after the promulgation of new constitution.

The *Kantipur* daily wrote on 13 April that 91,000 citizens had missed registering their names for biometric voters' identity card in Ramechhap district.

Similar news story is published by the *Annapurnapost* daily on April 14 from Janakpur, mentioning that 166,033 citizens were still deprived of voters' identity card.

On April 10, the *Annapurnapost* daily published an article by Dr Yagya Prasad Adhikari 'Democratic Elections and Political Parties'. In this article, Dr Adhikari wrote- democracy is flourished in the country where election is conducted in free and fair manner. Election is the process to transfer the sovereign rights of citizens to the representatives.

**Analysis:** Formal news dominated media we studied on this month. Although the political parties tried to forge consensus on restructuring of state, judiciary and citizenship issued in course of drafting constitution, no news came on electoral system as the consensus eluded the parties.

Still the media could not make follow up news posing questions to the political parties regarding the debated on electoral system.

The media has, however, given top priority to the Election Commission's activities as voter registration, verification and update. Only one news story was made on the bill the Commission proposed regarding the income and expense details of the political parties for transparency.

The issue as of election in local body was covered by the media.

**Conclusion:** As was in the past, the media was rife with formal news. The activities of the Election Commission were covered significantly. The media was still in need of going in-depth on the development of electoral system, strengthening of election administration and local body election. Similarly, media lacked positive role to create debate and discussion to help settle the disputes on selection of electoral system. It can not be taken positively when the main trend of media is limited to 'formal' news.

## Chapter Two : Political Development

## Peace Process Takes Pace

**Constitution Writing and Peace Process:** The news coverage of this month tinted remarkable development in Nepal's peace process. The much awaited and most debated issue of the Maoist combatants' integration to Nepal Army has now agreed and been processed for regrouping to final integration. For this, the Maoist People's Liberation Army (PLA) fighters, their cantonments, and the weapons in containers have been handed over to Nepal Army (NA). This decision was taken by the meeting of the Army Integration Special Committee (AISC) after political consensus on 10<sup>th</sup> April 2012. This positive development can be recapped in the following news headlines: *Issues*

*are Settled* (*Kantipur*, March 31, 2012), *PLA Integration : Maoists to select, send 5,000-6,000 fighters* (*The Kathmandu Post*, April 9, 2012), *Weapon and Combatants Handed Over to Army* (*Annapurna Post*, April 11, 2012), *Combatants busy for tendering the Weapons* (*Kantipur*, April 12, 2012), *NA team receive warm welcome* (*The Kathmandu Post*, April 11, 2012) *PLA cantonments, arms containers with army* (*The Himalayan Times*, March 10 2012)

These news highlights have shown the outcome of the agreement made among the main political parties. Finally, it has led to the ice break to the peace and statue writing process thereby opening

up further discussion on the most disputed constitutional issues- federalizations, forms of governance, citizenship and electoral system. However, there is strong opposition within the party in government-United Communist Party of Nepal-Maoist (UCPN-M) led by a vice-chair Mohan Baidya regarding the arms adjustment and integration plan and several issues of party functioning.

Despite some hindrances, the political impasse has been cleared by the arms adjustment and integration plan. Supreme Court decision is one of the most important factor behind this positive move. It has firmly expressed that the new constitution has to be ready by May 27<sup>th</sup> and **(Continued....)**

if the constitution is not promulgated on the date, the Constituent Assembly (CA) will not exist after May 27<sup>th</sup>. The final verdict came on the petition review of the earlier refusal of the Government/Parliament joint review application in the case of CA term extension. Considering this decision and time constraints political parties are seemed positive to settle the disputed issues and to shorten the endorsement process of the new constitution. The following news coverage highlighted the issues: *No more CA term extension: SC (República, March 29, 2012)*, *Leaders are Serious after Supreme Court Verdict (Kantipur, March 30, 2012)*, *Shortcut way for constitution making (Annapurna Post, April 10, 2012)* *Article 70 to be amended for new statute (The Himalayan Times, April 9, 2012.)*

The political development this month has been able in clarifying the long debated issue- of which should be addressed first- the peace process or the constitution writing. So, now the real test of all the political parties has begun if they are really capable to address the constitutional matters within the shrinking deadlines.

**Party-Building:** The intra-party rift within the main ruling party UCPN-M has been massively observed in this month. The Baidya faction of UCPN-M known as radical faction of the party, has strongly opposed the initiation of arms adjustment scheme taken by UCPN-M as an anti-progressive surrender. Reacting to this move and dissatisfactions on the issues of constitution writing and party functioning, the Baidya faction has formed parallel organizational structures and committees in different strata of the party. This disarray is reflected in the news as follows: *Maoist Rift Widens (República, March 18, 2012)* *Resurfaced Intra-party conflict in Maoist (Kantipur, March 17, 2012)*, *Thapa to Cadres: Prepare for Revolt (The Kathmandu Post, March 28, 2012)*, *Baidya faction rebuffs party chairman's call to cooperate (The Kathmandu Post, March 22, 2012)* *Dahal Blamed; Baidya faction is closure to ex-royalist (Kantipur, April 2, 2012)* *Baidya faction had made Separate Committee (Annapurna Post, April 3, 2012)*, *Parallel Assembly (The Himalayan Times April 7, 2012)*.

In comparison to the previous month, the calm and peaceful intra-party milieu in Nepali Congress (NC) has been eroded this month. The striking

dismay within NC has been highlighted in the news covering as follows: *28 Deuba loyalists quit meet preparatory panel (The Kathmandu Post, March 24, 2012)*, *Sister-wing dispute in Congress again (Kantipur, March 24, 2012)* *NC Rif : Deuba camp withdraws nominees for party wings (The Himalayan Times, March 25, 2012)*

Besides this intra-party rift, the NC has been launching different party reform and campaign programs in the country, especially in the Tarai region.

The degree of intra-party rift in Communist Party of Nepal United Marxist Leninist (CPN-UML) has shrunk and therefore not to reflect it in the media. Additionally, party strengthening and reform campaigns and programs have been carried out in different places. As in the previous months, few Madhesi parties have also been suffering from intra-party conflict which can be marked out from the following headlines: *Disputes on Madhesi Janadikhar Forum (Democratic) (Kantipur March 5, 2012)*, *Disputes over MPRF-R PP Leader (República March 27, 2012)*.

**Conclusion:** The news coverage this month shows remarkable achievement in the peace process. The integration process of Maoist combatants into Nepal Army has already begun and Nepal army is leading the implementation of integration scheme. This initiative has been taken positively by all political parties except the Baidya faction of the Maoist party. However, the unfastening of prolonged deadlock has opened up lots of avenues for the consensus on constitution writing process in the days to come. This positive move requires to compromise on the debated issues of constitution writings mainly federalization, electoral system and form of governance. But the political milieu is still blurry to reach in conclusion on the matter of federalization. The demand and protest of different ethnic interest groups and ethnic parliamentarians and their ally for the single cause of ethnicity-based federal set up may hinder the political process. So, the future political course and the drafting of the new constitution by May 27<sup>th</sup>, 2012 primarily depends upon how political parties deal with different ethnic and interest groups along with their respective ethnic CA members within the Constituent Assembly.

## Press Freedom...

(Contd. from page 1)

by Yuvraj Giri, former chairman of hotelier's association in Jhapa district in the hotel.

Although the news reporting was not the immediate cause of journalist's murder, the root cause of the murder was obviously the news reporting journalist Poudel made about the illegal sexual activities carried out in the hotel. It is said the hoteliers were irate with journalist Poudel for exposing their secret business reasoning it would render loss to the business.

It is therefore easy to conclude that the free and fair journalism practiced by Yadav was the root cause of his murder. The murder of journalist Yadav spread shock wave in Nepali media. Although the police have already initiated action to the guilty people on the murder, the murder of journalist Yadav have panicked the fellow journalists throughout the country. The fellow journalists in the district have said they were uncertain whether to continue journalism or not.

The murder of journalist Poudel is the attack on entire Nepali media. It has thrown up challenges to Nepali. Also, the fear psychology among journalists is sure to compel them resort to self-censorship. And, the self-censorship can not ensure the free flow of information. Poudel's murder has rendered pejorative effects on democratic culture in the country. Noted here, more than two dozens of journalists have been killed in Nepal due to their profession.

## How was...

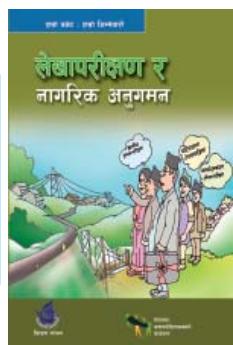
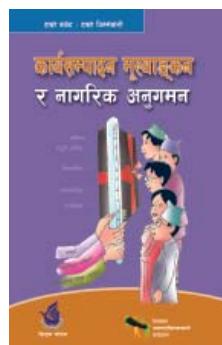
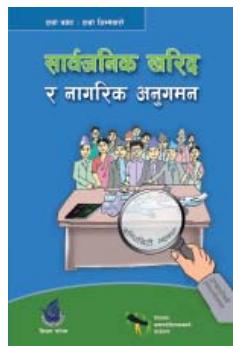
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*Purva- from the Nepali New Year (April 13, 2012) turned into a maneuver to finish off journalist Poudel.*

*At a press meet on April 10, 2012, chief at the District Police Office, Superintendent of Police, Tarini Prasad Lamsal, said, "Our investigation has held Giri as the guilty." Giri threw journalist Poudel off rooftop of the hotel and left to death, the police added. The police had arrested 10 persons including Giri, and hotel's owners the same day.*

*After eight days investigation, the police declared Giri guilty of journalist Poudel's murder. Although the police had said absconding Madan Rai would divulge more about the murder, the police released Rai on general bail after he surrendered before them. It also showed that Giri had killed journalist Poudel.*

## Our Publications on Budget Monitoring



With the objective of promoting social accountability through civic engagement in the budget process, Freedom Forum, in collaboration with PRAN/World Bank has recently developed and published four handbooks namely, *Budget Formulation and Citizens' Monitoring*, *Public Procurement and Citizens' Monitoring*, *Performance Evaluation and Citizens' Monitoring*, and *Auditing and the Citizens' Monitoring*.

These are the guidebooks that make civil society easy to work for budget transparency and improve public financial management. Civil societies can understand the concepts of budget, budget work, budget cycle and different tools to be used for budget monitoring and advocacy.

Each book contains some important examples of civil society efforts of different countries and some representative case studies of Nepal. The recent publications were prepared based on book *Our Money Our Responsibility* (a citizen's guide to monitoring government expenditures) by Vibek Ram Kumar of International Budget Partnership (IBP). Freedom forum has already brought over three dozen's of publications including books, magazines, booklets and journals. All the publications have been posted on the website, [www.freedomforum.org.np](http://www.freedomforum.org.np).

## FF in International Forum

◆ Mr. Taranath Dahal, Chairperson, Freedom Forum attended the **Bihar RTI Conference/Meeting of Regional Advisory Group** organized by the World Bank in Patna, India from March 1-4, 2012.

◆ Mr. Dahal took part in a **design workshop of Communities of Practice on Right to Information** organized by ANSA-SAR held in Dhaka, Bangladesh from January 22-23, 2012.

# Media Freedom For Transformation of Societies

Freedom of expression is one of our most precious rights. It underpins every other freedom and provides a foundation for human dignity. Free, pluralistic and independent media is essential for its exercise.

This is the message of *World Press Freedom Day*. Media freedom entails the freedom to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers, as stated in Article 19 of the *Universal Declaration of Human Rights*. This freedom is essential for healthy and vibrant societies.

Change in the Arab world has shown the power of aspirations for rights when combined with new and old media. Newfound media freedom is promising to transform societies through greater transparency and accountability. It is opening new ways to communicate and to share information and knowledge. Powerful new voices are rising – especially

## Joint Message on World Press Freedom Day

from young people – where they were silent before.

This is why this year's *World Press Freedom Day* is centred on the theme of *New Voices: Media Freedom Helping to Transform Societies*. Media freedom also faces severe pressures across the world. Last year, UNESCO condemned the killing of 62 journalists who died as a result of their work. These journalists must not be forgotten and these crimes should not remain unpunished. As media moves online, more online journalists, including bloggers, are being harassed, attacked, and killed for their work. They must receive the same protection as traditional media workers.

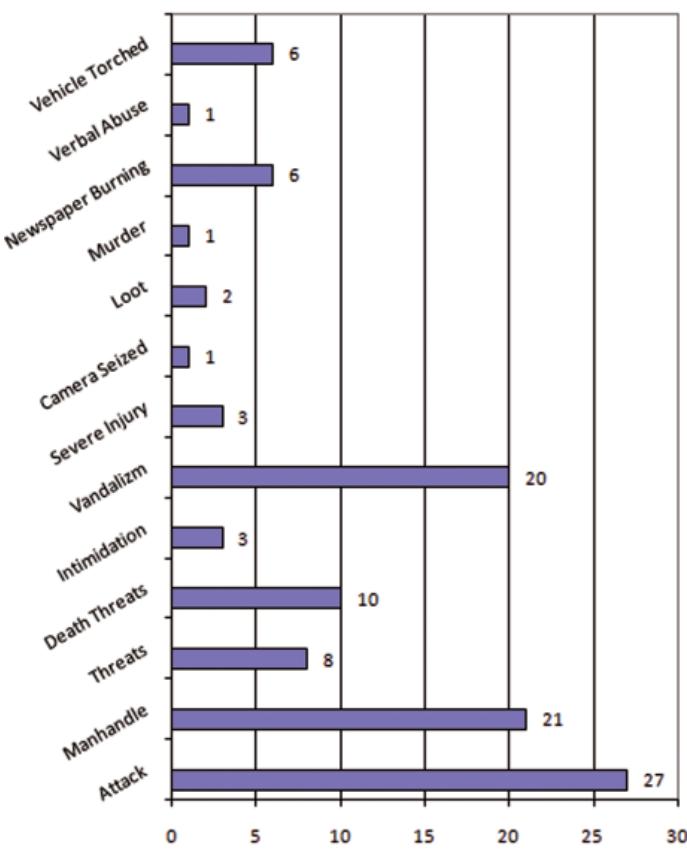
The first *UN Inter-Agency Meeting on Safety of Journalists and the Issue of Impunity* met at UNESCO on the 13 and 14 September 2011. We produced a Plan of Action for the UN to build a more free and safe environment for journalists and media workers everywhere. At the same time, we will continue to strengthen the legal foundations for free, pluralistic and independent media, especially in countries undergoing transformation or rebuilding after conflict. At a time of information overload, we must help young people especially to develop critical skills and greater media literacy.

*World Press Freedom Day* is our opportunity to raise the flag in the fight to advance media freedom. We call on States, professional media and non-governmental organisations everywhere to join forces with the United Nations to promote online and offline freedom of expression in accordance with internationally accepted principles. This is a pillar of individual rights, a foundation for healthy societies and a force for social transformation.

**UN Secretary-General, Mr Ban Ki-moon and  
UNESCO Director-General Ms Irina Bokova**

Source: UNESCO

### Incidents of Press Freedom Violation from Feb-May, 2012



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