

## The National Broadcasting Act, 1993

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Amendments,

1. Communication Related Some Nepal Acts 2057.10.18  
(Amendment) Act, 2057 (2001) (31 Jan. 2001)
2. Provisions of Some Nepal Acts Revival Act, 2063.4.23  
2063 (2006) (8 Aug. 2006)
3. Republic Strengthening and Some Nepal 2066-10-7  
Laws Amendment Act, 2066 (2010) (21 Jan. 2010)

Act Number 6 of the Year 2049 (1993)

### **An Act made to provide for national broadcasting**

**Preamble:** Whereas, in order to protect and promote the freedom of expression and the right to be informed guaranteed to the people by the <sup>1</sup>Constitution, and to raise public awareness also through <sup>2</sup>national language by creating an environment of equality, mutual good faith, and harmony amongst all the tribes, languages, classes, regions and religious

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<sup>1</sup> Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066

<sup>2</sup> Amended by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066

denominations by imparting economic, social and cultural activities of the country to the people through the broadcasting system,

Whereas, it is expedient to make legal provisions on the broadcasting, without any obstruction, of the flow of information in order that the general public get informed about impartial as well as authentic news and information taking place at the national and international level, by making the broadcasting media reliable, effective and strong, with the use of modern technology available in the field of information and communications;

Now, therefore, be it enacted by Parliament in the Twenty-Second year of the reign of His Majesty the King Birendra Bir Bikram Shah Dev.

1. **Short title and commencement:** (1) This Act may be called as the "National Broadcasting Act, 2049 (1993)"
  - (2) This Act shall come into immediately.
2. Definitions : Unless the subject or the context otherwise requires, in this Act, -
  - (a) "Broadcasting " means the radio communication service to be so sent through signal, sound, image, picture or similar other way that the general public may get information.
  - (b) "Programme" means any kind of Programme to be broadcast through audio or audio-visual means.
  - (c) "Frequency modulation broadcasting system" means a broadcasting made for the radio <sup>3</sup>or television technology, by

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<sup>3</sup> Revived by the Provisions of Some Nepal Acts Revival Act, 2063

a broadcasting institution through the prescribed channel by using the frequency modulation broadcasting system.

- (d) "License" means the broadcasting license to be issued pursuant to Section 6 for broadcasting any Programme or the license to be issued for broadcasting by establishing the frequency modulation broadcasting system.
- (e) "Broadcasting institution" means a person or body corporate having obtained the license to broadcast Programmes under this Act.
- (f) "Satellite" means the satellite placed in the space in order to obtain various broadcasting materials (signals) or send them elsewhere.
- (g) "Cable" means the technology by which broadcasting materials (signals) are sent to various customers, members or consumers by wire from any certain broadcasting station.
- (h) "Earth station" means a station to be established in the earth surface in order to exchange broadcasting Programmes through satellite.
- (i) "Broadcaster" means a person reading out a Programme to be broadcasted by a broadcasting institution, and this term also includes a person who composes and edits such Programme.
- (j) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

3. **Supervision and operation of Programmes relating to broadcasting**: Government of Nepal shall have the powers to

formulate policies on supervision and operation of Programmes relating to broadcasting within <sup>4</sup>..... Nepal.

4. **Prohibition on broadcasting without license:** No one shall broadcast any Programme without obtaining the license pursuant to this Act.
5. **Application for license:** Any person or body corporate who intends to broadcast any Programme by way of satellite, cable or other means of communication or to broadcast any educational (didactic), entertaining and informative Programmes by establishing the frequency modulation broadcasting system in any place within <sup>5</sup>..... Nepal shall submit to Government of Nepal an application in such format and accompanied by such fee as prescribed.
6. **Issuance of license:** Upon receipt of an application as referred to in Section 5, Government of Nepal may, holding necessary inquiry into the application, issue the license, in the prescribed format, for broadcasting a Programme, subject to observance of the prescribed terms.
7. **Powers to prevent broadcasting:** Taking into account of the nation and national interest, Government of Nepal may, by a notification published in the Nepal Gazette, prevent any Programme pertaining to any particular subject, event or area from being broadcast by a broadcasting institution, for a period not exceeding six months at a time.
8. **Power to cancel license of broadcasting institution:** (1) If, any broadcasting institution broadcasts any Programme in contravention

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<sup>4</sup> Omitted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066

<sup>5</sup> Omitted by the Republic Strengthening and Some Nepal Laws Amendment Act, 2066

of this Act or the Rules framed hereunder, Government of Nepal may cancel the license obtained by such broadcasting institution.

(2) Prior to cancellation of the license under Sub-section (1), Government of Nepal shall give a reasonable opportunity to such broadcasting institution to defend itself.

9. **Special provisions on establishment of earth station:** (1) Any person or corporate body, <sup>6</sup>or a native and foreign person or corporate body in joint investment, who intends to broadcast any Programme by establishing the earth station relating to satellite and cable television, has to submit an application to Government of Nepal for permission.

(2) Upon receipt of an application referred to in sub-section (1), Government of Nepal may, if, following necessary inquiry into that application, it deems reasonable to give permission to the applicant to broadcast any Programme by establishing the earth station relating to satellite and cable television, issue permission, as prescribed, to broadcast the prescribed Programmes, subject to observance of the prescribed terms.

(3) Other provisions on the establishment of the earth station and broadcasting shall be as prescribed.

10. **Broadcasting and distribution fee:** If a broadcasting institution intends to distribute and operate any Programme, the fees to be paid to Government of Nepal or the prescribed organization and the fees to be collected from the persons or bodies using such Programme shall be as prescribed.

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<sup>6</sup> Revived by the Provisions of Some Nepal Acts Revival Act, 2063

11. **Production and broadcasting of Programmes:** While producing and broadcasting any Programme, a broadcasting institution has to give priority to the following matters:-
- (a) Development-oriented Programmes such as agriculture, education, industry, commerce, science and technology, health, family planning and forest and environment protection,
  - (b) Such kinds of Programmes as to enhance equality, mutual good faith and harmony amongst all the tribes, languages, classes, areas and religious denominations,
  - (c) Programmes that contribute to the upliftment of various languages and cultures of Nepal,
  - (d) Programmes on such subjects as may enhance the national interest and national unity,
  - (e) Programmes on such subjects as may raise national consciousness and moral awareness,
  - (f) Such kinds of Programmes as to raise social consciousness and develop democratic values, norms and culture in the people,
  - (g) Programmes on such subjects as may not cause adverse impact on the relations between Nepal and neighbouring countries as well as friendly countries,
  - (h) Programmes relating to the foreign policy pursued by the country,
  - (i) Programmes promoting folk songs and folk cultures,

- (j) Important activities happening or taking place at the national and international level.

12. **Participation of private sector in production and**

**broadcasting of Programme:** In addition to the public sector, the private sector may also be got involved so as to make any Programmes fair, simple, efficient and effective.

13. **Time may be allocated to foreign broadcasting institution or**

**communication media:** If any foreign broadcasting institutions or communication media intend to get any Programme broadcast by a broadcasting institution, time may be allocated to broadcast any educational (didactic), entertaining and informative Programmes, based on the prescribed standards, without causing any adverse impact on the national interest.

14. **Time may be allocated to broadcast advertisement:** If any

person intends to get any advertisement on publicity of any matter broadcast to the general public, time may be allocated for broadcasting that advertisement, by collecting the prescribed fee from such person, institution or body.

Provided that, the broadcasting of advertisement of substances, such as smoking and liquors, causing harm to the public health shall be discouraged.

<sup>7</sup>15. **Prohibition on broadcasting of advertisement:** (1)

Notwithstanding anything contained in Section 14, no one shall broadcast, or cause to be broadcast, any advertisement of the following matters:-

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<sup>7</sup> Revived by the Provisions of Some Nepal Acts Revival Act, 2063

- (a) Matters adversely affecting political parties,
- (b) Materials of vulgar type,
- (c) Materials with object to oust the elected government by using violent force;
- (d) Matters of such a nature as to create unusual fear and terror in the general public,
- (e) Matters contrary to the non-aligned foreign policy of Nepal,
- (f) Materials misinterpreting disregarding, insulting and devaluing any tribe, language, religion and culture.

(2) Notwithstanding anything contained in Sub-section (1), nothing contained in this Section shall be deemed to prevent Government of Nepal, in consultation with the Election Commission, from allowing any political party to give information about matters such as manifesto, Programme or philosophy of such party, at the time of election.

16. **Functions, duties and powers of broadcaster:** The functions, duties and powers of the broadcaster shall be as follows:-

- (a) To have necessary inquiry as to the truth of the information, news, articles or Programmes received by him and broadcast, or cause to broadcast, them at the specified time,
- (b) To edit and broadcast, or cause to be edited and broadcast, the news by being politically neutral,

- (c) Not to broadcast, nor cause to be broadcast, such kinds of Programmes as may undermine public security, moral and social decency,
- (d) Not to broadcast, nor cause to be broadcast, any matters recklessly or negligently,
- (e) Even if broadcasting is to be made about any controversial matter, to broadcast it by analyzing it from all viewpoints to the extent possible, and without twisting the state of affairs,
- (f) Not to collect and broadcast false and illusive news,
- (g) To carry out such other functions as specified by the broadcasting institution.

17. **Penalties:** (1) If any person broadcasts, or causes to be broadcast, any Programme without obtaining the license of broadcasting institution pursuant to Section 6 or without obtaining permission pursuant to Section 9, such person shall be punished, by order of the prescribed authority, <sup>8</sup>with a fine of a sum equal to the license and permission letter fee and the charge as referred to in Section 10, by recovering such fee and charge or with imprisonment up to One year or with both punishments.

(2) If any person broadcasts, or causes to broadcast, any Programme in contravention of this Act or the Rules framed hereunder or commits, or causes to be committed, any act in contravention of this Act or the Rules framed hereunder, the prescribed authority may punish such broadcasting institution, broadcaster or other related person with <sup>9</sup>a fine up to Ten thousand

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<sup>8</sup> Amended by Communication Related Some Nepal Acts (Amendment) Act, 2057

<sup>9</sup> Revived by the Provisions of Some Nepal Acts Revival Act, 2063

rupees or with imprisonment up to One year or with both punishments.

18. **Appeal**: Any person who is not satisfied with any order made or penalties imposed by Government of Nepal or the prescribed authority may file an appeal to the concerned Court of Appeal within Thirty-five days.
19. **Security of broadcasting institution**: If Government of Nepal deems that there is a likelihood of any kind of loss or damage to a broadcasting institution because of a riot or unrest, it may arrange for security by sending security force to that place for such period as it may think necessary.
20. **Delegation of powers**: Government of Nepal may delegate any or all of the powers conferred on it by this Act to any authority or body.
21. **Powers to frame Rules**: Government of Nepal may frame necessary Rules in order to implement the objectives of this Act.
22. **Prevalence of prevailing law**: The matters contained in this Act shall be governed by this Act, and the other matters shall be governed by the prevailing law.
23. **Saving**: Notwithstanding anything contained elsewhere in this Act, a body corporate fully or partly owned by Government of Nepal established prior to the commencement of this Act shall be deemed to have obtained the license of broadcasting institution under this Act.