

Press and Publication Act, 2048 (1991)

Date of Authentication and Publication

2048.2.16 (30 May 1991)

Amendments:

1. Press and Publication (First Amendment)
Act, 2048 (1991) 2048.7.14 (31 Oct. 1991)
2. Communication Related Some Nepal Acts
(Amendment) Act, 2057 (2001) 2057.10.18 (31 Jan. 2001)
3. Provisions of Some Nepal Acts Revival
Act, 2063 (2006) 2063.4.23(8 Aug. 2006)
4. Republic Strengthening and Some Nepal
Laws Amendment Act, 2066(2010)¹ 2066.10.7(21 Jan. 2010)

Act Number 5 of the Year 2048 (1991)

An Act Made to Provide for Press and Publication

Preamble: Whereas, it is expedient to make timely provisions on the press and publication in order to making cordial relations, decency, courtesy and morals between people of various classes and regions and to create such an atmosphere where the journalism sector of the country can enjoy the freedom of expression freely and without fear, in a decent and responsible manner;

Now, therefore, be it enacted by His Majesty King Birendra Bir Bikram Shah Dev on the advice and with the consent of the Council of Ministers pursuant to Article 129 of the Constitution of the Kingdom of Nepal, 2047 (1990).

¹ This Act came into force on 15 *Jestha* 2065, *Prasati* and the word "Kingdom" has been deleted.

Chapter-1

Preliminary

1. **Short title and commencement:** (1) This Act may be called as the "Press and Publication Act, 2048 (1991)".

(2) It shall come into force immediately.

2. **Definitions:** Unless the subject or the context otherwise requires, in this Act,-

- (a) "Press" means an instrument of bringing out books, newspapers, bulletins or newspapers and this term also includes printing machines, typing and lithography machines, apparatus, inputs/tools, office and its components/parts.
- (b) "Publication" includes books, newspapers, bulletins, other magazines and documents.
- (c) "Book" includes any book, booklet, pamphlets, prospectus, audio script, sketch and map printed or produced by machine or lithography periodically or in parts.
- (d) "Newspaper" means a document with or without comments on contemporary matter of public importance and a paper containing news and views, which is publicly sold or distributed/circulated.
- (e) "Bulletin" any news related document that contains public news or comments on and analysis thereof but that is not considered as a newspaper.
- (f) "Magazines" includes newspapers, bulletins and other magazines.
- (g) "Other magazines" means other magazines which are published in various disciplines including arts, literature, science, tourism and

motion picture/film, which are not considered as a newspaper and bulletin.

- (h) "Document" includes a poster, picture, map, photograph or any other direct *portrayal*.
- (i) "Publisher" means a person who has obtained a certificate to publish magazines pursuant to Section 7.
- (j) "Editor" means a person who has the responsibility of selecting and editing materials to be published in magazines.
- (k) "Printer (*Mudrak*)" means the owner of a press if he or she operates the press on his or her own or a person appointed to operate a press if such a person is so appointed.
- (l) "Journalist" means a person who collects or edits materials to be published in magazines, and this term includes an editor and columnist.
- (m) "Restricted publication" means a publication containing any matter that is restricted for publication pursuant to Section 14.
- (n) "Prohibited publication" means a publication containing any matter that is prohibited for publication pursuant to Section 15.
- (o) "Press Registrar" means the authority appointed pursuant to Section 19.
- (p) "Local Authority" means the authority designated by the Government of Nepal by publishing a notice in the Nepal Gazette, and the Chief District Office if no authority is so designated.
- (q) "Prescribed" or "as prescribed" means prescribed or as prescribed in the Rules framed under this Act.

Chapter-2

Provisions Relating to Press

3. **Press to be registered:** (1) A person who intends to operate a press shall make an application, in such format and accompanied by such details as prescribed, to the Local Authority for the operation of the press.

(2) Upon receipt of an application pursuant to Sub-section (1), the Local Authority shall make necessary examination of the application and, upon collecting the prescribed fees, give a certificate as prescribed to the applicant for the operation of the press.

(3) After giving the certificate pursuant to Sub-section (2), the Local Authority shall enter press related details in the register.

(4) In the event of any alteration in the details submitted pursuant to Sub-section (1), the Printer shall give a notice to the Local Authority immediately. The Local Authority shall, immediately upon receiving such a notice, enter the date and details of such an alteration in the register as referred to in Sub-section (3).

(5) Notwithstanding anything contained in Sub-section (4), if a press registered in one District has to be taken to and operated in another District, application has to be made again and the certificate obtained pursuant to Sub-section (1).

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

Chapter-3

Provisions Relating to Books

5. **Books to be registered:** (1) The publisher of a book shall, prior to selling and distributing the book published by him or her, shall hand over two copies of such a book to the Local Authority free of cost.

(2) The Local Authority shall enter the books received pursuant to Sub-section (1) in the register and also enter the following matters in the register:

- (a) Book's title and contents printed in its cover page (if not in the Nepali language, it has to be translated into the Nepali language and maintained accordingly),
- (b) Language in which the book is written,
- (c) Name of writer, translator or editor of the book or any part thereof,
- (d) Subject of the book,
- (e) Place of edition and publication,
- (f) Name of printer or printing organization and publisher or publishing organization,
- (g) Date of publication,
- (h) Number of pages,
- (i) Size,
- (j) Edition number,
- (k) Copies printed in that edition,
- (l) Whether printed or lithographed,

- (m) Selling price, and
- (n) Name, surname and address of the copyright holder.

6. **Matters to be set down in books:** The publisher of a book shall clearly set down in every book the full names of all including the publisher, editor or writer or translator, printer, press and copyright holder, the number and year of edition, copies printed in that edition and selling price.

Chapter-4

Provisions Relating to Magazines

7. **Magazines to be registered:** (1)² A person who intends to publish within Nepal any magazine that is to be sold and distributed publicly shall make an application, in such format and accompanied by such fees as prescribed and by the name, type, language, size, number of pages, number of copies to be printed and place of publication, among others, to the Local Authority for the registration of the magazine.

Provided that, magazines to be publishes as mouthpieces of any office of the Government of Nepal, educational institute owned by the Government of Nepal, body, organization, firm or company or political party or organization, established pursuant to the laws in force, shall not be required to be registered pursuant to this Section.

(2) Upon receipt of an application pursuant to Sub-section (1), the Local Authority shall make necessary examination of the application and also inquire the applicant into any matter, if so required, and, within Thirty Five days of the receipt of the application, give a provisional certificate as prescribed to the applicant for the publication of such a magazine.

² Amended by First Amendment.

Provided that, if any other magazine of which name resembles with the name of the magazine set forth in the application has already been registered with the Office of Local Authority, such a provisional certificate shall not be given to the applicant.

(3) After giving a provisional certificate pursuant to Sub-section (2), the Local Authority shall give a notice thereof, along with all details of such a magazine, to the Press Registrar.

(4) Upon receipt of a notice pursuant to Sub-section (3), the Press Registrar shall examine whether any magazine of which name resembles with the magazine has already been registered with the Office of the Local Authority, and give approval to give a permanent certificate for the publication of such a magazine if no magazine of which name resembles with that of such a magazine has already been registered.

(5) Upon receiving from the Press Registrar pursuant to Sub-section (4), the Local Authority shall give a permanent certificate to the concerned applicant.

(6) If there is any reasonable ground for refusing to give a permanent certificate to the applicant,³ the Local Authority shall give information thereof to the applicant normally within three months after the date of making application. The provisional certificate given to the applicant shall *ipso facto* be canceled upon the giving of such information.

(7) Upon giving the certificate pursuant to Sub-section (4), the Local Authority shall enter the details of magazine in the register.

(8)⁴ If it is required to change the name, type and language of the magazine or to publish any magazine in more than one language or publish

³ Amended by First Amendment.

⁴ Amended by First Amendment.

a magazine being published in one District in another District or in more than one District, application has to be made to the Local Authority and the certificate has to be obtained pursuant to Sub-section (1).

(9) If it is required to make any alteration with respect to the magazine other than that set forth in Sub-section (8), the publisher shall give details of such an alteration to the Local Authority for approval.

(10) The Local Authority shall, immediately upon receiving the details as referred to in Sub-section (9), enter the same in the register as referred to in Sub-section (7) and give approval thereof to the concerned publisher.

(11) The Local Authority shall give information of alterations in the details of magazines registered pursuant to the Section to the Press Registrar.

7A.⁵ Cancellation of registration of magazines: The registration of a magazine shall be canceled in any of the following circumstances:

- (a) If even a single issue is published within one year of the date of registration of the magazine;
- (b) If a notice in writing is not given to the Department of Information to that effect within one year after the date of non-publication of the magazine.

Provided that, such a notice shall not be given for a period of more than One year at a time and for a period of more than Five years in consecutive Five times.

8. Transfer of ownership of magazines: (1) If the ownership of publication of a magazine registered pursuant to Section 7 is transferred to

⁵ Inserted by Communication Related Some Nepal Acts (Amendment) Act, 2057.

a person in accordance with law, the person who so gets ownership shall give information thereof in the prescribed format to the Local Authority within Seven days.

(2) The Local Authority shall, upon receiving the information as referred to in Sub-section (1), enter the relevant details in the register and give information of such transfer of ownership of the magazine to the Press Registrar.

9. Matters to be mentioned in magazines: A magazine shall clearly contain as prescribed the name of publisher, editor, printer and press and year and number of publication.

9A.⁶ Size and number of pages of a magazine: (1) The minimum size and number of pages of a magazine to be registered and published pursuant to Section 7 shall be as prescribed.

(2) No facility, assistance or advertisement to be given by the Government of Nepal or a body owned by the Government of Nepal shall be given to a magazine which is published in alteration of the size and number of pages as prescribed pursuant to Sub-section (1).

10. Publication of magazines: A publisher shall so publish every edition of a magazine as not to be in alteration of the details entered in the register as referred to in Section 7.

11. Notice of closure of publication to be given: In the event of closure of the publication of a magazine operated upon obtaining the certificate pursuant to Section 7, its publisher shall give a notice of closure thereof to the Local Authority.

⁶ Inserted by First Amendment.

12. **Not to be subject to censorship:** Except on conditions as referred to in Sections 14 and 15, any news, article or any other reading materials in any magazine shall not be subject to censorship.
13. **Not to cancel registration of magazines:** The registration of any magazine registered pursuant to Section 7 shall not be canceled for having published any news, article or reading material in the magazine.
14. **Restriction on publication:** The following matters shall not be allowed to be published in any book or magazine:
- (a)
 - (b) Undermining the sovereignty and integrity of Nepal;
 - (c) Disrupting security, peace and order in Nepal;
 - (d) Creating enmity among the people of the various castes, tribes, religions, classes, regions, communities and spreading communal disharmony; and
 - (e) Hurting decency, morals and social honour of the people generally.
15. **Prohibition on publication:** (1) The Government of Nepal may, in view of the national interest, by publishing a Notification in the Nepal Gazette, issue an order prohibiting the publication any news, information or other reading material relating to any specific subject, event or area until the period specified in the notification or allowing the publication only upon getting the same to be examined or verified by the authority specified in the Notification⁸.

⁷ Deleted by Republic Strengthening and Some Nepal Laws Amendment Act, 2066.

⁸ Inserted by First Amendment.

(2) After the issuance of an order as referred to in Sub-section (1), no one shall publish, translate or quote such news, information or reading material.

16. Control of imports of foreign publications: (1) The Government of Nepal may issue an order restricting the imports of foreign publications which have the following objective or may have such possible consequences:

- (a) Doing acts contrary to the national interest and dignity;
- (b)⁹ Disrupting security, peace and order in the country;
- (c)¹⁰ Disrupting relations with foreign states and governments;
- (d) Creating enmity among the people of the various castes, tribes, religions, classes, regions, communities and spreading communal disharmony; and
- (e)¹¹ Hurting decency, morals and social honor of the people generally.

(2) If the concerned customs officer or postal officer suspects that any publication forbidden pursuant to Sub-section (1) is being imported, he or she may hold and open such consignment, and send two copies of the suspected publication to the Local Authority with an invoice and keep the rest with him or her.

(3) Upon receiving the publication sent by the customs officer or postal officer pursuant to Sub-section (2), the Local Authority shall give a

⁹ Omitted by Communication Related Some Nepal Acts Amendment Ordinance, 2062 and *ipso facto* revived by Provisions of Some Nepal Acts Revival Act, 2063.

¹⁰ Deleted by Communication Related Some Nepal Acts Amendment Ordinance, 2062 and *ipso facto* revived by Provisions of Some Nepal Acts Revival Act, 2063.

¹¹ Omitted by Communication Related Some Nepal Acts Amendment Ordinance, 2062 and *ipso facto* revived by Provisions of Some Nepal Acts Revival Act, 2063.

notice, also accompanied by the reason, if any, for holding such a publication, to the importer, and if there is no reason for holding such a publication, the Local Authority shall issue an order to return the publication held by the customs officer or postal officer to the importer within Twelve hours after the receipt of such a publication.

(4) The Government of Nepal may remove the restrictions imposed pursuant to Sub-section (1) at any time if it feels so necessary.

17. Prohibition on export, sale, distribution etc. of restricted publication or prohibited publication: (1) No one shall export any restricted publication or prohibited publication.

(2) No one shall knowingly print, sell, distribute or demonstrate any restricted publication or prohibited publication.

18.¹²

Chapter-5

Provisions Relating to Press Registrar, Press Representatives and Independent Journalists

19. Press Registrar: (1) The Government of Nepal shall appoint one Press Registrar to perform the function of maintaining records of all details of magazines published from Nepal.

(2) The functions, duties and powers of the Press Registrar appointed pursuant to Sub-section (1) shall be as follows:

(a) To give approval for the issuance of permanent certificate of magazines pursuant to Section 7;

¹² Repealed by First Amendment.

- (b) To obtain from the Local Authority all details of magazines registered pursuant to Section 7 and maintain records thereof;
- (c) To obtain information from the Local Authority with respect to alterations made from time to time in the names, languages, types, periods of publication, places of publication etc. of magazines and maintain up-to-date records;
- (d) To prepare an annual report on matters of names, languages, types, periods of publication, places of publication etc. of magazines to be published within Nepal;
- (e) To give advice to the Government of Nepal on the facilities to be provided to magazines;
- (f) If any person requests for details with respect to any magazine for the purpose of providing an advertisement in the magazine, to provide details by collecting the fees as prescribed;
- (g) To perform such other functions and actions as prescribed to be performed by the Press Registrar pursuant to this Act or other laws in force.

(3) Other provisions relating to the Press Registrar shall be as prescribed.

20.¹³ **Provisions relating to press representatives:** (1) If any Nepalese or foreign press or communication institution shall forward details as prescribed, setting out, *inter alia*, the names, qualification and scope of

¹³ Amended by First Amendment.

work of its representatives who work within Nepal, to the prescribed authority.

Provided that, in the case of journalists who accompany the head of state or head of government of or a high level delegation of a friendly foreign country who visit Nepal or those journalists who visit Nepal at the invitation of the Government of Nepal, the Government of Nepal may exempt from the requirement of giving such details during the period of such visit.

(2) The Government of Nepal may arrange for the issuance of the press representative certificate to the representatives of the press or communication related institution who forwards the details as referred to in Sub-section (1).

(3) The Government of Nepal may arrange for the issuance of a temporary press representative certificate to the representatives who visit Nepal for a short duration on the occasion of a national feast and festival or special function in Nepal.

(4) A person who intends to obtain the press representative certificate pursuant to Sub-section (2) or (3) has to make an application, accompanied by a recommendation of the institution in which he or she is engaged and a copy of the certificate of qualification as prescribed, to the prescribed authority. An independent journalist who wishes to obtain the press representative certificate may also make an application accordingly.

(5) Upon receipt of an application pursuant to Sub-section (2) or (3), the prescribed authority shall make necessary into such an application and issue the press representative certificate or temporary press representative certificate in the prescribed format to the applicant, by collecting the prescribed fees.

(6) A person who has obtained the press representative certificate or temporary press representative certificate pursuant to Sub-section (5) may collect news within his or her area of work, subject to this Act and the laws in force.

(7) Other provisions relating to press representatives and independent journalists shall be as prescribed.

Chapter-6

Punishment

21. **In the event of operation of press without obtaining certificate:** (1) If any person operates a press without obtaining certificate pursuant to Section 3, the Local Authority may punish such a person with a fine of up to Ten Thousand Rupees.
- (2) If a person operates a press without correcting the details changed pursuant to Sub-section (4) of Section 3, the Local Authority may punish such a person with a fine of up to Three Thousand Rupees.
22. **In the event of submission of false details:** If any person is held to have submitted false details pursuant to Sections 3 and 7 knowingly, the Local Authority may punish such a person with a fine of up to Three Thousand Rupees.
23. **In the event of failure to submit book:** If any person does not submit a book required to be submitted pursuant to Section 5, the Local Authority may punish such a person with the price of the book and a fine equivalent to the price of that book.
24. **In the event of failure to mention matters required to be mentioned:** If any publisher fails to mention such matters as required to be mentioned in a book or newspaper pursuant to Sections 6 and 9, the Local

Authority may punish such a publisher with a fine of up to Five Thousand Rupees.

25.¹⁴

26. **In the event of making publication in an unauthorized manner:** (1)

If any person publishes any publication without obtaining the certificate pursuant to Section 7, such a person shall be liable to a fine of up to Five Thousand Rupees or imprisonment for a term not exceeding Six months or both punishments.

(2) If any person publishes any details that was changed pursuant to Sub-section (9) of Section 7 without correcting the same, the Local Authority may punish such a person with a fine of up to Three Thousand Rupees.

27. **In the event of publication of restricted publication or prohibited publication:** If any person publishes any matter that is restricted pursuant to Section 14 or that is prohibited pursuant to Section 15, such a publisher or editor shall be liable to the punishment, if any provided by the laws in force for having committed such an act, and failing such punishment shall be liable to a fine of up to Ten Thousand Rupees¹⁵ or imprisonment for a term not exceeding One year or both punishments.

28. **In the event of export, sale and distribution of restricted publication or prohibited publication:** (1) If any person exports any restricted or prohibited publication, the Local Authority may punish such a

¹⁴ Repealed by the First Amendment.

¹⁵ Amended by the Communication Related Some Nepal Acts (Amendment) Ordinance, 2062 and *ipso facto* revived by the Provisions of Some Nepal Acts Revival Act, 2063.

person with a fine of up to Five Thousand Rupees,¹⁶ and seize such a publication.

(2) If any person knowingly prints or sells and distributes or demonstrates any restricted or prohibited publication, the Local Authority may punish such a person with a fine of up to Five Thousand Rupees,¹⁷ and seize such a publication.

29. In the event of translation or quotation of restricted publication

or prohibited publication: If any person translates and quotes any restricted or prohibited publication, the Local Authority may punish such a person with a fine of up to Five Thousand Rupees,¹⁸ and seize such a publication.

30. In the event of import of foreign publication:

If any person imports a foreign publication that is restricted pursuant to Section 16, the Local Authority may punish such a person with a fine of up to Five Thousand Rupees,¹⁹ and seize such a publication.

31. In the event of acting without obtaining press representative

certificate: (1) Any facility, assistance or concession to be given by the Government of Nepal or a body owned by the Government of Nepal to the press representatives shall not be given to a person who has not got the certificate pursuant to Sub-section (5) of Section 20.

(2) Any facility, assistance or concession to be given by the Government of Nepal or a body owned by the Government of Nepal to the

¹⁶ Amended by the Communication Related Some Nepal Acts (Amendment) Ordinance, 2062 and *ipso facto* revived by the Provisions of Some Nepal Acts Revival Act, 2063.

¹⁷ Amended by the Communication Related Some Nepal Acts (Amendment) Ordinance, 2062 and *ipso facto* revived by the Provisions of Some Nepal Acts Revival Act, 2063.

¹⁸ Amended by the Communication Related Some Nepal Acts (Amendment) Ordinance, 2062 and *ipso facto* revived by the Provisions of Some Nepal Acts Revival Act, 2063.

¹⁹ Amended by the Communication Related Some Nepal Acts (Amendment) Ordinance, 2062 and *ipso facto* revived by the Provisions of Some Nepal Acts Revival Act, 2063.

press or medial organizations shall not be given to any organization that does not provide the information pursuant to Sub-section (1) of Section 20.

(3) If any person who has got the certificate pursuant to Sub-section (5) of Section 20 misuses any facility, assistance or concession provided by the Government of Nepal or a body owned by the Government of Nepal, the Government of Nepal may suspend the certificate of such a person for a specified period of time, withdraw the certificate or cancel it.

(4) If the Government of Nepal is of the opinion that the activity of any foreign press representative who has got the certificate pursuant to Sub-section (5) of Section 20 is contrary to the national interest, the Government of Nepal may withdraw or cancel the press representative certificate of such a person.

32. **Appeal:** A person who is not satisfied with a decision made by the Local Authority pursuant to this Chapter may make an appeal to the prescribed court within Thirty Five days after the date of that decision.

Chapter-7

Miscellaneous

33. **Entitlement to compensation:** If any publication that is seized pursuant to this Act is not held to be a restricted publication or prohibited publication or if the accusation on which seizure was made is not proved, the publisher or owner shall be entitled to the following compensation from the Government of Nepal:
- (a) If the publication of which price was specified has been seized, not exceeding the amount equal to the actual price that the publisher or owner could get from the sale of such a publication,

Provided that, in the case of a book, if the owner of book or publisher gets the book back, he or she shall not be entitled to the compensation.

- (b) In the case of the other material of which price was not specified, not exceeding the actual price that has to be sustained in the acquisition or publication of such materials.

- 34. Qualification of editor or press representative:** The qualification of a person who intends to act as an editor or press representative of a magazine that is to be published upon obtaining the certificate pursuant to this Act shall be as prescribed.
- 35. Classification of grade of magazines:** The Prescribed Authority may classify the grade of magazines on the prescribed grounds. Prior to so classifying the grade, the Prescribed Authority has to consul the Press Council.
- 36. In the event of publication of name for act not done:** If the name of any person is mentioned in any book or magazine as its editor, publisher or editor and that person has not done that act, that person may, upon knowing the publication of that matter, give a notice to the Local Authority refuting the matter that has been so published.
- 37. To be state cases:** Cases under this Act shall be sate cases.
- 38. Power to delegate power:** The Government of Nepal may, by a Notification in the Nepal Gazette, delegate any or all powers conferred to it by this Act to any authority.
- 39. Power to frame Rules:** The Government of Nepal may frame Rules for the implementation of the objectives of this Act.

40. **This Act to prevail:** The matters set forth in this Act shall be governed by this Act and the other matters shall be governed by the laws in force.
41. **Saving:** The certificate received pursuant to the commencement of this Act shall be deemed to have been received pursuant to this act.
42. **Repeal:** The Press and Publication Act, 2039 is, hereby, repealed.

NEPAL LAW COMMISSION