

## The National Broadcasting Regulation, 2052 (1995)

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In exercise of the powers conferred by Section 21 of the National Broadcasting Act, 2049 (1993), His Majesty's Government has framed the following Rules.

1. **Short title and commencement:** (1) These Rules may be cited as the "National Broadcasting Regulation, 2052 (1995)".

(2) This Regulation shall come into force forthwith.

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

- (a) "Act" means the National Broadcasting Act, 2049 (1993).
- (b) "Permission letter" means the permission letter issued pursuant to sub-section (2) of Section 9 of the Act for broadcasting a program by establishing the earth station relating to satellite and cable television.
- (c) "Other means of communication" means any means of communication other than the satellite and cable, and this term includes the multi-channel microwave distribution system (M.M.D.S.) and optical fiber transmission system.
- (d) "Consumer" means any person or institution using the communication service of any broadcasting institution or person having obtained the license and permission letter.
- (e) "Ministry" means the Ministry of Information and Communications, His Majesty's Government.

3. **Submission of application for license:** Any person or corporate body who desires to obtain the license, pursuant to Section 5 of the Act, in order to broadcast any program through satellite, cable or other means of

communication or broadcast any program by establishing the frequency modulation broadcasting system has to submit to the Ministry an application, accompanied by the fee as referred to in sub-rule (1) of Rule 7, in the format as referred to in Schedule-1 (a) and Schedule-1 (b), respectively.

4. **Issuance of license:** If any application is submitted for the license pursuant to Rule 3, the Ministry may, if, upon holding necessary inquiry as to the application, it deems that the license may be issued to the applicant, issue the license to broadcast any program through satellite, cable or other means of communication or to broadcast any program by establishing the frequency modulation broadcasting system, in the format as referred to in Schedule-2 (a) and Schedule-2 (b), respectively, by collecting the fee as referred to in sub-rule (2) of Rule 7.
5. **To obtain permission letter to broadcast program by establishing earth station:** Any person or corporate body referred to in sub-section (1) of Section 9 of the Act who desires to broadcast any program by establishing the earth station relating to satellite and cable television has to submit an application, accompanied by the fee referred to in sub-rule (1) of Rule 7, in the format as referred to in Schedule-3, to the Ministry for permission letter.
6. **Issuance of license:** If any application is submitted for the permission letter pursuant to Rule 5, the Ministry may, if, upon holding necessary inquiry as to the application, it appears that the permission letter may be issued to the applicant to broadcast any program by establishing the earth station relating to satellite and cable television, issue the permission letter in the format as referred to in Schedule-4, by collecting the fee as referred to in sub-rule (2) of Rule 7.
7. **Fees for application, license and permission letter:** (1) Any application to be submitted for the license and permission letter shall be accompanied by the fees as mentioned in Schedule -5 (a).  
  
(2) The fees charged for issuing the license and permission letter shall be as mentioned in Schedule -5 (b).
8. **Terms to be observed by broadcasting institution or person broadcasting program:** While broadcasting a program, a broadcasting

institution or person having obtained the license and permission letter has to observe the following terms, subject to Rule 9: -

- (a) While broadcasting or distributing a program, consent of the concerned broadcasting institution or person has to be obtained.
- (b) No broadcasting institution or person shall sell or otherwise transfer his license or permission letter to any other person or institution.
- (c) No program other than that mentioned in the license or permission letter shall be broadcast or distributed.
- (d) Any broadcasting institution or person broadcasting programs through less than four channels has to devote one-fourth of his program broadcasting time to broadcast, and any broadcasting institution or person broadcasting programs through more than four channels has to devote at least one channel to broadcast, a program of the broadcasting institution owned by His Majesty's Government, by concluding agreement with that institution.
- (e) In times of distress or natural calamity, governmental information has to be broadcast free of charge for up to five minutes at a time and for up to six hours a day, if it is so directed by the Ministry.
- (f) If the Ministry, in times of war or emergency situation, gives a direction to broadcast any particular programs only, only such programs have to be broadcast.
- (g) If, while broadcasting or distributing programs, any private house and compound belonging to anyone or public land or road, electric pole etc. has to be used, an agreement has to be concluded with the concerned person or body.
- (h) An agreement has to be concluded between the broadcasting institution or person broadcasting programs and the consumer on the distribution and use of such programs.

(i) Any broadcasting institution or person broadcasting programs has to give his call sign at the beginning, interval and end of the programs.

(j) To observe such other terms as prescribed by the Ministry thinking it necessary.

**9. Prohibition on broadcasting:** No broadcasting institution or person broadcasting the program shall be allowed to broadcast any program on the following matters:

(a) A matter that is hateful or contemptible to, or generates enmity with or jeopardizes, the honor of, His Majesty the King or the Royal family.

(b) A matter that undermines the security, peace and order of the Kingdom of Nepal.

(c) A matter that jeopardizes the decency, morality of the general public and social decency.

(d) A matter that undermines the sovereignty and integrity of the Kingdom of Nepal.

(e) A matter that creating enmity or social misbelieve amongst the people of various castes, tribes, religions, races, regions, communities.

(f) A matter that results in the contempt of court.

(g) A vulgar material of such kind as to spread social deformity.

(h) A material that undermines the reputation, honor or prestige of any person, by pointing out the name of that person.

(i) Such other materials prohibited from being broadcast as prescribed by the Ministry from time to time.

**10. To record particulars:** (1) The Ministry shall record particulars of the license and permission letter in the registration book as referred to in Schedule -6.

(2) Even if any particulars mentioned in the license or permission letter are altered pursuant to Rule 15 or the license and permission letter are renewed, the Ministry has to record that matter in the registration book as referred to in sub-rule (1).

**11. Broadcasting and distribution fees:** (1) A broadcasting institution or person broadcasting programs has to pay a sum to be set by four per cent of his annual gross income to His Majesty's Government as a royalty.

(2) The fees to be collected by a broadcasting institution or person broadcasting programs from the consumers shall be as prescribed by the Ministry, also based on the expenses actually incurred by such broadcasting institution or person.

**12. Availability of broadcasting time:** Time for broadcasting program may, subject to Rule 9, be made available to a foreign broadcasting institution or means of communication intending to broadcast any program as referred to in Section 13 of the Act.

**13. Availability of time for broadcasting advertisement:** If any person intends to get any advertisement broadcast pursuant to Section 14 of the Act, the advertisement fee to be collected from such person, institution or body shall be as prescribed by the Ministry, also taking into account the actual expenses to be incurred in broadcasting that advertisement by the institution or person providing the time for broadcasting that advertisement and the advertisement fees charged by the broadcasting institutions of SAARC countries.

**14. Closure of broadcasting activity:** If a broadcasting institution or person having obtained the license and the permission letter intends to close broadcasting related activities being made by him for any reason, the institution or person has to give information thereof in writing to the Ministry no later than one month; and the Ministry has also to mention it in the registration book as referred to in Rule 10.

**15. Alteration in particulars:** (1) Any person who intends to alter any particulars mentioned in the license and the permission letter has to submit to the Ministry an application in the format as referred to in Schedule-7, accompanied by a fee of five hundred rupees.

(2) The Ministry may, if the contents of the application submitted to alter the particulars pursuant to sub-rule (1) appear reasonable, alter the particulars as per the application.

**16. Period of license and permission letter and renewal fee:** (1) The period of the license and the permission letter shall be as mentioned in the license and the permission letter.

(2) A broadcasting institution or person intending to have the license or the permission letter renewed has to submit to the Ministry an application for renewal, in the format as referred to in Schedule-8, prior to expiration of the period mentioned in the license or the permission letter.

(3) If an application is submitted for the renewal of the license or the permission letter pursuant to sub-rule (2), the Ministry may renew such license or permission letter, by charging an additional fee in a sum to be set by ten percent of the fee chargeable for the issuance of license or permission letter.

(4) If it is applied for the renewal of the license or the permission letter after expiration of the time limit referred to in sub-rule (2), the Ministry may renew such license or permission letter, by also collecting a fine of ten percent for up to the first one month, twenty percent for up to the second one month, thirty percent for up to the third one month, forty percent for up to the fourth one month, fifty per cent for up to the fifth one month and cent percent for the sixth one month. The license or the permission letter shall be deemed to have *ipso facto* been canceled if that license or permission letter is not got renewed even within six months.

**17. Issuance of duplicate copy of license or permission letter:** If any person applies for a duplicate copy of the license or the permission letter, showing a reason that it has been lost or destroyed due to natural calamity, torn out because of being old or the renewal space therein filled up, the

Ministry may issue a duplicate copy of such license or permission letter by collecting a fee of five hundred rupees.

**18. Power of inspection and investigation:** (1) The Ministry or the authority prescribed by the Ministry may inspect or investigate, or cause to be inspected or investigated, a broadcasting institution as to whether the programs have been broadcast in consonance with the Act, this Regulation or the terms mentioned in the license or the permission letter.

(2) If, in conducting inspection or investigation pursuant to sub-rule (1), it is found that the programs have been broadcast in contravention of the terms, the Ministry may, taking into account the case, provide an opportunity to act as per the terms for one time; and if, even after providing such opportunity, it is found from the inspection or investigation conducted again that acts have been done in contravention of the terms, the Ministry may cancel the license or the permission letter obtained by such broadcasting institution or person.

**19. Responsibility of broadcasting institution or person having obtained license or permission letter:** If the broadcasting of a program by any person pursuant to the Act or this Regulation affects the right, interest, prestige or honor of any one, the concerned broadcasting institution or person having obtained license or permission letter shall be responsible therefor.

**20. Power to form committee:** The Ministry may, if it thinks necessary, form a committee consisting of the persons having expertise in the field of communications, so as to accomplish the objectives of the Act or this Regulation or render advice and suggestion about the functions of the Ministry. The formation, functions, duties and powers and other procedures of such committee shall be as prescribed at the time of its formation.

**21. Penalizing Authority:** (1) There shall be a committee as follows for the purpose of imposing punishments pursuant to Section 17 of the Act: -

(a) Secretary, Ministry of Information and Communications –  
Chairman

(b) One officer appointed by the Ministry from amongst the officers of His Majesty's Government having experience in the field of law

-  
Member

- (c) Chief, Frequency Management and Technology Analysis Division, Ministry of Information and Communications - Member-secretary

(2) The meetings as well as other procedures of the committee referred to in sub-rule (1) shall be as prescribed by the Ministry.

**22.** <sup>[1]</sup> **Power to make alteration and addition or deletion in Schedule:** The Ministry may, by a notification published in the Nepal Gazette, make alteration and addition or deletion in the Schedule.



**Schedule - 1 (a)**

(Relating to Rule 3)

**Application for**

**license to broadcast programs through satellite, cable or other means of communication**

To,

.....

I/we hereby submit this application, setting out the following particulars, for the license to broadcast programs through satellite/cable or other means of communication pursuant to Rule 3 of the National Broadcasting Regulation, 2052 (1995).

1 Applicant's,

(a) Permanent address-

District: -

Municipality/V.D.C.: -

Ward No.: -

Village/Tole: -

Phone No.: -

(b) Temporary address-

District: -

Municipality/V.D.C.: -

Ward No.: -

Village/Tole: -

Phone No.: -

2. Applicant's citizenship: -

3. Broadcasting institution or person's-

(a) Name: -

(b) Economic condition (fixed and running capital): -

(c) Experience: -

(d) Technical capacity: -

4. Place of broadcasting: -
5. Area of broadcasting and population: -
6. Broadcasting commencement date: -
7. Means of broadcasting: -
8. Capacity of broadcasting: -
9. Frequency and channel to be used for broadcasting: -
10. Equipment to be used for broadcasting: -
11. Agreement on broadcasting made with consumers and other persons or bodies: -
12. Language to be used in broadcasting: -
13. Time and period of broadcasting: -
14. Programs to be broadcast: -

The matters contained above are true and correct; if they are proved false, I/We shall bear and pay according to law.

Applicant's-

Signature:-

Name:-

Date:-

Note:-

The applicant has to get a detail study of financial, technical and business aspects of the subject on which he intends to obtain license done by an

experienced and reputed person or a recognized research institution in the concerned field, and attach such study with the application.

## **Schedule - 1 (b)**

(Relating to Rule 3)

Application for license to broadcast programs by establishing

### **frequency modulation broadcasting system**

I/we hereby submit this application, setting out the following particulars, for a license to broadcast programs by establishing the frequency modulation broadcasting system, pursuant to Rule 3 of the National Broadcasting Regulation, 2052 (1995).

1. Applicant's -
  - (a) Permanent address-  
District: -  
Municipality/V.D.C.: -  
Ward No.: -  
Village/Tol: -  
Phone No.: -
  - (b) Temporary address-  
District: -  
Municipality/V.D.C.: -  
Ward No.: -  
Village/Tol: -  
Phone No.: -
2. Applicant's citizenship: -
3. Broadcasting institution or person's-
  - (a) Name: -
  - (b) Economic condition (fixed and running capital): -
  - (c) Experience: -
  - (d) Technical capacity: -
4. Place of establishment of transmission system and broadcasting centre: -
5. Area of broadcasting and population: -

6. Broadcasting commencement date: -
7. Means of broadcasting: -
8. Capacity of broadcasting: -
9. Things to be used while broadcasting-
  - (a) Frequency: -
  - (b) Band: -
  - (c) Channel: -
  - (d) Transmitter: -
  - (e) Antenna: -
10. Equipment to be used for broadcasting: -
11. Agreement on broadcasting made with consumers and other persons or bodies: -
12. Language to be used in broadcasting: -
13. Time and period of broadcasting: -
14. Programs to be broadcast: -

The matters contained above are true and correct; if they are proved false, I/we shall bear and pay according to law.

Applicant's-

Signature: -

Name: -

Date: -

Note: -

The applicant has to get a detail study of financial, technical and business aspects of the subject on which he intends to obtain license done by an experienced and reputed person or a recognized research institution in the concerned field, and attach such study with the application.

**Schedule - 2 (a)**  
**(Relating to Rule 4)**

License

**for**

**broadcasting programs through satellite, cable or other means of communication**

Number of license: -

1. Name of person or institution having obtained license: -

2. Address: -

(a) Permanent address-  
address-

(b) Temporary

District: -

District: -

Municipality/V.D.C.: -  
Municipality/V.D.C.: -

Ward No.: -

Ward No.: -

Village/Tol: -

Village/Tol: -

Phone

No.: -

Phone No.: -

3. Name of broadcasting institution or person: -

4. Means of broadcasting: -

5. Capacity of broadcasting: -

6. Things to be used while broadcasting-

(a) Frequency: -

(b) Channel: -

7. Place of broadcasting: -

8. Area of broadcasting and population: -
9. Broadcasting commencement date: -
10. Language to be used in broadcasting: -
11. Time and period of broadcasting: -
12. Programs to be broadcast: -
13. Validity date of license: -
14. Other terms: -
  - (a)
  - (b)
  - (c)

Licensing authority's-

Signature: -

Name: -

Designation: -

Office: -

Date: -



Renewal details

Fiscal year	Renewal fee and other details	Date of renewal	Signature of renewing authority

-

**Schedule - 2 (b)**

(Relating to Rule 4)

**License**

**for**

**broadcasting programs by establishing  
frequency modulation broadcasting system**

Number of license: -

1. Name of person or institution having obtained license: -

2. Address: -

(a) Permanent address-

(b) Temporary address-

District: -

District: -

Municipality/V.D.C.: -

Municipality/V.D.C.: -

Ward No.: -

Ward No.: -

Village/Tol: -

Village/Tol: -

Phone No.: -

Phone No.: -

3. Name of broadcasting institution or person: -

4. Means of broadcasting: -

5. Capacity of broadcasting: -

6. Things to be used while broadcasting-

(a) Frequency: - (b) Band

(c) Channel: - (d) Transmitter

(e) Antenna: -

7. Place of establishment of broadcasting system and broadcasting center: -

8. Area of broadcasting and population: -
9. Broadcasting commencement date: -
10. Language to be used in broadcasting: -
11. Time and period of broadcasting: -
12. Programs to be broadcast: -
13. Validity date of license: -
14. Other terms: -
  - (a)
  - (b)
  - (c)

Licensing authority's-

Signature: -

Name: -

Designation:

-

Office: -

Date: -

Renewal details

Fiscal year	Renewal fee and other details	Date of renewal	Signature of renewing authority

**Schedule - 3**

(Relating to Rule 5)

**Application for**

**Permission letter for broadcasting programs by establishing earth station  
relating to satellite and cable television**

To,

.....

I/we hereby submit this application, setting out the following particulars, for the permission letter to programs by establishing the earth Station relating to satellite and cable television, pursuant to Rule 5 of the National Broadcasting Regulation, 2052 (1995).

1. Applicant's:

- |                        |                        |
|------------------------|------------------------|
| (a) Permanent address- | (b) Temporary address- |
| District: -            | District: -            |
| Municipality/V.D.C.: - | Municipality/V.D.C.: - |
| Ward No.: -            | Ward No.: -            |
| Village/Tol: -         | Village/Tol: -         |
| Phone No.: -           | Phone No.: -           |

2. Applicant's citizenship: -

3. Of person or institution broadcasting programs by establishing the earth station: -

- (a) Name: -
- (b) Economic condition - (fixed and running capital): -
- (c) Experience: -

- (d) Technical capacity: -
- 4. Investment to be made for broadcasting: -
  - (a) Proposed investment: -
  - (b) Source of investment: -
- 5. Income from broadcasting: -
  - (a) Annual income: -
  - (b) Source of income: -
- 6. Means of broadcasting and distributing programs: -
  - (a) Through up-linking with satellite
  - (b) Through other means
- 7. Details of the earth station: -
  - (a) Satellite to be linked with
  - (b) Frequency band / frequency to be used
  - (c) Surface means of program distribution
- 8. Place of broadcasting and broadcasting station: -
- 9. Area of broadcasting and population: -
- 10. Date of commencement of broadcasting: -
- 11. Language to be used in broadcasting: -
- 12. Time and period of broadcasting: -
- 13. Programs to be broadcast: -
- 14. Name of the countries from which equipment is imported: -
- 15. Other particulars: -

(a)

(b)

(c)

Applicant's: -

Signature: -

Name: -

Date: -

Note: -

The applicant has to get a detail study of financial, technical and business aspects of the subject on which he intends to obtain license done by an experienced and reputed person or a recognized research institution in the concerned field, and attach such study with the application.

**Schedule - 4**

(Relating to Rule 6)

Permission letter

**for**

**broadcasting programs by establishing earth station  
relating to satellite and cable television**

Number of license: -

1. Name of person or institution having obtained permission letter: -
2. Address: -
  - (a) Permanent address-  
District: -  
Municipality/V.D.C.: -  
Ward No.: -  
Village/Tol: -  
Phone No.: -
  - (b) Temporary address-  
District: -  
Municipality/V.D.C.: -  
Ward No.: -  
Village/Tol: -  
Phone No.: -
3. Permission letter holder's citizenship: -
4. Of person or institution broadcasting programs by establishing the earth station: -
  - (a) Name: -
  - (b) Economic condition - (fixed and running capital): -
  - (c) Experience: -
  - (d) Technical capacity: -
5. Of the earth station: -
  - (a) Satellite to be linked with: -



- (b) Frequency band/frequency to be used: -
  - (c) Surface means of program distribution: -
  - (d) Antenna: -
  - (e) Others: -
6. Means of broadcasting: -
  7. Place of broadcasting and broadcasting station: -
  8. Area of broadcasting and population: -
  9. Date of commencement of broadcasting: -
  10. Language to be used in broadcasting: -
  11. Time and period of broadcasting: -
  12. Programs to be broadcast: -
  13. Validity period of permission letter: -
  14. Other terms: -
    - (a)
    - (b)
    - (c)

Seal of the office

Permission letter issuing authority's: -

Signature: -

Name: -

Designation: -

Office: -

Date: -

Renewal details

Fiscal year	Renewal fee and other details	Date of renewal	Signature of renewing authority

### **Schedule - 5 (a)**

(Relating to sub-rule (1) of Rule 7)

Fees payable while applying for

#### **license and permission letter**

1. For broadcasting programs through  
satellite, cable or other means of communication Rs.2, 000/-
2. For broadcasting programs by establishing  
frequency modulation broadcasting system Rs.1,  
500/-
3. For broadcasting programs by establishing  
earth station relating to satellite and cable  
television  
Rs.5, 000/-
- [\[2\]](#)4. For broadcasting programs by establishing earth station  
used by foreign media workers who come to transmit  
information of programs such as assemblies, conferences,  
seminars, symposiums for a short period Stamp of Rs. 5/-

### Schedule - 5 (b)

(Relating to sub-rule (2) of Rule 7)

Fees payable while issuing license and permission letter

1. For broadcasting programs through means of communication relating to satellite or cable

(a)	For cable network with capacity not exceeding 500 lines	Rs. 5,000/-
(b)	For cable network with capacity not exceeding 2500 lines	Rs. 20,000/-
(c)	For cable network with capacity not exceeding 5000 lines	Rs. 30,000/-
(d)	For cable network with capacity not exceeding 10000 lines	Rs. 5,000/-
(e)	For whatever capacity more than 10,000 lines	Rs.100,000/-

2. For broadcasting programs by establishing frequency modulation broadcasting system

(a)	For broadcasting center with capacity not exceeding 20 watt	Rs.10,000/-
(b)	For broadcasting center with capacity not exceeding 50 watt	Rs.25,000/-
(c)	For broadcasting center with capacity not exceeding 100 watt	Rs.50,000/-
(d)	For broadcasting center with capacity not exceeding 250 watt	Rs.100,000/-
(e)	For broadcasting center with capacity not exceeding 500 watt	Rs.200,000/-
(f)	For whatever capacity more than 500 watt	Rs.500,000/-

3. For broadcasting programs by establishing earth station

relating to satellite and cable television

Rs.3, 50,000/-

4. For broadcasting programs from earth station relating to satellite and cable television.
- (a) For up to ten channels Rs. 25,000/-
  - (b) For ten to twenty channels Rs. 50,000/-
  - (c) For more than twenty channels Rs. 75,000/-
5. For broadcasting programs through other means of communication Rs. 50,000/-
- <sup>3</sup>6. For broadcasting programs by establishing earth station used by foreign media workers who come to transmit information of programs such as assemblies, conferences, seminars, symposiums for a short period Stamp of Rs. 50/-

**Schedule - 6**

(Relating to sub-rule (1) of Rule 10)

**Registration Book**

**on**

**license and permission letter**

S.N	Name and address of person having obtained license and permission letter	Date of issue of license and permission letter, and type thereof	Validity period of license and permission letter	Fee for renewal of license and permission letter and renewal date	In case of any alteration in license and permission letter, details thereof	In case broadcasting activity is stopped, detail thereof, and date	Remarks

**Schedule - 7**

(Relating to sub-rule (1) of Rule 5)

Application

for

alteration in particulars mentioned in license/permission letter

To,

.....

As the following particulars, out of those mentioned in the license/permission letter obtained by me/us on....., are to be altered, I/we have submitted this application, accompanied by the fee payable pursuant to Rule 15 of the National Broadcasting Regulation, 2052 (1995), and the original copy of the license/permission letter.

Particulars to be altered:

(a)

(b)

(c)

(d)

Applicant's-

Signature: -

Address: -

Name: -

Date: -

**Schedule - 8**

(Relating to sub-rule (2) of Rule 16)

Application

for

renewal of license/permission letter

To,

.....

As the validity period of the license/permission letter obtained by me/us on....., is to expire on-----, I/we have submitted this application, accompanied by the fee payable under the rule and the original copy of the license/permission letter, for renewal of the license/permission letter.

Applicant's-

Signature: -

Address: -

Name: -

Date: -

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<sup>[1]</sup> See notification in the Nepal Gazette dated 2054.4.1 (July 16, 1997).

<sup>[2]</sup> Inserted by a notification in the Nepal Gazette dated 2058.9.9 (Dec. 24, 2001).

<sup>[3]</sup> Inserted by a notification in the Nepal Gazette dated 2058.9.9 (Dec. 24, 2001).