

‘Objectionable Contents’: The policing of the Nepali print media during the 1950s

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After the movement of 1950-51, the Nepali print media sector experienced significant growth. With the publication of the *Jagaran* weekly and *Aawaj* daily, both from the private sector, in 1951, the Nepali press also emerged from the state’s direct purview.

This article assesses the status of press freedom during this decade of media growth, i.e., between 1950 and 1960. By studying actions taken by the state agencies (mostly the Kathmandu Magistrate’s Office) against various newspapers, it seeks to answer the following questions: First, under what legal regime did newspapers function during this decade? Second, to what extent did newspapers enjoy the freedom of press enshrined in the Interim Constitution? Finally, what were considered to be ‘objectionable contents’ during this decade? By answering these questions, I show that the freedom enjoyed by the press was gradually curtailed through legal amendments, resulting in an increase in the number of actions taken against various newspapers. I also argue that the state agencies were particularly sensitive in regard to three institutions or agencies: the Shah monarch and his family; prime ministers and their governments; and foreign embassies and individuals. The likelihood of state action against newspapers increased when negative content was published in relation to any of these figures or institutions (cf. Hutt 2006).

In the first section of this article, the constitutional-legal arrangements that governed the press and publication sector during the period 1950-1960 are examined. This is undertaken in order to show the gradual shrinking of the freedom gained in 1951. The second section looks at a number of variables related to governmental actions taken against the papers. The third section explores what constitutes ‘objectionable contents’ in the eyes of the government agencies. At the end of the article there is a brief conclusion.

The first section of the paper uses state legal documents as its sources of information. The second and third sections rely mainly on the book *Nepalko Chhapakhana ra Patrapatrikako Itihas* by Grishma Bahadur Devkota

(2024 v.s.). More than half of this book (300 of a total of 560 pages) is devoted to detailing the actions taken against newspapers as a result of them publishing ‘objectionable contents.’ However, the entirety of what constitutes such ‘objectionable contents’ and the full details of the actions taken by the state agencies are not published in the book, thus limiting the scope of this research.

1. Constitutional/legal provisions

Provisions before 1951

The now infamous *Muluki Ain* (lit. Law of the Land) of 1854, prepared and enacted by the first Rana Prime Minister Jang Bahadur, contained no references to the press and publication sector.¹ In 1920, article 31 was added to the fifth part of the *Ain*. This addition made it mandatory for any document that was to be published to adhere to the following procedure: the proposed document should first be presented to the Nepali Bhasha Prakashini Samiti; the Samiti would review it; and, if it deemed it appropriate, would provide a no objection letter; only then would the document go to the press (PCN 2030 v.s.).²

Nepal’s first press act, the *Chhapakhana ra Prakashan Sambandhi Ain*, was enacted on 14 April 1948 and consisted of four sections and 34 articles. The Act prohibited the publication of a paper without first getting permission from the concerned authority of the state.³ Article 6 of the act proscribed the publication of content which indirectly, directly,

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- 1 Perhaps this was because there was no such need. In fact, it was Jang Bahadur who brought the first printing press, popularly called the *gidhe* (vulture) press, to Nepal in 1851.
 - 2 If a document was published without prior permission from the office, the publisher/printer was to be fined NRs. 50 in the case of ‘non-objectionable’ content. If the content was found to be ‘objectionable’ however, all the copies were to be seized and the case referred to the appropriate authority for further prosecution (PCN 2030 v.s.: 124-25 also Acharya 2008 v.s.: 157-63). It is worth noting here that Krishnalal Adhikari wrote an apparently ‘non-political’ book, *Makaiko Kheti* (Farming Maize), and only got it published after receiving permission from the relevant authority. Despite this, the book was later banned and all but one copy were seized. The author was also jailed for the ‘crime’ of publishing the book, eventually dying in incarceration (see Ghimire 2068 v.s. and Poudel 2045 v.s.).
 - 3 Article 9 of this act detailed the procedure to be used to acquire permission from the concerned office.

or satirically; using words, symbols and sentences; in books, papers and other documents; committed the following: incited one to murder or conspire against *Shree Panch* (the king) or *Shree Tin* (the Rana prime minister), obstructed the governance or government, caused sexual arousal (*kamatur garaune*) or disturbed social harmony, etc.⁴ This Act also required both the printer and publisher to deposit one thousand rupees cash, or collateral to the same value (see PCN 2030 v.s.).

Provisions after 1951

After the ‘Delhi compromise’ of 1951, political leaders returned to Nepal alongside King Tribhuvan. On 18 February 1951, Tribhuvan read out a proclamation, popularly known as the royal proclamation or *shahi ghoshana*. Subsequently, the Interim Constitution of 1951 (*Antarim Shashan Bidhan*, 2007; lit. interim governance act) was promulgated. The document legally introduced Nepal to a new system of political governance. It guaranteed, constitutionally, freedom of speech, with provisions related to freedom of expression and publication being stipulated in section 2, article 16(a).⁵

However, even before the formal transition of power, and before the Constitution actually came into force, some individuals had already begun publishing papers. *Jagaran* weekly, for example, had started from 15 February 1951, the day that Tribhuvan and other political leaders returned to Nepal. *Aawaj* daily then appeared on the market from 19 February, i.e., the day after the royal proclamation. In the following weeks and months, more papers came out. These papers did not fully adhere to the terms of the now redundant but still existing legal document of 1948. Instead, they published on their own. On 15 May 1951, the secretary to the Home Department sent out letters to both the publishers and printers of the papers, reminding them of the 1948 Act. In the letter, the secretary urged them to follow the existing law and, in the process, assist the government

4 There were 14 points detailed in the list of things that the publications ought not do (see PCN 2030 v.s.: 93-112).

5 It is also to be noted here that on 9 September 1952 Tribhuvan promulgated a special Emergency Powers Act, through which he arrogated to himself enormous executive power, thereby abrogating the king-in-council principle upon which the Interim Constitution was said to have been prepared. The new Act clearly stipulated that ‘The executive power of the State shall be vested in the King who shall exercise it directly or through the subordinate officers according to the laws framed by him’ (Chauhan1971: 62).

in maintaining law and order. The letter further asked them to send two copies of the printed materials (newspapers, books, etc.) to the office immediately after they were published.

This attempt to revert to the governance of the old Act created a stir and resulted in the papers condemning the effort. Both the *Janamitra* monthly and the Bulletin of the Nepali National Congress ran an editorial on this issue. 'Inappropriate order of the interim government; against press freedom,' wrote the former, adding that, 'the revolution was waged to break the draconian law, and civil rights were attained, but now there is this attempt to curtail the press freedom by using the same old act.' The latter declared that the people must oppose such an arbitrary (*manpari*) action of the government. In light of the barrage of such criticisms, the government issued a press release on 18 May, in order 'to clear up the misunderstandings'. The release stated, 'Since the old Act is yet to be amended and the new Act still is not on the horizon, the press is printing irresponsibly (*jathabhavi*)'. This, it was claimed, forced the government to draw the attention of the press to the existing law, so as to maintain law and order. Moreover, it was also mentioned in the release that the law 'will soon be amended and the press freedom shall in no way be curtailed' (Devkota 2024 v.s.: 232-33).

Two Acts of 1952

In 1952, two Acts, namely the Nepal Chhapakhana ra Prakashan Registry Act 2008 and the Chhapakhana ra Prakashan Sambandhi Act 2009, were introduced.⁶ The former covered the registration of the printing press as well as publication related issues, while the focus of the latter was on the regulation of the contents of the press.

In the preamble of the Registry Act, it was mentioned that the Act was prepared to 'control the press and newspapers and to collect and preserve a copy of all the documents either printed or lithographed from within Nepal.' This Act prohibited the publication of a newspaper without following the proper legal procedure, i.e., without first getting permission from the concerned office.⁷ Those papers that were already in print

6 cf. footnote 5.

7 Violation of this provision was a punishable offense. The punishment for a violation was either a fine of up to NRs. 2000 or 6 months of imprisonment, or a combination of both (PCN 2030 v.s.: 193-123).

were required to register and acquire permission from the concerned authorities within 35 days of the publication of the Act.⁸ One apparent change was that the mandatory one thousand rupees deposit (for both printer and publisher) was removed.

The second Act was promulgated within five months after the first, and during the same year. This Act was prepared and enacted because, according to the government, ‘even though the old Act of 2005 v.s. was replaced by the Act of 2008 v.s., the press remained confused (*bhramma parera*) and continued to publish materials in bulletins, booklets, newspapers which posed a challenge to the law and order situation of the country.’ Therefore, as the preamble clearly mentioned, this act was promulgated ‘in order to fully control and regulate the press and maintain law and order’ (PCN 2030 v.s.: 73-92).

This Act more or less reinstated the provision of requiring a deposit from both the printer and publisher of the paper—an ambiguity due to it being left to the authority to decide whether or not to ask for the deposit. Furthermore, the authority could also ask for any amount of money as long as it did not exceed one thousand rupees. This allowed government officers to treat certain agents differentially, and therefore violated the new legal principle that all citizens were equal in the eyes of the law.

Moreover, this Act prohibited the press from publishing certain content, and any violation of this became a punishable offense. If a paper, book or other publication contained content which was deemed to be likely to contribute to an increase in the crimes listed in Articles 5(1) to 5(9)⁹, the government authority could then ask for a deposit of five hundred to three thousand rupees. Article 36 of this Act also allowed the government to impose a ban on the publication of news and criticism in cases where it deemed reasonable to do so in the ‘public interest’ (*duniyako hit nimitta*). It was, however, up to the government authority to decide what was considered to be in the interest of the public and what was not.¹⁰

8 In districts outside Kathmandu, the district police officer could take a decision on an application to register a paper.

9 This included inciting murder or other violent activities, fomenting disrespect or hatred towards the king, his family and government, creating law and order problems, etc. (PCN 2030 v.s.: 73-92).

10 This Article, along with Articles 4 and 8 (which allowed the bureaucrat to seek a deposit from both the printer and publisher), were the articles that were most criticised by the employees of the press (journalists and others). The report of the first ever Press

Amendments of 1954

The 2009 v.s. Act was amended on 28 April 1954. The existing Article 5 was scrapped, resulting in both the press owners and publishers subsequently being required to sign declarations that they would not violate the law, and if violation did occur to bear the consequences as the law dictated.¹¹ The existing Article 5(d) was also scrapped. In its place, a provision was created whereby printing or publishing materials opposing the king, his family, ambassadors to Nepal, the legally formed government and the judiciary/judicial administration and fomenting hatred amongst the king's subjects (*jati*, *varna*, and *upajati*), the king and his government, all became criminal offences (Devkota 2024 v.s.: 236-37).

Amendments of 1957

The Press and Publication Act was amended once again on 4 December 1957, with a particular emphasis on Article 5d. With this second amendment, the publication of content that fomented hatred and disrespect towards foreign countries, or caused disturbances in the relationship between friendly countries, was also considered a criminal activity and, as a result, became a punishable offence. As per the amended provisions, if disrespect or hatred was fomented against the king and his family, 'direct action' (*thadai karvahi*) would be taken against the offender. An additional penalty of a three year imprisonment, a fine of three thousand rupees, or a combination of both, would be imposed alongside other punishments as per the existing laws of Nepal. If a similar offence was committed against the government, the punishment would be two years of imprisonment, a fine of two thousand rupees, or both. A similar offence against a government employee would incur six months imprisonment or a fine of five hundred rupees (Devkota 2024 v.s.: 237-38).

In 1959, Mahendra initiated the production of a constitution and subsequently had it promulgated, despite the fact that in 1951 it had been agreed that elections would be held for a constitutional assembly.¹² Article

Commission, formed first under the press attaché of the palace but later reorganised and headed by a special judge of the Supreme Court, also recommended revisions to the aforementioned articles (see PCN 2060 v.s.: 266-383).

- 11 This provision was added, it appears, to further deter printers and publishers from publishing materials that were against the king and government.
- 12 Such an election was never held. After several postponements, the country did hold its first general election in 1959, but not for the purpose of a constitutional assembly.

4(7) of part 3 of the 1959 constitution guaranteed freedom of speech and publication, freedom of assembly without arms, freedom to form associations and freedom of movement.¹³ Although freedom of expression and press was thus accepted in theory, in practice this freedom and political space was gradually curtailed, regulated and controlled by acts that were introduced and amended at regular intervals. Thus, the gains of the 1951 political movement slowly seeped away, and while Nepal's political governance system gradually became more regimented, the control of the monarchy became stiffer.

2. Media growth and sanctions against the press

The growth of the press

Historically speaking, the Nepali print media sector is more than a century old, with the first newspaper of the country, *Gorkhapatra*, being established in 1901. However, it was only after the movement of 1950-51 that the sector saw significant growth.¹⁴ Compared to the number of papers registered in the first five decades of the twentieth century (a total of 16, including literary magazines), the number of papers registered in the decade after the overthrow of the Rana regime is large (264). With the publication of *Jagaran* weekly (edited by Hridayachandra Singh Pradhan) and *Aawaj* daily (edited by Siddhicharan Shrestha), the Nepali press also came out of the state's direct purview. Whilst this growth was mostly centred in Kathmandu, we can also see a few papers published outside the capital. Of the 264 papers registered between 1950-60, half were published at intervals of between a day and a fortnight and are therefore likely to be newspapers. The rest of these publications are likely to be magazines,

Instead, it was for the parliament. The constitution, which was intended to govern parliamentary politics, was enacted a week before the parliamentary elections (see Chauhan 1971).

13 For an analysis of the 1959 Constitution of Nepal, see Appadorai and Baral (2012).

14 Even though the press was severely restricted in Nepal during the Rana era, Nepali entrepreneurs in various Indian cities were involved in the newspaper business—e.g., *Gorkha Bharat Jeevan*, *Gorkhe Khabar Kagat*, *Gorkhali*, *Gorkha*, *Tarun Gorkha*, *Gorkha Sansar*, *Gorkha Sevak*, *Asam Gorkha*, *Gorkha Samachar*, etc.—catering to an 'imagined' Nepali community. See Onta (1996) and Chalmers (2003) for discussions of the formation of Nepali identity and the Nepali public sphere in the early 20th century.

bulletins or literary and other types of journals. (cf. Aryal 2068 v.s.).¹⁵

Table 1. Annual media growth

Year	No of papers published (registered)	Daily-Fortnightly only	Year	No of papers published (registered)	Daily-Fortnightly only
1898/9-1949/50	17	6	1955/6	20	17
1950/1	5	4	1956/7	24	15
1951/2	15	8	1957/8	39	22
1952/3	22	8	1958/9	28	11
1953/4	20	11	1959/60	34	8
1954/5	20	15	1960/1	37	13
Total (1950-61)				264	132

Source: Derived from *Nepalko Chhapakhana ra Patrapatrikako Itihas* by Grishma Bahadur Devkota (2024 v.s.).

The table above highlights that the number of registered papers increased annually.¹⁶ However, the growth is not even and the fluctuation is more pronounced in the case of newspapers. In 1957/8 (2014 v.s.) alone, 39 new papers were registered, of which perhaps 22 were newspapers. This is an important year politically with Tanka Prasad Acharya's more than one and half year long premiership coming to an end.¹⁷ Mahendra then appointed K.I. Singh as prime minister, although Singh was only

15 The distinction between newspapers and other variants is important because it was largely the former that attracted the attention of the state. There is a possibility that in a number of cases of registered papers no issues were ever published. Furthermore, some papers were shelved after a period of time. It is also to be noted here that some of the papers succumbed due to state interventions, as will be discussed in the later sections of this article.

16 This increase was not limited to newspapers. The period also witnessed the establishment of two news agencies, namely Sagarmatha News Agency and Nepal News Agency. After the royal takeover in 1960, the government dissolved both entities, subsequently setting up a National News Agency (Rastriya Sambad Samiti, later renamed Rastriya Samachar Samiti) under official patronage. Mahendra's press secretary was appointed the chairman of the new news agency (see Baral 1975 and Belbase and Murphy 1983).

17 Whilst accepting Acharya's resignation, King Mahendra also stated that Acharya had resigned on the grounds of not being able to hold the election—an accusation that Acharya denied, even going as far as making his resignation letter public (see Joshi and Rose 1966).

able to remain in this post for 108 days, after which the monarch took over power and began ruling directly. Mahendra's antics were criticised by many of the political parties, leading them to collectively launch a *satyagraha*, eventually forcing Mahendra to reach a compromise with them (see Chauhan 1971, also Gupta 1993). In order to increase their voice during this tumultuous political period, the parties began publishing new newspapers, thereby producing a surge in the total number of papers published.¹⁸

Actions taken against newspapers

With the rise in the number of papers after 1951/2, the number of actions taken against them also increased. During this period, 34 papers faced at least one type of action, collectively facing 100 actions in total (see Table 2). The number of actions increased gradually until 1957/8 (2014 v.s.) and then decreased sharply the following year. A total of 24 actions were taken in 1957/8 whereas the previous year saw 22 actions. These two years were, as mentioned earlier, years of intense political competition. The next year, a kind of national government was formed under the chairmanship of the Nepali Congress (NC) leader Suvarna Shamsher. Thus, there was less acrimony amongst the parties, and also between the government and the parties. Besides this, government agencies were also gearing up for the upcoming election, and hence fewer actions against the newspapers occurred. By 1959/60 (2016 v.s.), the first popularly elected government under BP Koirala of NC had come to power. The outcome of the election was quite surprising. Whilst many established leaders of various parties failed to win seats, the Nepali Congress was victorious with a two-thirds majority. The number of actions against the media increased slightly, totalling 9 actions in 1959/60 (2016 v.s.) and doubling the following year, during which many political parties ganged up against the reigning Nepali Congress government (Baral 2012a). This was orchestrated by the palace and involved especially those parties who had fared very badly in the election (Baral 2012b). This conflict was also reflected in the press. Subsequently, when the press started criticising, the government agencies also began taking actions.

18 During 1956-7 (2013 v.s.) and 1957/8 (2014 v.s.), we also see an increase in the number of severe actions taken against the papers. Although a number of newspapers were shelved, the individuals associated with them returned to the field with new papers.

Table 2. Annual actions taken against the media¹⁹

Year	No. of Actions taken	Year	No. of Actions taken
1951/2	1	1956/57	22
1952/3	2	1957/58	24
1953/4	4	1958/59	4
1954/5	8	1959/60	9
1955/6	8	1960/61	18
Total			100

I have disaggregated the actions against newspapers in order to see whether the leader of any given government made any difference in the number of actions. Table 3 shows that no paper faced any actions when Tribhuvan was directly ruling.²⁰ Similarly, the government under the premiership of Mohan Shamsher, formed after the fall of the Rana regime in which NC was a coalition partner, also took no actions against papers. The sole action listed in Table 3 during Mohan Shamsher's period of office was taken by the Apex Court against the Nepali National Congress Bulletin, in a contempt of court case.²¹ The government formed under the chairmanship of Suvarna Shamsher also took fewer actions, being limited to four instances. Going by these figures, the government under Tanka Prasad Acharya seems to have been the most negative towards the press as, during his tenure, a total of 34 actions were taken. The BP Koirala government comes second in this list with 27 actions: two thirds of these actions, as has been mentioned above, were taken during the second half of its tenure. Though the K.I. Singh government lasted for only 108 days, there were eleven actions during the period. Thus, if one compares the relative frequency of actions, K.I. Singh's government emerges as the one that was most negative towards the press.

19 Unless otherwise stated, the author has prepared all the tables included in this paper. This is achieved after coding various actions taken against the print media, collected in Devkota's *Nepalko Chhapakhana ra Patrapatrikako Itihas*.

20 After the fall of the Matrika Prasad Koirala government, due mainly to conflicts within the NC, Tribhuvan ruled for ten months with five royal advisors.

21 Three members of the party were found guilty in this contempt of court case; the ruling was based on the 1948 Act.

Table 3. Actions under various governments

Head of government		Duration	No. of actions
Mohan Shamsheer Rana	18 Feb 51-12 Nov 51	8m, 19d	1
Matrika Prasad Koirala	16 Nov 51-10 Aug 52, 15 Jun 53- 17 Feb 54, 18 Feb 54-2 Mar 55	8m, 28d and 1y, 8m, 17d	14
Tribhuvan Shah	14 Aug 52-14 Jun 53	10m	-
Mahendra Shah	14 Apr 55-26 Jan 56, 15 Nov 57-14 May 58	10m, 23d and 6m, 2d	9
Tanka Prasad Acharya	27 Jan 56-13 Jul 57	1y, 5m, 18d	34
K I Singh	26 Jul 57-14 Nov 57	3m, 18d	11
Suvarna Shamsheer Rana	15 May 58-26 May 59	1y, 10d	4
B P Koirala	27 May 1959-15 Dec 60	1y, 6m, 18d	27
Total			100

Of the 132 papers (ranging from dailies to fortnightlies) published in the period 1950-60, more than a quarter (34) faced actions. The cumulative actions taken against these papers totaled 100. During this period, the *Samaj* daily, edited first by Pasupatidev Pandey and later by Maniraj Upadhyay, faced actions 21 times. The Hindi weekly, *Sahi Rasta* (ed. Maniraj Upadhyay) and *Nepal Samachar* daily (ed. Shankar Nath Sharma) also faced six actions each during the decade. The dailies *Samaya* (ed. Maniklal Shrestha), *Diyalo* (ed. Tarini Prasad Koirala) and *Halkhabar* (ed. Bindunath Pyakurel, later Dataram Sharma) all faced five actions each. The rest of the papers faced four or less actions, as shown in Table 4.

Typologically speaking, it is the dailies that faced the most actions. Nineteen dailies, eleven weeklies and two bi-weeklies faced actions during the period. Similarly, the state agencies also took actions against one fortnightly publication and a bulletin. If we disaggregate the data in terms of the language of the papers, we find that four Hindi language papers,²² three English language papers and one Newari

22 On a side note, this shows the prevalence of Hindi in the Nepali or Newari heartland. This, however, slowly withered away, especially after the accession of Mahendra to the throne, after which the state vigorously pursued the one national language policy

Table 4. List of papers facing actions and frequency

S.N.	Name of the paper	Type	Frequency of actions	S.N.	Name of the paper	Type	Frequency of actions
1	Samaj	Daily	21	18	Goreto	Daily	2
2	Sahi Rasta (Hindi)	Weekly	6	19	Sandesh	Weekly	1
3	Nepal Samachar	Daily	6	20	Ranko	Weekly	1
4	Samaya	Daily	5	21	Desh Seva	bi-Weekly	1
5	Diyalo	Daily	5	22	Motherland (Eng)	Daily	1
6	Halkhabar	Daily	5	23	Bhugolpark	Daily	1
7	Samyukta Prayas	Weekly	4	24	Jhyali	Weekly	1
8	Sameeksha	Weekly	4	25	Bulletin of NNC	Bulletin	1
9	Rastravanai	Weekly	4	26	Nepal	Daily	1
10	Naya Samaj (Hindi)	Weekly	4	27	Nepal Bhasha Patrika (Newari)	Daily	1
11	Dainik Samachar	Daily	3	28	Nepal Pukar	Weekly	1
12	Nepal Times (Hindi)	Daily	3	29	Prahari (Hindi)	Weekly	1
13	Jan Prayas	Weekly	3	30	The Commoner (Eng)	Daily	1
14	Everest News (Eng)	Daily	3	31	Ujyalo	Daily	1
15	Sahi Sandesh	Daily	2	32	Karmavir	Weekly	1
16	Swantantra Samachar	Daily	2	33	Kalpana	Daily	1
17	Aarthik Nepal	Fortnightly	2	34	Khasokhas	bi-weekly	1
Total						34	100

paper were also prosecuted. The rest of the papers were published in Nepali.

Types of actions

We can only assess the state of press freedom correctly after analysing the types of actions faced by papers for publishing contents that were deemed objectionable by the state agents. The following types of actions were taken by the government or its constituent agencies against the papers: oral clarifications; written clarifications; seeking new or additional deposits; seizing (*jafat/syaha garne*) deposits already made; fines; closing down the publication; imprisoning the editor/publisher or other concerned individuals. As is evident from Table 5, most of the actions were limited to seeking clarifications—of which some were oral clarifications, but a large majority (71 percent) were written. The most common occurrence was for the editor, publisher or both to be asked to report to the magistrate's office within a specified time. There, they would be asked several questions relating to the 'objectionable contents.' In a few cases, the magistrate's office would post a letter seeking clarifications, with the editor/publisher also posting their explanations or clarifications in response.

Table 5. Types of actions

Type	Frequency	Percent
Oral clarification	3	2.6
Written clarification	82	71.3
Deposit (new/additional)	16	13.9
Fine	5	4.3
Ban	5	4.3
Jail/prison	4	3.5
Total	115*	100

* The total number of actions taken against the press was 100. In the table, the various categories of actions total 125. This is because some papers had to face two actions at the same time. For example, the government would first demand a written clarification from a paper. If this was found to be unsatisfactory, the paper would then also be penalised—either through an increase in the deposit they had to pay, or by being closed down.

(Nepali) at the expense of other languages of Nepal. The 'Nepali only' policy did not go unchallenged, but the state's might ultimately prevailed (see Gaige 1975). We find very few, if any, examples of an influential Hindi language press after 1960.

As explained earlier, it was initially required by law that anyone who wished to publish a paper had to deposit a thousand rupees. Apparently, however, this requirement was not adhered to by the papers that began publishing immediately after the political change of 1951. The provision was legally discontinued for a short period of time but was later reintroduced. As per this reintroduced article, papers (although not all papers, as it was left for the authority to decide which) were now required to deposit a certain amount of money (up to one thousand rupees) at the beginning of their operation. If the government agency perceived that a certain piece published in the paper was objectionable, it could seek a further deposit of up to three thousand rupees. This option began to be used by the government agencies and, as Table 5 shows, a deposit was sought in approximately 14 percent of cases. In some cases, the earlier deposit was confiscated (*syaha garne*) and a new or additional deposit was sought. Some papers were closed down, either because they were unable to deposit the sum required or because they were unwilling to do so. Generally, it was cheaper to start a new paper than to pay an additional deposit. In some cases (five, to be precise), the government closed down papers. During K.I. Singh's 108-day long tenure, two papers (*Samaj* and *Desh Sewa*) were closed down, during Matrika Koirala's tenure two other papers (*Rastravani* and *Khasokhas*) were banned, and during Mahendra's period of direct rule (15 Nov 1957-14 May 1958), a pro-NC paper, *Ujyalo*, was also closed.

When the government authority asked for a large sum as a deposit or gave an order to close a paper down, the individuals associated with the paper would usually register and begin to publish a new paper. For example, *Diyalo*, an NC-leaning paper edited by Tarini Prasad Koirala, was asked to deposit three thousand rupees. This was imposed on the paper for publishing content that 'fomented disrespect and hatred towards the monarch on a regular basis.' The paper was then shelved, and the same individuals registered a new paper, *Ujyalo*. *Ujyalo* did not last long either. It was not only banned when Mahendra was ruling directly, the NRs. 500 that it was asked to deposit whilst registering the paper was also confiscated. This group then began another paper, *Kalpana*. Similarly, *Prahari* was registered when *Sahi Rasta* closed down and when *Samyukta Prayas* was closed, the individuals associated with it began another paper, *Jana Prayas*. Table 5 also shows that papers were fined on five occasions. However, it was not always the government that imposed fines. The

judiciary was also involved in such disciplinary matters. A few individuals filed libel cases in the court, resulting in the court ruling in favour of the victims and ordering the papers to pay compensation to them.

Some editors or publishers were imprisoned for content published in their papers. Among those imprisoned were the editors Ishworananda Shresthacharya of *Ranko* weekly and Maniraj Upadhyay of *Samaj* daily. *Ranko*, a mouthpiece of the Nepal Janvadi Prajatantra Sangh, had published a news item with the provocative headline 'Nehru government's grave is to be dug in Nepal', based on a speech made by the Nepal Janvadi Prajatantra Sangh leader Prem Bahadur Kansakar. The government under Matrika Koirala not only seized the printed copies of the paper from hawkers in the streets, but also imprisoned the editor for two days and Kansakar for three months (c.f. Gautam 2009: 170-71). Another paper, *Samaj*, was against the K.I. Singh government from day one. It had also urged the press attaché of the king to take appropriate action, further threatening to take action should that not happen. After a number of news items appeared that were apparently against the interest of the then government, the Kathmandu Magistrate Office first sought clarification from the paper and later jailed the editor under the Public Security Act.²³ However, because the K.I. Singh government did not last long, the editor, Upadhyay, was released after two weeks.

Jhyali, a weekly paper edited by Pramod Shamsher Rana, published a news item on an allegedly failed agreement between the Nepali and Indian government. It reported that the Nepali government had proposed a treasonous (*rashtraghati*) agreement with India that could not materialise because Nehru did not agree to sign it. The paper even published a copy of the alleged agreement. When the paper hit the market, the Kathmandu Magistrates Office sent its staff to bring Rana into its office with orders to use force should Rana decline to be escorted. As per the official note prepared by the magistrate, he was to be given the maximum penalty provisioned in law, i.e., two years of imprisonment and a fine of two thousand rupees. Rana was released after he deposited two thousand rupees and an additional Rs. 432 that guaranteed avoiding arrest.²⁴

23 'Rajdrohi (person charged with treason) gets premiership; Rajbhakta (person loyal to the monarch) gets a Magistrate's Notice' was the headline of a news item published by *Samaj*. This was published after the Magistrate's Office sought clarification on the earlier pieces related to K.I. Singh's appointment to the premiership.

24 *Jhyali* had its deposit returned when it appealed to the BP Koirala government.

Action-taking authority

Which authorities actually took actions against the papers? As Table 6 shows, it was more often than not the district magistrate's office, in particular the Kathmandu Magistrate's Office. Of all the actions recorded, 87 were taken by this office. Usually the Magistrate's Office itself initiated actions against the papers but sometimes the home secretary, the home ministry and even the prime minister's office asked the magistrate to take action. In a few cases, the police office also took the initiative (e.g., *Nepal Samachar*, *Khasokhas*, *Rastravani*). In the case of *Sahi Rasta*, a police officer ordered the paper to close down due to it publishing 'objectionable content'. However, when the paper moved to the court, the court not only ruled in the paper's favour, it also berated the police office for breaching the law. The court declared that the law did not allow the police to do anything on their own, further ordering the concerned authority to reprimand (*nasihat dinu*) the officer who took the action (Dahal et al 2065 v.s.: 3-5). Although it was the judiciary that took the first action against a paper after the 1950-51 movement, it also stood by the papers in certain cases during the later years of the decade. When the government agency demanded a large sum or tried to close down a paper for publishing 'objectionable content,' the paper usually sought the court's intervention. The court, in general, also read the 'content' and gave a ruling. In some instances the ruling favoured the press (*Sahi Rasta*), and at other times did not (*Diyalo*, *Nepal Bhasha*).²⁵ While the role of the judiciary was, on the whole, not negative, it had to interpret the existing laws. As the laws themselves became narrower, this impacted upon court rulings.²⁶

25 *Nepal Bhasha* published a couple of news items in which it called for a secular state. It also criticised the legal provision which made cow-killing a criminal act in a country in which the 'majority of the people are non-Hindu.' The action taken by the Home Ministry said that the paper had tried to create a 'poisonous environment' (*vishakta vatavaran*) in the society, and hence should have been asked to deposit the maximum amount (Rs 3000). However, because the paper was being published in the language of a minority community, only Rs. 1000 should be asked to be deposited. The editor, Phatte Bahadur Singh, received his deposit back when he appealed to the NC Home Minister in 1959.

26 See Dahal et al (2065 v.s.) for details of some of the Supreme Court verdicts relating to newspapers of the period.

Table 6. Action-taking authority

Authority	Frequency
Kathmandu Magistrate, Home Secretariat/Ministry	87
Police	6
Judiciary	7
Total	100

3. 'Objectionable Contents'

Because actions were taken against papers based on what was printed in them, it is important for us to explore what sort of content was considered objectionable. The oral and written clarifications sought by the state authorities, alongside the additional questions that were asked, tell us about the nature of 'objectionable contents' in the eyes of these agencies and individuals. The (incomplete) transcripts of the clarifications and questions given by Devkota (2024 v.s.) were therefore coded for this purpose. News material or content that was negative and related to the following institutions/individuals were found to draw the attention of the state authorities: criticism of the monarch, monarchy and the royal family; criticism of the government, head of the government or government bureaucrats; and criticism of foreign governments or individuals. This is summarised in Table 7.

Table 7. Objectionable contents

Contents related to	Frequency	Percent
Monarch/royal family	25	20
Prime minister/government	53	42.4
Indian government/institutions	16	12.8
Other foreign countries/individuals	8	6.4
Government bureaucrats	13	10.4
Newspapers	2	1.6
Other individual/institutions	8	6.4
Total	125*	100

* The total number of objectionable items (125) exceeds the total number of actions (100). This is because there were multiple examples of objectionable contents or materials in some news items. For example, if a report criticised both the Nepali government and India, or the government and the king, and the clarification also referred to both, then both are coded.

If we look at the contents referred to when taking actions against the papers, we find that it was not only negative or critical content that dragged the publisher or editor to the magistrate's office but also simple information. This is especially evident during the first half of the decade in which even informative contents were flagged. The editors and publishers were subsequently asked, why and on what basis was the news published? In the latter period however, we do not see such clarifications being sought.

If we analyse the 'objectionable contents', we find that more than 40 percent of the actions were taken due to papers criticising the government, its head or its ministers. Content that was related to or negative about the monarch and his family drew the second highest rate of actions, i.e., around 20 percent. This shows that, despite the effort to sanctify the monarchy, it was not above criticism. The third largest category of objectionable content (around 19 percent), related to foreigners—both institutions and individuals. Of the content related to foreign institutions or individuals, more than two thirds were related to India, the Indian government or Indian military missions in Nepal. The amendments made to the press-related laws also show an attempt to safeguard the three major institutions, with the primary protected figure being the monarchy.

Colourful contents

The newspaper content of the 1950-60 period on which some of the actions were taken sounds amusing in today's context, as are the questions asked by the state authorities. In almost all cases, the questions asked began with: why?; based on what evidence?; do you have any evidence?; how do you know this?; what is your source?; what evidence do you have that that was in fact the case?; what do you mean by this?; what do you want to imply?, and so on.

For example, *Samaj* daily published a news report with the title, 'Chairman of the Royal Council to visit France' in which it was stated, 'It is understood that the chairman of the Royal Council is likely to visit France in the near future.' The Kathmandu Magistrate called the publisher of the paper to his office, asking, 'What is the basis of this report?' In another example, *Samaj* reported that 'Nandalal Pande MA' was fasting until death in the Nakkhu jail. The magistrate's office asked the publisher, amongst other questions: 'How do you know that this man has an MA degree?';

‘From which university did he get his degree?’; ‘What is the basis of this report?’

One is amazed, not only by the state agents’ concern for the ‘truth’, but also by some of the news items. ‘There is a rumour (*gamgum halla chaleko*) that out of the total six lakhs set aside to publicise Nepal’s five year plan, some amount is given to an individual related to a foreign newspaper,’ reported *Samaj*. The same paper threatened the government with action, stating, ‘this paper will be forced to take action should the press attaché of the king not take appropriate action on the way news related to PM K.I. Singh’s biography has been broadcast.’ It should be explained here that after Mahendra appointed K.I. Singh as prime minister, Radio Nepal began to air his biography and portray him as a true hero of 1950-51 movement, who had not only declined to recognise the Delhi compromise, but had also tried to stage a mutiny when he was languishing in jail. Radio Nepal was not only eulogising K.I. Singh, according to the paper, it was also blemishing the reputation of the late King Tribhuvan. Similarly, *Sahi Sandesh* called a government minister named Khadgaman Singh Malla a mad man (*bahula*). *Hal Khabar*, when asked to produce evidence for the news that it ran, pointed towards another paper that printed similar content, published after *Halkhabar* had carried the news.

Criticising the government: the influence of the partisan press?

Healthy criticism of those at the helm of power, be it the government’s head or its ministers, is considered perfectly natural and is tolerated to a large extent in a democracy. However, those at the receiving end have seldom shown patience in digesting such criticism, especially in the case of Nepal. The various actions taken against the papers during the 1950-60 period further illustrate this. As Table 7 shows, it is the newspaper content (news, opinion pieces or articles, editorials, letters to editors) related to the government that drew most attention. Of all the actions, 42 percent were taken due to the published material containing ‘objectionable content’ related to the government. If we add the objectionable items related to government bureaucrats, the total number of actions reaches fifty percent.

The large number of ‘objectionable contents’ highlights an uneasy relationship between the press and the government. This is also because of the political environment of the period. Political parties, both in and

out of the government, usually had acrimonious relationships with one another. The problem became acute when the king appointed K.I. Singh, a dubious political figure, as prime minister on 26 July 1957. Subsequently, the king terminated his role after a short period (on 14 November) and ruled directly. A similar case can be seen when the Nepali Congress emerged victorious with a two-thirds majority in the first ever general election in 1959. This reduced the smaller parties' chances of participating in the government, especially in the immediate future. Lok Raj Baral writes:

When the first parliamentary election was over in 1959, many of those who had suffered ignominious defeats predictably mobilized their resources to stigmatize the government on each and every count. The press, as it was divided along group lines, joined the fray in promoting political tension or in disseminating misgivings. (Baral 1975: 172)

Most of the papers against which actions were taken were affiliated to one or another party and in one way or another functioned as party mouthpieces. For example, *Ujyalo*, *Diyalo*, *Kalpana* and *Nepal Pukar* were run by individuals who were close to the Nepali Congress party. *Samyukta Prayas*, *Jana Prayas* and *Halkhabar* were affiliated to K.I. Singh's United Democratic Party. Likewise, *Samaj*, *Sahi Rasta* and *Prahari* were close to the Praja Parishad. Since these papers were run either by a party or an individual close to the party, it was not unusual to find the views of the party and its leaders reflected in them. We also find that the actions taken by a government were annulled when the leadership of the government changed. Likewise, there are examples of the government agency's (such as the magistrate's) decision being reversed by a government minister or prime minister upon a journalist approaching them.²⁷

27 For 'disrespecting and fomenting hatred against the monarch and the government', the Kathmandu Magistrate's Office ordered *Samaj* to deposit an additional NRs. 1500 within 15 days in August 1957. Should this deposit not be made, the office would issue an order that cancelled the paper's license. *Samaj* did not get a favourable decision either upon moving the decision to the court. But when the paper approached the newly elected Prime Minister BP Koirala (in 1959), he revoked the decision, saying that 'the new government's policy is to promote the press by providing as much facility to the press and not to control it.'

The monarchy: not beyond criticism, despite the severity of the law

The changes that occurred in the legal sector during this period, especially those relating to freedom of expression and the press, are also indicative of the changes that occurred in the power structure of the political sector. As described in section 1, freedom of the press and publication had been gradually curtailed through amendments in the laws. At the same time, these laws were primarily concerned with the safeguarding of both the monarch and his family. The penalty for criticising the monarch or the institution of monarchy became increasingly severe. Efforts were made to place the king and his family above the law and, in the process, engineer a situation in which he was unable to be criticised. In a sense, the institution was gradually becoming sanctified.²⁸ This also demonstrates the growing power of the king.

Despite the increasing severity of punishment, the press can still be found to be criticising the institution of monarchy. However, there are no examples of actions being taken against the press for criticising King Tribhuvan. This is presumably either because the papers did not criticise Tribhuvan, or alternatively, because the state agents did not bother the papers when Tribhuvan was ruling directly. The press did not spare his son, Mahendra, however. This is because he had become quite active in politics. He was, in fact, using one party after another to his benefit, and discarding them once their utility was over (Joshi and Rose 1966). The Nepali press began to criticise Mahendra on a regular basis. Mahendra used to tour Nepal in style and distribute money to individuals of his liking, all from state funds. He was also criticised for taking a large sum of money (52 lakhs) as a salary, and for ruling directly (see, e.g., *Samaj, Samaya, Diyalo, Bhugol Park, Swatantra Samachar*, etc.). Political leaders such as Ganeshman Singh, Pushpalal, Vishwabandhu Thapa and Tulsi Giri²⁹ criticised and even derided Mahendra at public functions for being an autocrat, and the papers reported these criticisms (see, e.g., *Nepal Pukar, Ujyalo*). When state agents sought clarifications from the publishers or

28 The 1957/8 (2014 v.s.) Press Commission report included a section (12) on 'rules for journalists', in which it recommended that journalists ought not to promote matters that would lead to criticism and drag the monarch and his family into dispute. This was due to both being 'pristine high-level institutions' (PCN 2060 v.s.: 348).

29 It is ironic that the latter two, Thapa and Giri, became Mahendra's henchmen after he dismantled the parliamentary democracy and introduced the partyless Panchayat system.

editors, they argued that it was the fundamental right of the press (and the public) to criticise the monarch (see Devkota 2024 v.s.). This shows that, despite the palace's efforts to tame the press and control the public sphere, the press continuously took risks and challenged such moves.

Foreigners: above criticism

If we look at the actions taken against the newspapers, it becomes evident that the Nepali state had become very sensitive towards foreigners and very careful not to antagonise them, be they individuals, institutions or countries. Initially, the law prohibited papers from criticising the foreign embassies in Nepal. Later, the law was amended to make it a punishable offence to foment hatred towards foreign, and potentially friendly, countries and to create disturbances in the friendship between Nepal and other nations. Of all the press items that drew objections from the authorities, half were related to India. The state agencies sought clarification on news items related to the Indian government, the then prime minister of India Jawaharlal Nehru, and the Indian military mission to Nepal.

It has already been mentioned that the editor who published a news item with the title, 'To not fight against foreign intervention is impotency; Nehru government's grave is to be dug in Nepal' was imprisoned for two days. Prem Bahadur Kansakar, the general secretary of the Nepal Janavadi Prajatantra Sangh, gave the speech reported in this article and was imprisoned for three months. He probably would not have been arrested if the paper had not reported his speech, because several other parties organised mass meetings on a regular basis in which they berated the NC government, India and Nehru without incurring similar reactions. It was the newspapers that criticised Nehru (e.g., *Sahi Rasta*, *Samaj*, *Goreto*, *Sandesh*, *Diyalo*, etc.), and also those who reported on the alleged 'terror' (*atanka*) of the Indian military mission, that provoked the state agent's actions, which included levying a new deposit. When *Naya Samaj* published a news item in which it was mentioned that a certain bureaucrat in the USSR embassy in Nepal whose job performance was considered unsatisfactory had left the country, the paper had to report to the Magistrate's Office for clarification. Similarly, when *Samaj* opposed, in a series of articles, the travels of Professor Tucci of Italy, accusing him of removing Nepali artefacts and stealing, the government's publication department refuted

the charge and the Magistrate's Office also sought clarification. Another paper criticised American aid in Nepal for being ineffectual and also had to report to the Magistrate's Office. It thus becomes clear that the state agencies were very concerned about materials relating to both foreigners and foreign governments.

4. Conclusion

After the downfall of the more than century-long Rana family oligarchy in 1951, the political system of Nepal changed drastically: democracy replaced autocracy. Referring to the decade that followed, Lok Raj Baral writes, 'People not only changed their political styles but also made innovations in various fields' (1975: 171). Kamal P. Malla recalls the 1950-60 period as a 'decade of extroversion. For it was a decade of explosion of all manner of ideas, activities and organized efforts' (1979: 192). People all across the country became excited, creating new *avatars* of themselves as individuals and as associations: political parties, schools, libraries, literary organisations, theatre groups, clubs, newspapers and so on (Parajuli 2009).³⁰

Enjoying the democratic space and the freedom of speech and press that had been enshrined in the new constitution, the number of papers increased significantly during the 1950s. Even though the sector grew enormously, it was both immature and disorganised—this is evident from the content that was produced. Political parties emerged as key players in the media sector, running a significant number of papers that were also influential. The acrimonious relationship between the parties, and particularly with the party in government, was subsequently mirrored in the papers (see Baral 1975). This also meant more 'actions' being directed against the papers that supported opposition parties, thereby instigating a surge in the number of actions against the media.

We have seen that the state agencies were primarily sensitive to criticisms of three institutions or agencies, namely the monarch and his family; the prime minister and the government; and foreign countries and individuals. However, the Nepali press of the 1950s took risks, choosing not to shy away from criticising even the highly guarded institutions, such as the monarchy. The valour shown by the press is commendable;

30 See Onta (2012) for an account of an academic exercise in the non-university setting during 1940-70. Also see Koirala et al (forthcoming) for magazines published between 1902 and 1960.

yet a pertinent question remains. How does one explain the state agents' preoccupation with the 'evidence or source'? Likewise, the concern towards the Indian government, Nehru or other friendly countries is perhaps understandable, but why did the government toil to protect an Italian professor? The preoccupation with the evidence or source is not just to unfold the 'truth', as it may seem. Instead, it should perhaps be seen as unease about the transition to an open society on the part of those who had controlled everything in the past. Similarly, for the government officials, be it an Italian professor or any other foreign individual or institution, the publication of any negative news related to them would mean severing the relationship between the two governments, or so it was believed, and this was to be avoided at all costs. These officials, who were gatekeepers of information in the bygone era, also wanted to regulate the information that was distributed to the public, so that nothing untoward would happen.

Scholars have documented the gradual transformation of power, from the people to the palace, in the democratic decade of 1950-60. The grip of the Shahs on the affairs of the country gradually increased, ultimately leading to a period of total control after the 1960 royal coup (see, e.g., Joshi and Rose 1966, Chauhan 1971, Gupta 1993). Much the same could be said about the freedom of press and publication, as is evident from the changes made in the laws that governed the media sector that were described in the first section of this article. We thus see the parallel growth of the public sphere and of attempts to regulate it during this period. At the end, however, as we all know, the nascent public sphere could not withstand the hegemonic political project of the Shahs and ultimately succumbed (cf. Onta 2010).

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