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# SOCIAL MEDIA GUIDELINES AND DIRECTIVE

NEPAL'S DIRECTIVE ON SOCIAL MEDIA MANAGEMENT,  
2080 (2023)

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## SOCIAL MEDIA GUIDELINES AND DIRECTIVE

**1. INTRODUCTION**

- 1.1. In an era dominated by digital interactions, the Government of Nepal has taken a decisive step towards regulating and fostering self-regulation within the realm of social media. The "**Directive Regarding the Management of Use of Social Media, 2080 B.S. (2023 A.D.)**" (the "**Directive**") comes into existence under the authority vested by **Section 45** of the **Good Governance (Management and Operation) Act, 2064 (2007)**. The Directive was enforced through the decision of the Cabinet of Ministers on **9 November 2023**.
- 1.2. This article delves into the intricacies of this Directive, designed to govern social media platform operators and users.

**2. IMPORTANT DEFINITIONS:**

- 2.1. To ensure a shared understanding, **Section 2** of the Directive has legally defined the following important terms:
  - 2.1.1. "**Social Media Management Unit**" is defined as the social media management unit formed pursuant to **Section 13** of the Directive.
  - 2.1.2. "**Ministry**" refers to the Ministry of Communications and Information Technology of

the Government of Nepal.

- 2.1.3. "**Associated Bodies**" is defined as the following bodies or offices:
  - a. Department of Information and Broadcasting
  - b. Advertisement Board
  - c. Press Council
  - d. Nepal Telecommunications Authority.
- 2.1.4. "**Social Media**" is defined as media such as groups, vlogs, apps and such, which are meant to provide facilities for a person, group or organization to interact with each other according to the facilities and methods provided by the social network platform and the facility to disseminate content created by the users themselves.
- 2.1.5. "**Use of Social Media**" is defined as the activities of posting, sharing, commenting, live streaming, reposting, tagging, or mentioning any letters, pictures, voice, sign or scene that identifies a person, group or institution in a public social media platform.
- 2.1.6. "**Social Media Platform**" refers to internet or information technology-based systems that are publicly available such as Facebook, TikTok, Twitter, Viber, Pinterest, WhatsApp, Messenger, Instagram, YouTube, LinkedIn, etc. whereby any person or organization can exchange ideas or information with each other or provide

the facility of disseminating content created by the users.

### 3. SOCIAL MEDIA PLATFORM ENLISTMENT

- 3.1. **Transparent Evaluation: Section 2(1) to (5)** of the Directive mandates that entities aspiring to operate social media platforms must undergo enlistment with the Ministry through the form provided under **Schedule 1** of the Directive. The Directive states that the Ministry will through a public notification call for the enlistment. The Directive also outlines an evaluation process, emphasizing documentation requirements such as Memorandum and Articles of Association, technical competencies, and shareholders' registries (listed below). The request for enlistment can be done through the representatives or through online forms.
- 3.2. **Exemptions for Educational Platforms:** Recognising the role of social media in education and social empowerment, exemptions are granted for platforms operating in a centralized manner for these purposes as per **Section 2(7)**.
- 3.3. **Ban on Unlisted Social Media:** Those media which remains unlisted would be banned by the Ministry as per **Section 2(7)** of the Directive.
- 3.4. **Periodic Updates:** Enlisted platforms must provide updates every three years, ensuring ongoing compliance with regulatory standards.

**3.5. Required documents for Enlistment:** As per **Schedule 1** of the Directive, following documents are mandated for enlistment:

**For entities with their head office in Nepal:**

- 3.5.1. Memorandum of Association (“**MOA**”) and Articles of Association (“**AOA**”) of the entity
- 3.5.2. Company/Organization registration certificate
- 3.5.3. Permanent Account Number (“**PAN**”) registration certificate of the entity
- 3.5.4. Company update certificate
- 3.5.5. Latest Tax Clearance Certificate
- 3.5.6. Decision of the company regarding getting enlisted
- 3.5.7. Shareholders registry
- 3.5.8. If foreign investors have invested in the shares of such entity, details of the same
- 3.5.9. Details of the Board of Directors of the entity
- 3.5.10. Citizenship certificate if a Nepali citizen and a copy of passport if a foreigner
- 3.5.11. Privacy policy, data usage policy, information security policy of the social media platform
- 3.5.12. Documents related to technical and professional competence

- 3.5.13. Video K.Y.C of the authorized representative in case of online application
- 3.5.14. Standard set by the social media platform in relation to its users
- 3.5.15. Grievance Handling Process of the social media platform
- 3.5.16. Other necessary details

**For entities with their head office outside Nepal:**

- 3.5.1. Memorandum of Association (“**MOA**”) and Articles of Association (“**AOA**”) of the entity
- 3.5.2. Company/Organization registration certificate
- 3.5.3. Permanent Account Number (“**PAN**”) registration certificate of the entity
- 3.5.4. Company update certificate
- 3.5.5. Latest Tax Clearance Certificate
- 3.5.6. Details of the Board of Directors of the company/organization
- 3.5.7. Copy of the passport of the authorized representative
- 3.5.8. Video K.Y.C of the authorized representative in case of online application
- 3.5.9. Privacy policy, data usage policy, information security policy of the social media platform
- 3.5.10. Documents related to technical and professional competence

- 3.5.11. Standard set by the social media platform in relation to its users
- 3.5.12. Grievance Handling Process of the social media platform
- 3.5.13. Other necessary details

#### 4. ACTIVITIES PROHIBITED FOR SOCIAL MEDIA USERS

- 4.1. **Comprehensive Prohibitions:** A general list of prohibited activities for social media users is articulated, ranging from the creation of fraudulent identities to the promotion of illegal activities.
- 4.2. **Ethical Engagement Emphasis:** By prohibiting hate speech, cyberbullying, and other harmful activities, the Directive seeks to foster responsible and ethical online conduct.
- 4.3. **Prohibited activities: Section 4** of the Directive prohibits the following acts by the user of social media :
  - 4.3.1. Creating anonymous or fake identities (IDs, pages, groups),
  - 4.3.2. Producing and sharing content through anonymous or fake identities (IDs, pages, groups) or commenting on others' content,
  - 4.3.3. Spreading hatred, discrimination, or prejudice against any community, caste, ethnicity, gender, religion, age, colour, class, profession, tradition, marital status,

family status, physical and mental conditions, origin, sexual minority, language, or groups protected by law, through words, audio, visual, images, and creating and disseminating trolls,

- 4.3.4. Promoting or encouraging child labour, human trafficking, polygamy, child marriage, caste-based discrimination, and other activities prohibited by prevailing laws,
- 4.3.5. Using offensive language, hate speech, or engaging in actions that insult or degrade others intentionally,
- 4.3.6. Sharing or publishing distorted images of individuals through the use of digital media techniques such as animation, montage, etc.,
- 4.3.7. Capturing and editing private photos or videos without permission and publishing or broadcasting them,
- 4.3.8. Broadcasting or publishing obscene words, images, videos, audio animations,
- 4.3.9. Encouraging materials that harm or exploit children and activities related to child sexual abuse, sexual harassment, and prostitution,
- 4.3.10. Spreading false information, misinformation, propaganda, and information that disrupts harmony through publication or broadcasting,
- 4.3.11. Engaging in cyberbullying activities, which include intimidating, threatening,



- alarming, abusing, and disseminating false information through technology,
- 4.3.12. Promoting or encouraging the use of illegal drugs and conducting businesses related to them,
  - 4.3.13. Encouraging or participating in gambling activities,
  - 4.3.14. Publishing or broadcasting content related to terrorism,
  - 4.3.15. Hacking someone's ID and information through social media,
  - 4.3.16. Engaging in phishing, impersonation, and other fraudulent activities through social media,
  - 4.3.17. Posting or sharing explicit images, videos, or content,
  - 4.3.18. Advertising and conducting businesses of items prohibited by prevailing laws,
  - 4.3.19. Imitating and sharing activities prohibited by prevailing laws.
  - 4.3.20. "**Hate speech**" as per the Directive refers to posts, shares, or comments on a subject that may lead to violence, social disharmony, or other negative consequences, using words, images, videos, or any other form of expression.

## 5. Classification and Monitoring of Social Media Platforms:

- 5.1. **User-Based Classification:** Acknowledging the diverse landscape of social media, the

Directive introduces a classification system based on the number of users. **Section 5** of the Directive classifies social media with less than one hundred thousand users as small social media and with those more than one hundred thousand users as large social media.

- 5.2. **Oversight for Large Platforms:** Large social media platforms are mandated to establish contact points for residence-based monitoring, enhancing oversight mechanisms with designated content moderator and grievance handing officer in Nepal.

## 6. ESTABLISHMENT OF CONTACT POINTS

- 6.1. **Proactive Approach:** Operators are directed to establish contact points within Nepal, ensuring a proactive approach to addressing issues related to platform use and complying with the social media guidelines and directive.
- 6.2. **Timely Establishment:** In cases where no physical presence exists at the Directive's commencement, operators are given three months to establish an office or appoint a contact person.

## 7. RESPONSIBILITIES OF CONTACT POINTS

- 7.1. **Content Identification:** Contact points play a pivotal role in identifying content contrary to the Directive, fostering a proactive approach to content moderation.

- 7.2. **Public Information Dissemination:** Responsibilities include periodically providing public information on the proper use of social media, contributing to user awareness and education.

## 8. RESPONSIBILITIES OF SOCIAL MEDIA PLATFORM OPERATORS

- 8.1. **Algorithmic Oversight:** Operators are entrusted with developing algorithms to prevent the publication of information contrary to prevailing laws.
- 8.2. **Swift Content Removal:** The Directive mandates the removal of objectionable content within twenty-four hours of a complaint, underscoring the importance of timely intervention.
- 8.3. **Privacy Maintenance:** Operators are required to maintain the privacy of user details, implementing necessary security measures for their protection.
- 8.4. **Educational Outreach:** Regularly publishing educational materials for user benefit reflects a commitment to fostering a secure online environment.

## 9. RESPONSIBILITIES OF SOCIAL MEDIA USERS

- 9.1. **National and Social Responsibilities:** Users are expected to refrain from activities that may adversely affect national interests or perpetuate discrimination.
- 9.2. **Prohibitions and Responsible Citizenship:** Prohibitions on cyberbullying, hate speech, and illegal activities underscore the Directive's commitment to responsible online citizenship.

## 10. ROLE AND RESPONSIBILITY OF THE MINISTRY

- 10.1. **Centralized Coordination:** The Ministry assumes a central role in coordinating relevant authorities and stakeholders involved in social media management.
- 10.2. **Interactive Programs:** Responsibilities include conducting interactive programs, enhancing resourcefulness, studying social media trends, and implementing capacity-building initiatives.

## 11. RESPONSIBILITY OF ASSOCIATED BODIES

- 11.1. **Grievance Handling Enhancement:** Associated bodies are tasked with enhancing the skills of personnel involved in grievance handling, contributing to a more effective resolution of complaints.
- 11.2. **Quarterly Reporting:** Designated focal persons are responsible for submitting quarterly reports on grievance handling matters, fostering transparency and accountability.

## 12. ORGANIZATION OF EDUCATION AND AWARENESS INITIATIVES

- 12.1. **Diverse Outreach Methods:** Educational and awareness programs are encouraged through various channels, including publishing, websites, conferences, workshops, and advertisements.

- 12.2. **Collaborative Assistance:** Relevant ministries are called upon to provide necessary assistance, coordination, and facilitation for these programs.

### 13. SOCIAL MEDIA MANAGEMENT UNIT

- 13.1. **Grievance Resolution: Section 13** provides for a dedicated unit under the Ministry, the Social Media Management Unit, addresses grievances unresolved by platforms or contact points.
- 13.2. **Complaint Registration Process:** The unit registers complaints related to social media use, requiring applicants to submit detailed evidence, such as screenshots of objectionable content.
- 13.3. **Advocacy and Capacity Building:** The unit advocates for legal frameworks and good practices through institutionalized studies, research, and dialogue, emphasizing capacity building within its ranks.

### 14. SPECIAL ARRANGEMENTS

- 14.1. **Priority Consideration: Section 14** provides for complaints related to women, children, and sexual minorities are accorded priority, recognizing the specific vulnerabilities these groups may face in the online space.

## 15. ISSUING DIRECTIVES

- 15.1. The Ministry is granted the authority to issue necessary guidelines and directives to social media platform operators, contact points, and associated bodies, reflecting the dynamic and responsive nature of the regulatory framework.

## KEY CONTACTS

If you have any questions or would like to know how this might affect your business, get in touch with these key contacts



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