



RULES GOVERNING EXAMINATION AND CERTIFICATION OF FILMS

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CHAPTER 1

Preliminary

1.1. Legal basis

These Rules governing examination and certification of films is issued by the Bhutan InfoComm and Media Authority (the “Authority”) in accordance with Chapter 6, Section 105 and 106 of the Bhutan Information Communications and Media Act 2006 (the “Act”) that requires the Authority to issue rules governing the examination and certification of cinematographic films.

These Rules are aimed at ensuring that the content of films intended for public exhibition in Bhutan conforms to local sensitivities and to the social and cultural values of the Bhutanese people.

1.2. Title and commencement

These Rules shall be called the “*Rules Governing Examination and Certification of Films*” and shall come into effect on the 3rd Day of November, 2017 corresponding to the 14th Day of the 9th Month of the Bhutanese Fire Female Bird year.

1.3. Scope of application

These Rules shall apply to all Bhutanese filmmakers and to the members of the film examining board. These Rules shall be read in conjunction with all other existing codes of practice and regulations established by the relevant government agencies to promote the healthy development of media.

1.4. Amendment

Amendments to these Rules shall be made according to the needs and changes in national priorities, policies and industry trends. Hence, the amendment of these Rules by way of addition, variation or repeal may be effected by the Authority as and when required.

1.5. Interpretation

The power to interpret these Rules shall vest with the Authority who may issue such instructions as may be necessary to give effect to, and carry out the provisions of these Rules.

1.6. Rules of construction

In these Rules, the words importing the masculine gender shall include the feminine gender and words in singular shall include the plural and vice-versa.

1.7. Definitions

For the purposes of these Rules, unless the context otherwise requires, the following words and terms shall have the following meanings:

“Act” means the Bhutan Information Communications and Media Act 2006.

“Authority” means the Bhutan InfoComm and Media Authority.

“Children” means a person who is under eighteen years of age.

“Film” refers to all forms of moving image production including feature films, drama, documentaries, advertisements and music videos that are meant for commercial and public screening.

“Television programmes” includes any television series, documentaries, music videos, or any other programmes for television, produced for a commercial and public screening.

"Vulnerable Person" means: (a) a Child or Children; or. (b) an individual aged 18 years and above who is or may be unable to take care of themselves, or is unable to protect themselves against harm or exploitation by reason of age, illness, trauma or disability, or any other reason.

CHAPTER 2

General Rules

2.1 Objective

These rules shall ensure that the:

- i. Content of films remain responsible and sensitive to the social and cultural values and standards of the Bhutanese society.
- ii. Films produced are of aesthetic value and cinematically of a good standard.
- iii. Basis for a self-regulatory system is established to give the film industry a set of principles to guide it, while it gives the Authority a clear framework within which to address complaints from members of the public.

2.2 Filming Permit

- a) All feature and documentary films including television programs produced for public viewing or with commercial intent shall require a Permit from the Authority for filming in Bhutan.
- b) Documentary films and advocacy programs produced by government agencies, educational institutions and non-governmental organizations, which are specific to their organization and its products and services either for internal consumption or public viewing, shall not require a filming permit.

2.3 Board of Film Certification

- a) For the purpose of certification of films for exhibition, the Bhutan InfoComm and Media Authority shall constitute a Board to be called the National Film Review Board which shall consist of not less than nine and not more than twenty five members.
- b) The members of the Board shall be persons who, in the opinion of the Authority, by reason of their profession, qualification, experience or the organization that they represent are qualified to judge the effect of films on the public.
- c) Subject to fulfilment of the criteria set out in sub-section (b) above, the Authority shall make every effort to ensure that the members represent a fair balance in terms of gender, profession and occupation.
- d) The Authority shall prepare a fresh list every three (3) years.

CHAPTER 3

National Film Review Board

3.1 Functions of the National Film Review Board

The National Film Review Board shall be established to:

- a) Examine and recommend certification of films for the purpose of public exhibition with appropriate endorsement;
- b) Review content of the film as per the “Guidelines for Filming in Bhutan”, the “Rules on Content” or to any other relevant Rules, Regulations and Guidelines as may be specified by the Authority to ensure that the content of the film are not antithetical to the social, cultural or other values of the people of Bhutan;
- c) Review the film in the light of the period depicted in the film, context, content, theme and people to whom the film relates and judge it from the point of view of its overall impact and the contemporary standards of the country; and
- d) Make recommendation for policy review or decisions, to bring about improved regulatory framework that will guide the development of the film industry in a healthy manner.

Notwithstanding anything contained in this section, a film shall not be certified for exhibition if in the opinion of the examining panel, the film or any part of it undermines the criteria highlighted in section 108 of the ~~BICM~~ Act.

3.2 Criteria for the Appointment as a Member of the National Film Review Board

The Authority shall consider the following criteria while appointing a member of the National Film Review Board:

- a) Must be a Bhutanese citizen and be 25 years of age or above;
- b) Must have strong analytical skills and be able to judge the effects of films on the public;
- c) Be of sound mental health, and be able to perform his duties;
- d) Must not have been dismissed on grounds such as corruption and misuse of position from his or her previous employment in either government or private agencies; and
- e) Must not have been convicted of any criminal offence.

3.3 Term of Office and Remuneration

- a) Every member of the Board shall hold office for a period of three years from the date of appointment.
- b) A member whose term of office has expired shall be eligible for re-appointment for a further additional period of one term only.
- c) Members shall receive such fees as may be prescribed for attending the film examination. The amount payable may be revised by the Authority from time to time.

3.4 Vacancy

A casual vacancy caused in the board by resignation, death or removal of a member or otherwise shall be filled by the appointment of another member in the same manner as provided under section 3.2.

3.5 Resignation

A member may at any time resign from the National Film Review Board by notice in writing, addressed to the Authority. The resignation shall take effect from the date of acceptance of the notice or from such other date as may be agreed between the member in question and the Authority.

3.6 Termination

A member may be removed from the National Film Review Board by the Authority on the following grounds:

- a) Has failed to attend the review consecutively for three times;
- b) Been debarred or disciplined by a professional body;
- c) Has become physically or mentally incapable of serving as a member;
- d) Been convicted of an offence;
- e) Acquired such financial or other interest as is likely to affect prejudicially the functions as member; or
- f) Abused the position to affect decision for personal favour.

3.7 Conflict of Interest

Any member having direct or indirect and pecuniary interest or otherwise shall disclose the nature of such interest and shall not take part in the deliberation or decision of the examining panel with respect to that film.

CHAPTER 4

Examination and Certification of Film

4.1 Examination of Films

All commercial feature films shall be examined by the examining panels for the purpose of certification. All other documentary films shot in Bhutan both by local or international production houses or individuals shall be reviewed by the Authority.

4.2 Examining Panel

- a) The Authority shall constitute examining panel for the purpose of examining films under Section 105 of the Act as and when necessary.
- b) Examining panel shall consist of five (5) members selected from the list of the members of the National Film Review Board.
- c) Members shall be selected on rotational basis while maintaining gender balance.
- d) The Authority and the members of the Panel shall not disclose the names of the examining panel to anyone, including the applicant.

4.3 Application for Examination of Film

- a) All commercial feature films shall have to be submitted to the Authority with the following documents for examination.
 - i. Duly filled application form for examination and certification of films;
 - ii. The edited final copy of the film in the prescribed format, and
 - iii. Fee as specified in Table - 1
- b) Review of other documentaries shot in Bhutan by local and international production houses and individuals shall be subject to submission of the following documents:
 - i. Duly filled application form for the review of the film
 - ii. The edited final copy of the film.
 - iii. The original receipt of the security deposit in the case of international documentary films and
 - iv. Transcript or subtitle of the film in English if the language is other than Dzongkha or English.

4.4 Imported Films

- a) All films imported for public exhibition must be examined and certified by the Authority. However, if a film has already been certified by a recognized competent body, either in the country of origin of the film or in any other country, it may be exempted from the requirement of full examination and certification at the discretion of the Authority.
- b) For review of an imported film for public exhibition, the application shall be submitted by the distributor of the film or an authorized representative. Such application shall be submitted along with the synopsis of the film, certified copies of the film certificate, relevant trade or import licence and custom clearance.
- c) If the film is in a language other than Dzongkha and English, the applicant shall provide the film copy with English subtitles.
- d) If the Authority is of the opinion that any imported film in respect of which an exemption is sought under these Rules is not suitable for such exemption, notwithstanding that the film has been previously certified for public exhibition by a body outside Bhutan, it shall require the film to comply fully with the requirements of these Rules.

4.5 Exemption

- a) The provisions of these Rules shall not apply to documentaries screened by international organizations, ministries or other government authorities in the course of their duties or to any films shown by diplomatic and consular missions on their own premises and to their own members and non-paying guests. However, the Authority reserves the right for information to authenticate such films.

4.6 Procedure for Examination of Films

- a) On receipt of the application along with the copy of the film and the requisite fees, the Authority shall appoint the panel to examine the film.
- b) The Authority shall deliver to each of the panel member a copy of the synopsis of the film and other relevant information of the film upon the confirmation of their availability at least twenty four (24) hours prior to the time set for the examination of the film.
- c) The Authority shall notify the applicant of the date, time and place where the examination is proposed to take place within the same weekend of the receipt of the application.

- d) The Authority shall schedule the film review on every Saturday starting from 9:30 hrs and if need be, Sundays shall also be scheduled as the film review day.
- e) The Producer and the Director or two authorized representatives along with one technician shall be allowed to be present during the examination of the film.
- f) The Authority shall designate an official of the Authority to coordinate and assist the examining panel during the examination of the film.
- g) The copy of the film sealed in an envelope submitted by the applicant shall be opened in the presence of the Film examining panel and the film Producer/Director or an authorized representative.
- h) Each Panel member shall sign the “Conflict of Interest” form before commencing the film review.
- i) Each panel member is required to fill up the individual review form with their observations and comments and ensure that the form is signed along with their full names.
- j) Immediately after the examination of the film, the members of the examining panel shall discuss their comments/opinions among themselves and arrive at a consensus which shall be recorded as their recommendation in the consolidated form to be signed by all the members of the panel.
- k) No discussions or negotiations shall be permitted between the members of the panel and the film producer/director.
- l) After the examination of the film, the copy of the film shall be handed over to the Producer/Director by the BICMA official in the presence of the panel members. In the event, the film require further review, the copy of the film shall be sealed by the Producer/Director and handed over to the Authority in the presence of the panel members.
- m) The Authority shall convey the decision of the examining panel to the applicant on the first working day of the following week.

4.7 Re-examination of the Film

Subject to the recommendation of the examining panel, the film shall be re-examined as per the following procedure:

- a. If the film requires major modifications, the applicant shall be required to re-submit the film after carrying out the modifications. The Authority shall follow the same procedure as stated under section 4.6 for examination of films.

- b. If the film review panel recommends minor modifications to be reviewed by the Authority, the Authority shall accordingly validate the incorporation of the recommended changes on re-submission of the edited copy of the film.

4.8 Film Classification and Certification

- a) Following the examination of the film, the examining panel shall recommend the film to be certified under any of the following categories:
 - i. **U:** if the film is suitable for unrestricted public exhibition.
 - ii. **U (PG):** if the film is suitable for unrestricted public exhibition but Parental Guidance suggested as some scenes may not be suitable for children. Such films should not disturb a child aged around twelve years or older but Parents should consider whether the content might upset younger or more sensitive children.
 - iii. **A:** if the film is suitable for public exhibition but only for persons of 18 years and over.
- b) The examining panel, may also refuse the certification of the film for any type of exhibition if the panel feels that the film or any part of it is:
 - i. detrimental to the sovereignty, security, unity or integrity of Bhutan;
 - ii. detrimental to the peace, stability and well-being of the nation;
 - iii. detrimental to the interests of friendly relations with foreign countries;
 - iv. likely to incite public to committing an offence;
 - v. likely to lead to the disclosure of information received in regard to the affairs of the state or in discharge of official duties; and
 - vi. likely to violate the rights and freedom of others.
- c) The Authority on receipt of the recommendations of the examining panel shall accordingly certify the film as recommended. The Authority shall ordinarily be bound by the recommendations of the examining panel, but where, in exceptional circumstances, it is of the opinion that the recommendations ought to be departed from, it shall state, in writing, the reasons for so departing, and furnish a copy of the reasons to the applicant.

- d) The certificate shall only be issued by the Authority on submission of the final copy of the film by the applicant.

4.9 Alteration of Film after Certification

- a) No film for which a certificate has been granted for public exhibition shall be altered or modified by way of excision, addition, coloring, insertion of special effects or otherwise in any manner whatsoever.

4.10 Transfer of ownership for approved films

- a) If a principal producer/owner of an approved film desire to sell the film to a buyer, he/she shall be permitted to do so only after obtaining an ownership transfer certificate from the Authority on payment of fee as prescribed in Table 1.
- b) To obtain an ownership transfer certificate, the parties shall be required to submit attested copy of the sale deed agreement (buyer and seller) and other necessary documents as may be required by the Authority.

4.11 Prohibition on Exhibition

- a) No film shall be advertised or publicized in any medium before the film has been certified by the Authority.
- b) All foreign films shall have to be approved by the Authority for public exhibition.
- c) No films or trailers can be publicly exhibited without first showing or displaying prominently the certification of the film at the beginning of the trailer or films. All film posters exhibited publicly must display the symbol of the film certification.
- d) No filming activity or production shall be advertised without first obtaining a filming permit.

4.12 Suspension and revocation of Certificate

- a) Notwithstanding anything contained in these Rules and in addition to the breach of the provision of Rules set out in Chapter 5, the Authority may suspend a certificate granted under these Rules for such period as it thinks fit or may revoke such certificate, if it is satisfied that:
 - i. The film in respect of which the certificate was granted, was being exhibited in a form other than the one in which it was certified;

- ii. The film or any part thereof is being exhibited in contravention of the provision of these Rules or any other law.
 - iii. The certificate has been obtained by fraud or misrepresentation of facts.
- b) During the course in which a certificate remains suspended, the film shall be deemed to be an uncertified film and shall not be permitted for any form of exhibition.

4.13 Duplicate Copy of Film Certificate

In the event, the original certificate is lost, damaged or destroyed, the certificate holder may apply to the Authority for a duplicate copy on payment of fee as specified in Table-1.

CHAPTER 5

Complaint Handling and Breach of Rules

5.1 Complaint Handling

- a) Any complaint on matters covered by this Rule shall be resolved by the parties concerned.
- b) However, complaint may also be referred to the Authority directly. Under such circumstances, the Authority shall receive, consider, mediate and if necessary, adjudicate on matters relating to alleged breaches.

5.2 Breach of Rules

- a) Any person found to breach any provision of these Rules shall be dealt as per the provisions of the Act, Rules, Regulations, Undertaking and any other applicable laws of the country.

Table 1. Fee structure for local filming activities

Sl. no	Type of fees	Amount
1	Local filming permit	Nu. 1000.00
2	Examination of films (NFRB)	Nu.10,000.00
3	Re-examination of films (NFRB)*	Nu.10,000.00
4	Ownership transfer fee	Nu.1,000.00
5	Duplicate certificate	Nu.5,00.00

- In the event if the film has to undergo major changes and has to be re-examined by the National Film review Board.

Table 2. Fee structure for international filming activities

Sl. no	Type of fees	Amount
1	Filming permit	Nu. 150,000.00
2	Security deposit (refundable)	Nu.100,000.00
3	Review of documentaries	Free