



RULES FOR THE NATIONAL FILM REVIEW BOARD

Bhutan InfoComm and Media Authority
Royal Government of Bhutan
Thimphu : Bhutan

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CHAPTER 1 PRELIMINARY

1.1 Legal basis

In accordance with Chapter 6, Section 106 (3) of the Bhutan Information, Communications and Media Act 2006, the Bhutan InfoComm and Media Authority (“the Authority”) hereby issues this “Rules for the National Film Review Board” to certify and examine films so as to ensure 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 for the National Film Review Board* and shall come into effect on the day of 2008 corresponding to theDay of the.....month of the Bhutanese.....year.

1.3 Scope of Application

These Rules shall apply to all the members of the National Film Review Board. These Rules should 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 the media.

1.4 Amendment

The Authority may revise or update these Rules from time to time as required, to ensure relevance and currency after two third majority votes of the Members. Amendments shall be made according to the needs and changes in national priorities, policies and industry trends.

1.5 Interpretation

The Authority under the powers conferred by Section 27 (3) (s) and (t) of the Act shall have the power to interpret these Rules and may issue such instructions as may be necessary to give effect to and implement 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.

“**Context**” includes but is not limited to the:

- editorial content of programmes or series;
- service on which the material is broadcast;
- time of broadcast;
- scheduling of what other programmes are before and after the programmes are concerned;
- degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- likely size and composition of the potential audience and likely expectation of the audience;
- extent to which the nature of the content can be brought to the attention of the potential audience, for example, by giving information; and
- effect of the material on viewers or listeners who may come across it unawares.

“**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, TV serials, advertisements and music videos that are meant for commercial and public screening.

“**Sponsor**” is any public or private undertaking other than the broadcaster or programme producer, who is sponsoring the programme or programming in question with a view to promoting their or another’s name, trademark, image, activities, services, products or any other direct or indirect interest. This meaning extends to those who are otherwise supplying or funding the programme.

“**Vulnerable person**” includes those with special needs, those with mental health problems, the bereaved, people with brain damage or forms of dementia, people who have been traumatized or who are sick or terminally ill. This meaning shall extend to the vulnerable communities also.

CHAPTER 2 APPOINTMENT AND COMPOSITION

2.1 Composition

The members of the National Film Review Board shall at any given time be not less than nine and not more than twenty five.

2.2 List of examiners

The Authority shall invite members of the public who may be interested in, and qualified for serving on the National Film Review Board. The Authority shall prepare a fresh list every three (3) years. Those who may have had their names included in the list for a three (3) year term can be invited again for the next term.

2.3 Eligibility for the appointment of the members

The Authority shall appoint any person whom it thinks fit to be a member of the National Film Review Board. In appointing the members, the Authority will make every effort to ensure that the members represent a fair balance in terms of gender, profession and occupation.

An Individual to be appointed as a member of the National Film Review Board should fulfill the following qualifications:

1. He should be a Bhutanese under the provisions of the Citizenship Act;
2. He should have strong analytical skills and be able to judge the effects of films on the public;
3. He should have the capacity to put himself in the role of most Bhutanese parents so they can view a film and apply a rating that most parents would find suitable and helpful in aiding their decisions about their children and what movies they see.
4. He should be 25 years of age or above;
5. He should be of sound mental health, and be able to perform his duties;
6. He should be capable of shouldering the responsibilities of the National Film Review Board;
7. He should not have been dismissed, on dishonorable grounds such as corruption and misuse of position from his or her previous employment in either government or private agencies;
8. He should not have been convicted of any criminal offence.

CHAPTER 3 TERMS OF OFFICE AND REMUNERATION

3.1 Tenure of Office

An appointment of an individual as a member of the National Film Review Board shall be for a period of three years from the date of his appointment. Previous appointment as a member shall not affect his eligibility for re-appointment.

3.2 Remuneration

An appropriate honorarium will be paid for each member who sits and reviews the film. In case the film needs to be re-examined, such honorarium determined by the Authority will also be payable to each member who re-examines the film. The amount is not fixed and can be revised from time to time by the Authority.

3.3 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.

3.4 Termination

A member shall be removed from the National Film Review Board by the Authority if he has:

- a) been debarred or disciplined by a professional body to which he belongs;
- b) become physically or mentally incapable of acting as a member;
- c) been convicted of any offence that involves moral turpitude;
- d) acquired such financial or other interest as is likely to affect prejudicially his functions as member; or
- e) so abused his position as to render his continuance in office prejudicial to the public interest.

No member shall be removed from his office under this Subsection unless he has been given a reasonable opportunity of being heard in the matter. He shall be given an opportunity to justify why such action should not be taken, and any representations made by him or on his behalf shall be considered by the Authority. The decision of the Authority shall, however, be final and no appeal shall lie against it.

3.5 Fresh Appointments

Where a vacancy arises whether by reason of death, resignation or removal of a member, it shall be filled as soon as practicable, in accordance with the criteria and procedure for appointment as specified in Section 2.2 and 2.3. Every newly nominated member shall assume office immediately after the term of office of the outgoing member comes to an end.

CHAPTER 4 FUNCTIONS OF THE NATIONAL FILM REVIEW BOARD

4.1 Functions of the Board

The objectives of establishing the National Film Review Board are:

1. to guide and support the growth of the Bhutanese Film industry which will uphold the national values, foster a sense of national pride, encourage and support talents in acting and film making and promote the country's image; and
2. to certify and rate films so as to offer parents some advance information about movies so that parents can decide what movies they want their children to see or not see.

The members will carry out the following functions:

- a) The members shall, during their examination, have due regard to the criteria for the certification of films laid down under Section 108 of the Act and to the **“Rules governing examination and certification of films”** or to any Regulations issued by the Ministry for this purpose, including any guidelines that may already be in existence at the time of coming into force of these Rule, either in their entirety or in such modified form as may be specified by the Authority.
- b) Ensure that the content of film intended for public exhibition, whether produced within Bhutan or outside, are not antithetical to the social, cultural or other values of the people of Bhutan.
- c) Protect the general public and more specifically the vulnerable sections of the population such as children and young persons from undesirable influences such as the effects of excessive or gratuitous violence, obscenity, drug-taking and gambling as they appear in films.
- d) Review contents of the film as per the **“Filming Guidelines and Code of Practice”** (attached as **Appendix B**) and require the applicant to carry out any excisions or modifications if deemed necessary.
- e) Check the technical quality (Visual and Sound) and recommend changes/improvements if necessary.
- f) After review or re-examination, grant approval to films for public viewing, with appropriate endorsement where necessary.
- g) Make recommendations for policy review or decisions to bring about improved regulatory framework that will guide the development of the film industry in a healthy manner.
- h) Promote technological neutrality and innovation in the industry.

CHAPTER 5 GENERAL GUIDELINES

5.1 Procedure for examination of films

- a) The Authority has fixed every Saturday morning starting from 10:00 hrs as the examining and review day.
- b) The Authority shall ordinarily provide each member of the examining panel a copy each of the synopsis of the film and the length of the film at least forty eight (48) hours prior to the time set for the examination of the film.
- c) The quorum for the examining panel shall be five members and at least two female members shall be present at the time of review.
- d) The Director and Producer along with one technician shall be present during the review and be available to provide any information or clarification. The General Secretary of the Motion Picture Association of Bhutan (MPAB) or his representative shall also be allowed to sit for the review. The Authority may, also, permit one or two members of the Authority's staff to remain present at the examination as may be necessary to aid and assist the examining panel in the discharge of their duties.
- e) Every member of the examining panel will be provided with the **Film Review Form** (attached as **Appendix A**). Immediately after the examination of the film, the chairperson (designated among the members themselves) and the other four members of the examining panel shall, before leaving the premises where the examination is held, discuss their comments/opinions with the filmmakers and record his opinion of the film in writing, including the reasons for such opinion, and shall state whether he considers that:
 - i. the film is suitable for unrestricted public exhibition, i.e. fit for the grant of a 'U' certificate; or
 - ii. the film is suitable for unrestricted public exhibition but with an endorsement that no child below the age of twelve years shall be allowed to view the film unless accompanied by an adult during the showing of the film, i.e. fit for the grant of a 'U' certificate with a 'PG' endorsement; or
 - iii. the film is suitable for public exhibition restricted to adults, i.e. fit for the grant of an 'A' certificate; or
 - iv. the film is suitable for a 'U' certificate, with or without a 'PG' endorsement, or an 'A' certificate, as the case may be, provided that a specified portion or portions is or are excised, or provided that certain modifications are carried out; or
 - v. the film is not suitable for unrestricted or restricted public exhibition because the film or any part of it is likely to:

- a. be detrimental to the interests of the sovereignty, security, unity or integrity of Bhutan; or
- b. be detrimental to the interests of the peace, stability and well-being of the nation; or
- c. be detrimental to interests of the friendly relations with foreign States; or
- d. incite the public, or any part of the public, to committing an offence; or
- e. disclose information received in regard to the affairs of the State or in discharge of official duties; or
- f. violate the rights and freedom of others,

i.e. that certification be refused.

- f) Each of the statements, including recommendations, recorded in the **Film Review Form** shall be duly signed and dated by the member making it, and forwarded to the Authority.
- g) For the purposes of re-examination where the applicant is required to make certain excisions and/or modifications in his film, the Authority shall appoint a re-examining panel consisting of no fewer than three members of the original panel which examined the film. The members of the re-examining panel shall view the re-submitted film on such date and time, and at such place, as may be determined by the Authority.
- h) Each member of the panel re-examining the film shall, immediately after the re-examination and before leaving the premises on which the re-examination was carried out, make a report, either:
 - i. expressing his satisfaction that the applicant has carried out all the excisions and/or modifications stated in the Authority's order; or
 - ii. Stating that the applicant has not carried out such excisions and/or modifications to his satisfaction, and shall forward the report to the Authority.



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APPENDIX A – Film Review Form for the National Film Review Board

Ref No:

Date:

Name of the Movie:	Genre:
Date of Review:	Time of Review:

Categories	Ratings					Remarks (if any)
	(Please tick)					
	*	**	***	****	*****	
Movie title						
Direction						
Script						
Dialogue						
Sound						
Special effects						
Background music						
Music						
Lyrics						
Choreography						
Creativity						
Originality						
Performance						
Editing						
Title and credits						
Cinematography						

Any objectionable scenes/ languages/ depictions:

General Comments:

Approved for:

Certification without any changes

Certification to be issued only after the required changes are made

Recommended for:

Unrestricted public exhibition of a film (**U**)

Unrestricted (with parental guidance) public exhibition of a film (**PG**)

Restricted public exhibition of a film (**A**)

Not recommended

Signature of the member:

Name:

Date:

NOTE – *What everyone should know about the movie rating system.*

STARS

*	:	Poor
**	:	Improvement needed
***	:	Satisfactory
****	:	Good
*****	:	Excellent

(U) General Audiences – Nothing that would offend parents for viewing by children.

(PG) Parental Guidance Recommended – Parents are urged to give parental guidance. May contain material which parents might not like for their young children.

(A) Restricted – Contains adult material. Parents are urged to learn more about the film before taking their children with them.

**The entire rostrum of the rating program rests on the responsibility of the parents. If parents are careless or if they are languid in guiding children's movie going, the rating system becomes ineffective.*



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APPENDIX B - FILMING GUIDELINES AND CODE OF PRACTICE

The following guidelines should be strictly followed by any Bhutanese who produces films for public exhibition.

1. Objective

- a) Ensure high standards of content production in Bhutan's media through self-regulation in accordance with the sensitivities and expectations of Bhutanese viewers, listeners, readers, media users and internationally recognized good practice governing media content.
- b) Ensure that standards are set to protect viewers while enabling the media to be creative and to express a full range of views necessary to raise the level of discourse in a democracy. If the right standards are set, the media will grow with self regulation and minimum interference by the Government.
- c) Serve as a guide towards upholding the standards expected of Bhutanese media in a practical and feasible manner and, at the same time, foster, promote and encourage the development of media in Bhutan.

2. Principles

- a) All filming should be prepared with a sense of responsibility to citizens and society.
- b) All filming should protect people's privacy, uphold social values and acknowledge the need for transparency and accountability.
- c) Films should uphold national harmony, and Bhutan's priorities such as a balanced development and the development philosophy of Gross National Happiness.
- d) Media content should empower Bhutanese citizens to achieve well-being and quality of life and not become a passive audience for consumerism.

3. Guidelines

Guidelines under this section are designed to ensure that generally accepted standards are applied to contents of films and music videos to provide protection for adults and people under eighteen from harmful and offensive material. The guidelines also promote socially positive values.

In applying generally accepted standards, film makers and producers must ensure that material which may offend is justified by the context. Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example, on the grounds of age, disability, gender, race, religion, beliefs).

- a) Any content that is indecent, obscene, or menacing in character is prohibited.
- b) Material disseminated which includes anything that offends good taste or decency; is offensive to public feeling; is likely to encourage crime or lead to disorder; or is abusive or threatening in nature, is prohibited.
- c) These guidelines seek to ensure that the type of content is measured in the context of the country's social, religious, political and educational attitudes and beliefs, as well as the need to accommodate global diversity in a borderless world.

4. National priorities

- a) Films should not undermine public security or public confidence in the law and its enforcement in Bhutan.
- b) National symbols and emblems should only be shown in accordance with the existing rules of the Royal Government;
- c) Dress codes and national language shall be adhered to as opportunities for film producers to contribute towards the larger interest of promoting our national identity.
- d) Scenes that might incite religious, ethnic, regional or communal conflicts are not permitted.
- e) Content should not encourage or in any way lead to discrimination against any section of the community on account of gender, age, disability or occupational status.
- f) Endangering the national interest and public order; and
- g) Scenes that might strain the friendly relations with foreign states must be avoided.

5. Social Values

- a) Filmmakers should bear in mind the importance of the family as the basic unit of society.
- b) Information, themes and subplots on sexual orientations such as homosexuality, lesbianism, as well as incest should be treated with utmost caution. Their treatment should not in anyway promote, justify or glamorize such lifestyles. Explicit depictions of the above should be avoided.
- c) Taking into consideration the sensitivity of Bhutanese society, film makers should refrain from depicting nudity and scenes that are obscene, depraved or vulgar. Child pornography, including depiction of any part of the body of a minor which might be reasonably considered

as sexual content, is prohibited.

6. Religion

- a) Buddhism is the spiritual heritage of Bhutan, which promotes among others the principles and values of peace, non-violence, compassion and tolerance. Filmmakers and producers must recognize this while respecting the constitutional rights to freedom.
- b) Filmmakers must exercise sensitivity and responsibility when producing films on religion.
- c) Filmmakers must aim at respecting and promoting spiritual harmony.
- d) Filmmakers should avoid content that is fanatical, critical and which denigrates any religion.

7. Harm and Offence

- a) Films must not include material which, taking into account the context, condones or glamorizes violent, dangerous or seriously antisocial behaviour (e.g. hooliganism, vandalism, juvenile delinquency, substance abuse) and is likely to encourage others to copy such behaviour.
- b) The act of criminals, other visuals or words likely to incite the commission of any offence should not be depicted.
- c) Film makers should be sensitive while depicting scenes that show cruelty to, or abuse of animals.
- d) Scenes that show abuse or ridicule physically and mentally handicapped persons need not be presented unnecessarily.
- e) Flashing lights and certain types of regular visual patterns may cause problems for some viewers suffering from photosensitive epilepsy or other related conditions. Care must be taken to minimise these risks in all programmes, but especially programmes where young persons are likely to be watching as they could be more susceptible.

8. The involvement of people under eighteen in films

- a) Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in films and music videos. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in place of a parent.
- b) People under eighteen must not be caused unnecessary distress or anxiety by their involvement in films and music videos, or by their screenings.

- c) Involvement of children in violence as victims or perpetrators or as forced witnesses to violence, or children shown as being subjected to any form of child abuse should not be shown needlessly.
- d) When covering any pre-trial investigation into an alleged criminal offence, film-makers should pay particular regard to the potentially vulnerable position of any person who is not yet adult and who is involved as a witness or victim, before using their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of them. Particular justification is also required for the filming of such material relating to the identity of any person who is not yet adult and who is involved in the defense as a defendant or potential defendant.
- e) Film makers should pay particular attention to the privacy of people under eighteen. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

9. Violence and dangerous behaviour in children's films

- a) Children may not be able to distinguish real life from fiction and are likely to be disturbed by realistic portrayal of violence, horror etc. They are also more pre-disposed to imitative behaviour. As such, no advantage should be taken of children's natural credulity.
- b) Violence, whether verbal or physical, that is easily imitable by children in a manner that is harmful or dangerous must not be featured in films made primarily for children unless there is strong justification;
- c) Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful must not be featured in films made primarily for children.
- d) Abusive behaviour should not be depicted needlessly in children's films: e.g. physically and mentally disabled persons being abused and ridiculed, and cruelty towards and abuse of animals.

10. Violence

- a) Scenes of violence, cruelty and horror primarily intended to provide entertainment that may have the effect of de-sensitizing or de-humanizing people should not be shown.
- b) Violence must not be depicted solely for its own sake, and must be placed in an appropriate perspective and be sensitively handled keeping in mind the Bhutanese audience. Scenes with excessive violence or suffering such as close-up shots of persons being brutally tortured and killed, and visual depictions of sexual assault or rape scenes should be avoided.

11. Use of Alcohol, Drugs and Tobacco

- a) Scenes which glamorize and glorify the habit of drinking alcohol are not permitted.
- b) Scenes tending to encourage, justify or glamorize drug addiction are not permitted.
- c) Scenes tending to encourage, justify or glamorize the consumption of tobacco or smoking are not permitted.

12. Exploitation

- a) Films and music videos should not condone the exploitation of women, men and children. Any negative or degrading content on the role and nature of women, men or children in the society must be avoided all time.
- b) Films and music videos should not degrade either gender by negative portrayal such as implied lewd conduct through modes of dress or camera focus on areas of the body.

13. Privacy

Film makers should respect the right to privacy of any individual and should not project scenes that have visuals or words involving defamation of an individual or a body of individuals.

14. Consent

- a) When filming or recording in institutions, organizations or other agencies, permission should be obtained from the relevant authority or management. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the general public will not normally be required.
 - However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent should normally be obtained before filming or recording and for screening/broadcast from those in sensitive situations. If the individual will not be identifiable in the programme then separate consent for broadcast will not be required
- b) If a contributor is under eighteen, consent should normally be obtained from a parent or guardian, or other person of eighteen or over in place of a parent. In particular, persons under eighteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
- c) Where a film features an individual under eighteen or a vulnerable person in a way that infringes privacy, consent must be obtained from:
 - a parent, guardian or other person of over eighteen in place of a parent; and
 - wherever possible, the individual concerned;

unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent.

15. Gathering information, sound or images and the re-use of material

Film-makers should ensure that the reuse of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the filmmaker's own material.

16. Prohibited and restricted sponsors

- a) Betting and gaming companies must not sponsor films.
- b) Sponsorship on films and music videos must comply with both the advertising content and scheduling rules that apply to that medium.

