



Rules and Regulations Governing Community and Campus Radio

འབྲུག་བཅ་དོན་བརྒྱུད་འབྲེལ་དང་བཅ་བརྒྱུད་དབང་འཛིན།

**Bhutan InfoComm and Media Authority
Royal Government of Bhutan**

First edition 2017
Second edition 2019

Copyright © BICMA
All rights reserved

All inquiries should be addressed to:

Bhutan InfoComm & Media Authority
Post Box No. 1072
Thimphu: Bhutan

Contents

Chapter 1: Preliminary	1
1.1 Legal Basis	1
1.2 Title and commencement	1
1.3 Scope of Application	1
1.4 Amendment	1
1.5 Repeal	2
1.6 Interpretation	2
1.7 Rules of Construction	2
1.8 Definition	2
Chapter 2: General Provisions	4
2.1 Basic Principle	4
2.2 Licence	4
2.3 Eligibility Criteria for license	5
Chapter 3: Operation of Community or Campus Radio	6
3.1 Function	6
3.2 Obligation	7
3.3 Ownership	8
3.4 Funding	8
3.6 Content	8
3.7 Technical parameters	10
Chapter 4: Compliance, Penalties and Appeal	11
4.1 Compliance	11
4.2 Penalties	11
4.3 Appeal	12
4.4 Indemnification	12

Chapter 1: Preliminary

1.1 Legal Basis

These Rules and Regulations are issued as per Section 178 of the Information, Communications and Media Act of Bhutan 2018 (“the Act”) by the Bhutan InfoComm and Media Authority (“the Authority”) for regulating the Community and Campus Radio Station in Bhutan.

1.2 Title and commencement

These Rules and Regulations shall be called as the Rules and Regulations Governing Community and Campus Radio and shall come into effect on the 1st day of July, 2019 corresponding to the 29th day of the fourth month of the Bhutanese Earth Female Pig Year.

1.3 Scope of Application

These Rules and Regulations shall apply to all the Community and Campus Radio stations in Bhutan and shall be read in conjunction with all other existing codes of practice and Rules established by the Authority.

1.4 Amendment

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

1.5 Repeal

With the commencement of these Rules and Regulations, the Regulation Governing Community and Campus Radio 2017 is repealed.

1.6 Interpretation

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

1.7 Rules of Construction

In these Rules and Regulations, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

1.8 Definition

In addition to the following terms, or unless the context requires otherwise, the words and terms used in these Rules and Regulations shall have the same meaning as assigned in the Act

Advertisement means an announcement of a public nature promoting the sale or purchase or provision of goods or services or constituting of an invitation to participate in an activity and conveyed by or through any signage, image or sound disseminated through any medium. Any communication which in the normal course would be recognized as an advertisement by the general public would be included in this definition even if it is carried free-of-charge for any reason.

Alternative Dispute Resolution Centre means the Bhutan Alternative Dispute Resolution Centre established as per Alternative Dispute Resolution Act 2013.

Authority means the Bhutan InfoComm and Media Authority established as per the provision of the Act.

Campus means area within the educational institute's boundary (universities and colleges).

Campus Radio means a radio station owned and operated by a university or college to serve the interest and educational needs of the students.

Community means a group of people speaking a common dialect, sharing distinct culture and residing within a single geographical location (village or neighbourhood).

Community Radio means a radio station which is owned and operated by the community to cater to the information needs of people living in that particular locality.

Local Advertisement means any advertisement generated by and for the community.

Mainstream Media means any print and broadcasting services licensed by the Authority.

Chapter 2: General Provisions

2.1 Basic Principle

A Community or Campus Radio shall be established:

- a) To promote and preserve the culture, local identity, character and demographic needs of the community.
- b) To enhance the learning experience of the intended educational institution.
- c) As a non-profit entity designed to serve a particular community or educational institute.

2.2 Licence

2.2.1 The Authority shall consider the issuance of Community and Campus Radio license subject to submission of the following documents:

- a) Rationale for establishment.
- b) Proposed coverage and the intended audience.
- c) Content of the programme service along with programming code of conduct.
- d) Involvement and accountability of the community or the educational institute.
- e) Technical details.
- f) Financial details including source of funding and operational sustainability.

- g) The consent of the community and endorsement of the Gewog and Dzongkhag administration for Community Radio.

2.2.3 No entity shall own or be permitted to operate both as Community or Campus Radio.

2.3 Eligibility Criteria for license

2.3.1 A community may apply for a Community Radio license provided the Community:

- a. Is socially or economically disadvantaged
- b. Has distinct culture and tradition
- c. Has a unique local dialect

2.3.2 An educational institute may apply for a Campus Radio license provided it offers media related courses including technical subjects such as broadcasting and/or communication system.

2.3.3 No entity associated with the political parties or religious bodies or business groups shall be eligible for the Community and Campus Radio license.

Chapter 3: Operation of Community or Campus Radio

3.1 Function

The Community and Campus Radio shall:

- a) Function as non-profit entity owned and managed by the community or educational institute without any external interference.
- b) Be accountable to the community or institute that it serves.
- c) Not be used as a platform to promote commercial, political and religious interest.
- d) Have editorial independence from national and local government, political parties, businesses and religious group.
- e) Operate for the purpose of social benefits by broadcasting contents on education, health and hygiene and other local information that are not normally covered by the national broadcaster.
- f) Enable the participation of the community or the Institute in planning, managing and production of their own content.

3.2 Obligation

The Community or Campus Radio station shall:

- a) Limit their service coverage within the community or campus.
- b) Comply with the licensing terms and conditions signed with the Authority.
- c) Adhere to the Rules on content and any other relevant Rules and directives issued by the Authority.
- d) Not promote political or religious interest.
- e) Carry out announcement and notification of public interest in the community particularly during emergency or disaster.
- f) Maintain a recorded copy of all the contents that have been broadcasted in the past one (1) month.
- g) Maintain a proper book of accounts clearly stating the revenue and expenditure incurred including the assets and liabilities and produce such record to the Authority, as and when directed.
- h) Ensure that the transmission equipment is tuned to the assigned frequency to avoid interference to other radio communication services.
- i) Strictly abide by the laws, rules, regulations, directives or code issued by the Election Commission of Bhutan or the Authority during the National or local election.

- j) Not change the name, location, frequency or make any other modifications without prior approval of the Authority.

3.3 Ownership

The Community or Campus Radio shall be owned, managed and operated by the concerned community or the educational institute.

3.4 Funding

3.4.1 No Community or Campus Radio shall be funded by individuals/organizations with commercial interest or political affiliation, or political parties or religious group.

3.4.2 The Community Radio shall be allowed to carry local advertisement and raise fund from within the community.

3.6 Content

3.6.1 The Community and Campus Radio shall abide by the Rules on Content issued by the Authority.

3.6.2 In addition the Community and Campus Radio station shall:

- a) Be allowed to re-broadcast news covered by the mainstream media in its original form but refrain from producing/broadcasting news.
- b) Reflect the special interest and needs of the community on educational, health, developmental, social welfare, environmental and cultural aspects.
- c) Meet the generally accepted social standards and respect to family, community life and values of culture and tradition of Bhutan.

- d) Not show any undue preference or favoritism or exercise undue discrimination of person or any section of the society or organization or political parties or topic of discussion.
- e) Not favor any particular political parties during the course of election or during campaign of political parties or individual politician.
- f) Broadcast in the local dialect of the community it serves as well as in the national language in the ratio of 60:40.
- g) Be allowed to carry local advertisement not exceeding 20% of the entire broadcast time as specified below:
 - i. Advertisement by local business entity.
 - ii. Announcement and notification from the local government.
 - iii. Programmes sponsored by government intended for the social benefit of the community.

3.6.4 The Campus Radio programme shall:

- a) Broadcast in English and Dzongkha only,
- b) Ensure that the programmes serve the institutional need, and
- c) Not carry commercial advertisement.

3.7 Technical parameters

The Licensee shall:

- a) Ensure that the transmitter is located at a safe distance away from any aviation radiocommunication facilities.
- b) Maintain the maximum transmitter power to ten (10) Watts.
- c) Ensure that the antenna be installed at ten (10) meters from the ground to avoid the possible biological hazards of radio frequency (RF) radiation.
- d) Not establish any radio link network and repeater station.
- e) Have necessary soundproofing and acoustic studio to ensure better quality of sound.

Chapter 4: Compliance, Penalties and Appeal

4.1 Compliance

4.1.1 In addition to these Rules and Regulations, the licensee shall comply with relevant laws, codes, standards, orders, directives, notifications and guidelines.

4.1.2 The licensee shall permit any official of the Authority or an authorized representative to enter into any premises that may be used by the licensee in connection with operation of community or campus radio for the purpose of verifying compliance with the standards, lawful orders, instructions or requirements of the Authority.

4.2 Penalties

4.2.1 The Authority shall, subject to the degree of violation, impose the following penalties:

- (i) Issue a written warning letter for the first violation.
- (ii) Impose a penalty equivalent to a maximum of six (6) months daily minimum wage depending on the gravity of the offence for the second violation;
- (iii) Suspend the operation of the establishment for a period of two months or impose a penalty equivalent to six (6) months daily minimum wage or both depending on the gravity of the offence for third violation;
- (iv) The license shall be cancelled automatically upon the fourth violation.

- (v) Notwithstanding the above provisions, if the violation is proven to be severe, the Authority may impose a penalty up to one (1) year daily minimum wage or suspend or cancel the licence.

4.3 Appeal

4.3.1 If aggrieved by the decision of the Authority, the licensee may appeal against such decision to the Alternative Dispute Resolution Centre within ten (10) days of the receipt of the information of such decisions as per section 67 of the Act.

4.3.2 While appealing against the decision of the Authority, the Licensee shall bear all the expenses incurred by Authority including registration fee payable to the Alternative Dispute Resolution Centre.

4.4 Indemnification

4.4.1 Licensee shall indemnify, defend and hold harmless the Authority and its officials, agents, attorneys and representatives against any and all costs, damages, expenses, claims, suits, actions, liabilities and judgments for damages, including but not limited to, expenses for legal fees, whether suit be brought or not, and disbursements and liabilities incurred or assumed by the Authority in connection with:

- (i) damage to persons or property, in any way arising out of or through the acts or omissions by the Licensee, its officials, agents, attorneys, representatives or employees;
- (ii) requests for relief arising out of any Licensee's action or inaction which results in a claim for invasion of the right of privacy; for defamation of any person, firm or corporation; for the

violation or infringement of any copyright, trademark, trade name, service mark or patent; or of any other right of any person, firm or corporation; or

- (iii) any or all claims arising out of Licensee's failure to comply with the provisions of these Rules or any other law, or Rules applicable to Licensee.

