



Rules and Regulations on Content

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

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Chapter 1: Preliminary

1.1 Legal basis

These Rules and Regulations are issued as per Section 58 of the Information Communications and Media Act of Bhutan 2018 (“the Act”) by the Bhutan InfoComm and Media Authority (“the Authority”) to ensure good practice and standards of content disseminated by the Bhutanese ICT and Media service provider to the society.

1.2 Title and commencement

These Rules and Regulations shall be called the Rules and Regulations on Content 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 content made available by the ICT and media industry within the Kingdom of Bhutan and shall be read in conjunction with all other codes of practice and Rules developed to facilitate healthy development of the sector.

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. Hence, 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With the commencement of these Rules and Regulations, the Rules on Content 2010 are repealed.

1.6 Interpretation

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

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.

Advertiser means any person who utilizes the print or electronic medium to advertise their product or service.

Authority means the Bhutan InfoComm and Media Authority established as per the provision of the Information, Communications and Media Act of Bhutan 2018 .

Broadcaster means an organization or person responsible for audio and video content and/or their transmission.

Content means any information, sound, text, data, picture (still or moving), or other audio-visual representation, signal or intelligence of any nature or in any combination thereof which is capable of being created, processed, stored, retrieved or communicated electronically or in other form.

Content Provider means any person or organization that provides content for use in various print and electronic platforms.

Consumer means any person who consumes goods and services.

Children means any person who is under 18 years of age.

Pornography means printed or visual material containing explicit description or display of sexual organ or activity, intended to stimulate sexual excitement.

Publication means the act of making news, views, information, pictures, drawings or other matter available or accessible to the public at large, or a section of the public, in any form or through any means of communication.

Propaganda means persuasion of people by giving biased or misleading information or views to promote a particular point of view.

Chapter 2: General Provisions

2.1 Objective

The objective of these Rules and Regulations shall be to:

- a) Ensure that the type of content is measured in the context of the country's social, religious, political and cultural requirements while accommodating internationally recognized best practices governing media content.
- b) To empower content providers and ensure accountability while encouraging creativity and innovation in the development and dissemination of quality content through self-regulation.

2.2 General requirements

The Content providers shall:

- a) Not disseminate content that is detrimental to the sovereignty, security, unity, integrity, stability and well-being of the nation or the interest of friendly relations with foreign state.
- b) Not disseminate content which would incite religious, ethnic, regional or communal conflict.
- c) Not disseminate content that is offensive to public feeling, offends good taste or decency, undermines public security and is abusive or threatening in nature and likely to encourage crime or disharmony.
- d) Not disseminate propagandist and ideological messages on behalf of individuals, organizations, political parties or any foreign country.
- e) Not mislead, instigate or cause alarm to the public by sensationalizing the treatment of any issue whether local, regional or foreign in nature.
- f) Present factual content such as news, current affairs, documentary programme or any other information in an objective, accurate and balanced manner and not present fictional element as facts.
- g) Accord equitable treatment of political parties and politicians particularly during the election period.
- h) Respect the privacy of individuals and avoid naming and shaming of any individual unless when the act is proven by the Royal Court of Justice; and in circumstances where it may be required in the interest of the public.

- i) Assert appropriate warning for content which may not be age appropriate, potentially disturbing or upsetting so as to enable the viewers/readers to make an informed choice.

2.4. Specific requirements

2.4.1 Language

- a) Dzongkha and English shall be used as the medium of communications. However, for production of films, use of other dialects or language may be permitted in part after seeking prior approval from the Authority.
- b) Use of sub-standard language characterized by poor syntax, vocabulary or otherwise shall not be permitted.

2.4.2 Religion and Culture

The use of religious masks, sacred costumes and iconography including the national emblems in any medium shall not be permitted except when used in proper context and with prior approval from the appropriate government authority.

2.4.3 Violence and Crime

- a) Graphic scenes with close-up shots of excessive violence, suffering or destruction including gory images of dismemberment, bloody wounds or impaled bodies shall not be allowed.
- b) Suicide shall be handled with discretion and shall not be glamorized. Detailed demonstration or description of the means or method of suicide shall not be permitted.
- c) Description or demonstration of criminal techniques which could enable the commissioning of crime shall not be permitted except when it may be required in the interest of the public.
- d) Not provide content which could empower criminals, endanger lives of people/victims or prejudice/jeopardize the success of an attempt to deal with a hijacking or kidnapping or any other criminal activity.

2.4.4 Sexual content

- a) Sexually explicit content like pornography and nudity in any form depicting male and female sexual organs shall be prohibited.
- b) Sexual activity like kissing and explicit physical intimacy shall be prohibited.
- c) Explicit scenes on rape shall not be permitted.

- d) Use of obscene terminology and contents describing sexual activity shall not be permitted.

2.4.5 Children's Content

- a) Content for children shall reflect good moral values to contribute to the healthy development of personality, character and intelligence and not impair the physical, mental or moral well-being of the children in any manner.
- b) Content for children shall portray violence only when it is essential to the development of the character and the plot and such scenes of violence shall not be used to minimize or gloss over the effects of violent acts. Any depiction of such violence shall portray in human terms, the consequences of such violence to its victims and perpetrators.
- c) Animated content for children, which can contain non-realistic violence, shall not depict violence as its central theme and shall not invite dangerous imitations.

2.4.6 Advertisement

- a) Advertisement shall be prepared with a sense of responsibility to the consumer, society and shall not mislead or deceive by inaccuracy, ambiguity, exaggeration or omission.
- b) No content shall be permitted to advertise alcohol, tobacco, drugs, other intoxicating materials or gambling of any kind.
- c) All political advertisements shall be subject to the approval of the Election Commission of Bhutan.
- d) All advertisements on specialized products and services shall be subject to approval from relevant agencies.
- e) No external advertisements shall be permitted except through a local counterpart and/or agent.
- f) Advertisement targeted to the Bhutanese audience shall use local models/actors in their advertisements.

Chapter 3: Breach of Rules and Regulation and Penalties

3.1 Breach of Rules and Regulations

- 3.1.1 Any individual/organization found to breach any provision of these Rules and regulations shall be dealt as per the provisions of the Act, Rules, Regulations, Licensing terms and conditions or any other applicable laws of the country.
- 3.1.2 The Authority shall have the right to interpret the provision of these Rules and Regulations and impose penalties based on the severity of the violations as may be determined by the Authority.