



Code of Practice for Short Messaging Service – Cell Broadcasting (SMS-CB) Service

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

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1. Legal basis

This Code is issued as per section 51(3) of the Information, Communications and Media Act of Bhutan 2018 to regulate the short messaging service –cell broadcasting for public notification and to ensure the interests of the end-users while consuming such services.

2. Title and Commencement

This Code shall be called as the Code of Practice for Short Messaging Service – Cell Broadcasting (SMS-CB) Service and shall come into force on the 1st day of July, 2019 corresponding to the 29th day of the fourth month of the Bhutanese Earth Female Year.

3. Scope of application

This Code shall apply to the Mobile Service Providers licensed by the Authority.

4. Repeal

With the commencement of this Code, the Code of Practice for Short Messaging Service – Cell Broadcasting (SMS-CB) Service 2011 is repealed.

5. Amendments

This Code is subject to amendment and changes in accordance with the needs and changes in national priorities, Government policies and industrial and technological trends. Amendment of this Code by way of addition, variation or repeal may be effected by the Authority as and when required.

6. Interpretation

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

7. Rules of construction

In this Code, unless the context indicates otherwise, the masculine gender shall include the feminine gender and the singular shall include the plural and vice versa.

8. Definition

For the purpose of this Code, unless the context otherwise requires, the following words and terms shall have the following meanings:

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

SIM Card means the Subscriber Identification Module (SIM) card to be inserted inside the mobile cellular phone.

Subscriber means any individual who subscribes to the service of any mobile cellular service providers.

Mobile Cellular Service Provider means any licenced mobile telecommunications service provider.

Cell Broadcast means a mobile service that would simultaneously deliver messages to multiple users in a specific area.

Content Provider means an organization or individual that creates information, educational or entertainment content in the form of text or data intended for cell broadcasting.

9. General provisions

9.1 To protect the interest of the subscribers, the Service Provider shall ensure, at all times that the information broadcasted are timely, pertinent, accurate and not seen as public nuisance.

9.2 The Service Provider shall:

- a) Seek approval of the Authority, before broadcasting any message of doubt.
- b) Be solely responsible for SMS-CB content.
- c) Provide subscribers the choice to unsubscribe to SMS-CB services.
- d) Broadcast messages only to the intended recipients by geographical area.
- e) Not broadcast any picture or video in any format.
- f) Ensure that their system is resistant to hackers, spoofers and spammers.
- g) Ensure that the subscriber is not charged for receiving such services.
- h) Ensure that the content providers bear the cost of broadcasting such service, as approved by the Authority.
- i) Ensure to educate and create awareness on Cell Broadcast System (CBS) including activation of the Cell Broadcast services.

10. Unrestricted Messages

The service providers shall broadcast the following messages only after authenticating the source:

- a) Any messages of National interest.

- b) Any cautionary messages during emergencies such as earthquake, flood and industrial disasters , explosions and terrorist attack, and
- c) Messages to warn the general public of public health epidemic, public safety and national security.

11. Restricted Messages

The Service Provider shall not broadcast any messages that:

- a) Are political and religious in nature.
- b) Create social disharmony and is detrimental to the peace, stability and well being of the nation.
- c) Incite religious, ethnic, regional or communal conflicts.

12. Commercial usage

The Service Providers shall ensure that promotion or advertisement of any product or service:

- a) Be thoroughly reviewed and broadcasted only to the subscribers of an intended geographical area or target, and
- b) Be in accordance with the Advertisement policy, Rules on Contents and any other relevant Rules/Regulations of the government.

13. Information to general public

The Service Provider shall educate subscribers on:

- a) Activation/usage of such services.
- b) Importance of such services during the times of emergency.
- c) Availability of choice to the subscribers to un-subscribe such services and
- d) Charging methodology for availing such services.

14. Services that are allowed to be broadcasted

Besides above mentioned services, the Service Provider is also allowed to broadcast the following services:

- a) **Sports Information:** Information on national sporting events.
- b) **Traffic Information:** Information on traffic and road conditions.
- c) **Weather Information:** Information on weather forecast.

- e) **Tourist Information:** Information on cultural events like Tshechu and trekking route.
- f) **Operator Information:** Announcement of tariff changes; launch of new products and services, network coverage and any other information of public interest.
- g) **Forex Information:** Information on Foreign Exchange currency rate.
- h) **Public notification/announcement:** public notification/announcements made by any government and public or private agencies.

15. Tariff

The Service Provider shall:

- a) Not be allowed to charge for any unrestricted messages specified in clause 10 of this Code and
- b) Obtain rate approval for broadcasting for all those services specified above, except for those services specified in clause 10 from the Authority.

10. Penalty

Breach of any provision of this Code shall be liable for penalties as per the provisions of Information, Communications and Media Act of Bhutan 2018, the Licensing terms and conditions and such other laws in force.

