



(Draft) Broadcasting Policy

Prepared by:
DEPARTMENT OF INFORMATION AND MEDIA

The Ministry of Information and Communications (Ministry) hereby issues this "Broadcasting Policy" to Bhutan Infocomm and Media Authority (BICMA) and all broadcasting agencies as per mandate of the Ministry as provided in the Bhutan Information, Communications and media Act 2006 (The Act).

General principles of broadcasting policy

- 1 The Royal Government of Bhutan (RGOB) is committed to uphold the principle that independent broadcasting in the dual system of public and private broadcasters is an essential element of the democratic culture of our Kingdom. This principle shall be the basis for all broadcasting policy and legislation to be adopted.
- 2 To execute the constitutional provision of right to information and freedom of expression, the RGOB recognizes the importance of both the public and private broadcasting services as vital institution to strengthen democracy and social coherence, and a stimulus to higher standards of programming.
- 3 Both the public and private broadcasting services shall be owned and managed by the Bhutanese.
- 4 The broadcasting services shall adopt a very high standard of programming as its core business to realize the Bhutanese vision of nurturing an information society bonded by a shared national consciousness.
- 5 In accordance with the media policy of the Royal government, support and assistance to the broadcasting industries shall also be in the three areas: Infrastructure, education and content.
- 6 In addition to the existing government supports provided to infrastructure by waiving taxes on some media items, all taxes on infrastructure including software to be used by broadcast

media will be waived off. Other support may also include promotion of technological developments including digitalisation, affordable access to infrastructure such as acquiring or assisting acquisition of land for development of common infrastructure and facilities.

- 7 Support to education will be in the area of formal education at school and tertiary levels; trainings by public and private sector institutions and organisations; scholarships and grants by government and international donors.
- 8 While it is the responsibility of the broadcasters to develop their own content, support shall be provided in the form of subsidies and direct financing of content development in specific areas including Dzongkha.
- 9 Royal Government is committed to establish a conducive and transparent environment for broadcasting services to develop and grow.

Legislative provision to be incorporated in BICM Act

10 To create a stable, transparent and conducive environment for the development and effective functioning of the audiovisual sector, the provision of the BICM Act, 2006 must be expanded to cover development and regulation needs of the broadcasting industry and role of BICMA to regulate:

- ◆ Licensing of broadcasting services
- ◆ Modification of broadcasting licence conditions
- ◆ Suspension or cancellation of broadcasting licence, etc.
- ◆ Compliance with Codes of Broadcast Practice
- ◆ Directions of BICMA
- ◆ Public service broadcasting services

- ◆ General requirements in respect of public service programmes including “Must carry” provisions as provided under “Legislative provision for Programming”
- ◆ Licensing of broadcasting apparatus
- ◆ Transmission area requirements
- ◆ Sharing of facilities
- ◆ Licensing foreign broadcasting services for the rebroadcast purpose
- ◆ Appointments procedures for the CEOs and for members of the Boards.
- ◆ Approval of Government to obtain funding from foreign sources.
- ◆ Offences and penalties
- ◆ Appeals and exemption provisions

11 Broadcasters shall make it their core responsibility to refrain from broadcasting personal agenda or information/materials obtained from anonymous sources or propaganda of specific interest/political groups, which shall be punishable as an offense of third degree under the existing laws.

12 All broadcasting references to public opinion either as views or interests must be supported by documented findings and not on hearsay.

13 All broadcasters shall serve the interest of the Bhutanese public in the perspective of Gross National Happiness.

14 All broadcasters shall put in place mechanisms to ensure the transparency of their expenditures, and in particular utilisation of public funds.

15 Broadcast professionals form associations to develop broadcasting codes of ethics, practice, complaints procedures and other instruments of self-regulation.

Legislative provision for Programming

16 Both public and private broadcasters shall provide certain basic public service obligations as a necessary and desirable instrument of broadcasting regulation and licensing requirements. Such “basic public service” shall include press releases and notifications containing development news.

17 In times of disaster and emergency situation, all Bhutanese broadcasters shall make it their responsibility to carry public announcements as directed by the Ministry at no cost.

18 The Government, where appropriate, shall provide financial and other support to producers/broadcasters who create program contents (socio-economic and culture) for the purpose of broadcasting.

19 Public service broadcasters shall ensure that the programming of the broadcasters is in compliance with their public service remit. They shall institute compliance mechanisms to protect themselves from undue commercial pressures.

20 All broadcast content must include an edition in Dzongkha.

Records of programs broadcasted by broadcasters

21 As the “national information agency”, the Ministry shall also be the national repository agency to archive all broadcast materials in digital format including programs and other materials such as feature stories, drama or documentary films.

22 As the national repository agency, the Ministry shall ensure that no copyright information/documents archived under its custody is shared with anyone except with the written permission of the

owner of the materials or as per provisions of the laws of the Kingdom of Bhutan.

23 Broadcasters shall be required to maintain broadcasted records of all original programs produced by that broadcaster or any other person¹ for the broadcaster for a minimum period of one month.

24 Upon expiry of the minimum one month period, with exceptions of rebroadcast materials, broadcasters shall deposit a copy of the program with the Ministry for archiving in analog, or digital, or in any other format if the materials broadcasted are produced by the broadcaster or by any other person for the broadcaster.

25 All such archived materials with the Ministry shall be the property of the person having proprietary rights to the product.

¹ Person means any individual or legal entity or organization whether registered or not registered under the Companies Act, 2000. Person refers to both singular and plural.