

Election Commission of Bhutan



Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan, 2021

ELECTION COMMISSION OF BHUTAN

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Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan, 2021

In keeping with the Election Act of the Kingdom of Bhutan, 2008 to ensure free, fair and transparent elections, the Election Commission of Bhutan hereby adopts and promulgates the *Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan, 2021*.

1. Title, Extent, Application and Commencement

1.1 These Rules shall:

1.1.1 Be called the *Media Coverage of Elections Rules and Regulations of the Kingdom of Bhutan, 2021*;

1.1.2 Extend to the whole of the Kingdom of Bhutan;

1.1.3 Apply to the Media, Media agencies and Media Functionaries covering Parliamentary and Local Government Elections and National Referendums; and

1.1.4 Come into force with effect from 19th of October, 2021 corresponding to 14th Day of the 9th Month of the Iron Female Ox Year of the Bhutanese Calendar.

2. Definition

2.1 In these Rules, unless the context otherwise requires:

2.1.1 “Campaign Period”, means the period commencing from the date of issue of notification as announced by the Commission and ending forty-eight hours prior to the hour fixed for the commencement of the poll;

2.1.2 “Candidate” means a person who has filed a nomination paper with a Returning Officer in the manner prescribed in the Election Act, and whose nomination as a Candidate has been accepted;

2.1.3 “Commercial” means a short song or slogan broadcast on the radio, internet and television or message advertised on the print media to promote political views;

2.1.4 “Commission” means the Election Commission of Bhutan formed in accordance with the Article 24 of the Constitution of the Kingdom of Bhutan;

2.1.5 “Election Act” means the Election Act of the Kingdom of Bhutan, 2008;

2.1.6 “Election Period” means the period starting on the day of issue of notification by the Commission under the provisions of the Election Act and ending with the declaration of result;

2.1.7 “Electoral Laws” means the Election Act of the Kingdom of Bhutan, 2008, Public Election Fund Act of the Kingdom of Bhutan, 2008 and National Referendum Act of the Kingdom of Bhutan, 2008 and all

Rules and Regulations made there-under;

- 2.1.8 “Free Media Access” means not only equality of time and space allotted but also giving due regard to the hour of broadcasting and the placement of printed advertisement;
- 2.1.9 “Media Agency” means the mass media including print and electronic media and such other forms as may be prescribed by the Commission from time to time;
- 2.1.10 “Media Functionaries” means individual owners, full-time or part time staff members or other individuals contracted to write, produce or present articles, programmes or other materials intended for public dissemination;
- 2.1.11 “Neutral” means that the information is presented in an unbiased manner;
- 2.1.12 “Political Party” means a Party duly registered with the Commission;
- 2.1.13 “Prime Time” means the block of time when the most audience is available to a broadcast;
- 2.1.14 “Social Media” means the online and mobile communication, collaboration, sharing or publishing platform, whether accessed through the web, a mobile device, text message, email or any other existing or emerging communication platform used to publish and interact with the wider public or individuals, generally by means of the Internet, web-based interfaces or cellular technology.
- 2.1.15 “Spot” means advertisement on radio or TV; and
- 2.1.16 Words importing the singular number shall include the plural number and *vice versa*.

3. Principle and Purpose

- 3.1 The Media does not merely depict the political environment; it is the political environment itself as it shapes the perceptions that form the reality on which political actions are based. Therefore, the regulation of media is essential to enhance active and informed participation of citizens in elections.

4. Coverage

- 4.1 The Commission shall permit a media agency to cover an election only upon signing the undertaking in **Media Coverage of Elections Form No. 1 and Social Media Rules and Regulation 2018, Annexure A.**
- 4.2 The period of broadcast and publication of permissible election campaign activities may start on the last date of submission of Letter of Intent or filing the nominations and shall end 48 hours before the date of poll.

- 4.3 A Broadcasting Agency shall, in consultation with the Commission, decide the actual date and time for broadcast.

5. Code of Conduct

Fundamental Principles

- 5.1 The Media shall in its coverage and reporting, including on any Social Media, during the period of election campaigning:
- 5.1.1 Hold themselves independent and free of any control and direction of the government, Political Parties, candidates, individuals, groups, or organizations representing or promoting special interests of any Political Party;
 - 5.1.2 Refrain from publishing or broadcasting any matter with the potential or likelihood of promoting or inciting discord, bias or contempt, cause public disorder, pose or become a threat to the national security;
 - 5.1.3 Refrain from ridiculing, stigmatizing or demonizing people on any grounds;
 - 5.1.4 Not omit relevant facts and points of view while reporting major issues of public interest as it may mislead and misinform the public;
 - 5.1.5 Avoid distortion of reality so that the public is not misled and misinformed; and
 - 5.1.6 Not publish or broadcast any report, which, by its content, carries a clear risk of inciting discord or political disorder without having the accuracy and authenticity of the report confirmed by independent sources.
- 5.2 The Media in the exercise of its constitutional right of freedom of press, radio, television and other forms of dissemination of information, and in recognition of its consequential social responsibility to the society shall at all times endeavour to:
- 5.2.1 Provide a truthful, comprehensive, accurate, balanced and fair account of events;
 - 5.2.2 Serve as a forum for the exchange of public comment, opinion, discussion and criticism in a balanced and reasonable manner;
 - 5.2.3 Offer an accurate picture of the candidates and parties contesting in elections and of the society in general; and
 - 5.2.4 Present and clarify, as far as possible, the goals and values of the Candidates and Parties contesting in elections.

Fair, Balanced and Accurate Reporting

- 5.3 The Media shall, for fair and impartial reporting during the campaign period,

acknowledge the importance of accurate and balanced reporting by ensuring that it does not:

5.3.1 Omit facts of major importance or significance and is therefore incomplete; and

5.3.2 Include rumours or unsubstantiated statements that mislead or deceive the reader, listener or viewer.

Equal Access to Paid Election Advertising

5.4 The Media shall acknowledge its obligation to provide equal access and opportunity to all Political Parties and Candidates without discrimination, to purchase space in newspapers and time on radio and television giving due regard to prime time so as to promote their respective views during the campaign period.

5.5 The Media shall, immediately after the announcement of elections, make available to contesting Political Parties and Candidates and all public relations firms and advertising agencies full information about space and time availability and the published advertising rates.

Censorship and Editing

5.6 The Media may exercise editorial judgment in respect of public safety and decency and shall refuse any material submitted by Political Parties, or their representatives, likely to be hateful, offensive, likely to promote public disorder or harm the national security.

5.7 A contesting Political Party shall submit in advance, transcripts and recordings prepared at its own cost in studios which meet the technical standards adopted by the public broadcasting agency and cable operators.

5.8 The Media, however, shall, if time permits, where such material does not conform to acceptable standards required in section 5.7, give the concerned party or its representatives the opportunity to modify the material.

5.9 The Media shall in all cases of a refusal, immediately inform the concerned Political Party and intimate the Media Arbitrator, of the reasons for rejection.

News Reports and Current Affairs Programmes

5.10 The Media shall aim to subscribe to the highest principles of impartiality, fairness and integrity in its judgments as editorial judgments rest solely with the editors.

5.11 The Media shall always separate fact from inference in matters of political and other controversy, supported by eyewitness, attributable official statements and other sources to corroborate facts in particular stories.

Errors of Fact

5.12 The Media shall deal responsibly with any complaints received in respect to

reports published or broadcast that contained errors of fact, and where, in its opinion, such complaints are justified, publish or broadcast appropriate corrections.

Coverage on the Day of Poll

- 5.13 The Media shall be prohibited from covering any activity by Political Parties and Candidates during the period between closure of campaigning and the closure of poll.
- 5.14 Counting Centre shall be open to permitted media functionaries to witness and observe the counting procedures but they shall comply with the procedural requirements of the Returning Officers and not obstruct or interfere with the process or make public statements or online post on estimated poll result before the official announcements of the results.
- 5.15 The Media shall not transmit details of any information regarding counting at the office of Counting Supervisor or Returning Officer prior to announcement of result by the concerned Returning Officer.
- 5.16 The security personnel shall ensure that no communication or recording gadgets or mobile phones are allowed in the Counting Centers, except for the election officials authorized by the Returning Officer to use such gadgets or phones for official purposes only.

Political Activities of Media Functionaries

- 5.17 The Media functionaries shall refrain from using their programmes for the purpose of promoting political objectives during the election period.
- 5.18 The Media functionaries shall refrain from disseminating advertisements of Political Parties under the guise of editorial coverage or news.

6. Media Arbitrator

- 6.1 The Commission shall appoint a public official as the Media Arbitrator responsible for the administration of these Rules and the provisions of the Election Act that deal with political and campaign broadcasts and advertising.
- 6.2 The Media Arbitrator shall be responsible for allocation of campaign broadcasting time and space in print media and resolving disputes among broadcasters, Political Parties and Candidates under these Rules or the Election Act.
- 6.3 The Media Arbitrator shall receive complaints and other communications on the performance of newspapers, radio and television stations and also those related to Social Media and issue appropriate public statements.
- 6.4 The Media Arbitrator on receiving complaints under Section 6.3 shall resolve disputes among broadcasters, Political Parties and Candidates in accordance with these Rules and the Election Act.

- 6.5 The Media Arbitrator shall obtain or collect all relevant documentation including correspondences, articles, scripts, audiotapes, videotapes or other materials concerning any complaint formally submitted for his/her consideration.
- 6.6 The Media Arbitrator shall undertake review of all relevant materials and other information to determine, whether or not the complaint constitutes non-adherence to the Code of Conduct or non-compliance with the Guidelines issued by him/her, and therefore justifies an investigation.
- 6.7 The Media Arbitrator shall undertake an investigation, by whatever appropriate means under the law.
- 6.8 Undertake an investigation and submit his/her findings and conclusions regarding any investigation to the Commission for appropriate action in the case of complaints which are grave in nature. For the complaints which are not grave in nature, the Media Arbitrator shall take appropriate action as provided in **Section 29 of the Election Dispute Settlement Rules and Regulations, 2018.**
- 6.9 The decision of the Commission under section 6.8 shall be final and binding.
- 6.10 The Media Arbitrator shall be responsible for monitoring the following:
 - 6.10.1 All information programmes, such as the main news of the day, current affairs programmes and news flashes;
 - 6.10.2 All advertising blogs, announcements, short messaging system, and paging service;
 - 6.10.3 All Social Media contents of or about the Political Parties, Candidates, or their representatives, and the media agencies, including their discussion forums;
 - 6.10.4 Radio, television and cable network commercials, spots, etc.; and
 - 6.10.5 Special election programmes in which representatives of Political Parties and Candidates participated at the invitation of the radio/TV station, for the presentation of their political programme to the public.
- 6.11 The Commission shall appoint one or more public official as the Social Media Monitor(s) to assist the Media Arbitrator in the discharge of his/her responsibilities in the administration of these Rules and the provisions of the Election Act that deal specifically with political and campaign broadcasts and advertising on social media.
- 6.12 The Media Arbitrator shall, at the end of each election, assess the performance of the media in his/her report and submit any recommendation to the Commission. The above assessment shall be carried out based on an objective check-list devised by the Media Arbitrator in consultation with the Commission and shared with concerned media agencies using the Sample Check-list in **Media Coverage of Elections Form No. 2.**
- 6.13 The Media Arbitrator shall be provided with adequate resources such as

personnel and finance by the Commission to enable him/her to discharge his/her responsibilities effectively and independently.

- 6.14 The Media Unit of the Commission shall provide all necessary financial and administrative support to the Media Arbitrator and be vested with the authority, roles and responsibilities as per the provisions in the electoral laws, rules and regulations.

7. Media Arbitrator's Guidelines

- 7.1 The Media Arbitrator shall issue a set of guidelines as in **Annexure 1** of **these Rules** with the prior approval of the Commission, at the earliest possible after the issuance of notification by the Commission under the Election Act.

8. Access to Media

- 8.1 The State authorities shall, to facilitate equality of opportunity between Political Parties or Candidates, remain neutral with regard to the election campaign and coverage by the media.
- 8.2 The State authorities shall ensure that there is access for all Parties and Candidates to print and audio-visual media, with regard to the election campaign and advertising.

9. Allocation of Broadcasting Time and Space in the Print Media Paid by the Commission

- 9.1 Every Political Party or Candidate contesting Parliamentary elections shall be provided with equal broadcasting time and space in the print media for the transmission of political announcements and similar programmes.

Provided that the maximum time limit and the number of publications shall be determined by the Commission and be subjected to its review whenever deemed necessary.

- 9.2 The Commission shall pay for the expenditure incurred under section 9.1 to such broadcaster and print media.
- 9.3 The Media Arbitrator shall be responsible to allocate broadcasting time and space in the print media in an equitable and fair manner among contesting Political Parties or Candidates.

10. Allocation of Broadcasting Time and Space in the Print Media paid by a Political Party or a Candidate

- 10.1 The Media Arbitrator shall, in addition to the allocation of broadcasting time and

space in the print media paid by the Commission, based on consultations with contesting Political Parties or Candidates ensure allocation of broadcasting time and space in the print media in an equitable and fair manner.

10.2 Expense incurred on purchase of broadcasting time and space in the print media shall be paid out of the permissible funds available with the Political Party or Candidates to be considered as an election expense of the Political Parties or Candidates.

11. Restriction on Rates Charged for Election Advertising

11.1 Media Agency must charge uniform rates for election advertising to Political Parties or Candidates, be it in a periodical, publication or on radio, television or cable television network during the same campaign period.

12. Broadcasting Restrictions

12.1 No person or a Political Party or Candidate shall, with the view or intent to promote or oppose a contesting Political Party or a Candidate after campaign period ends and till the closure of poll, transmit election advertising or resort to election advertising or discuss a position on an issue by means of internet, SMS or any other medium.

13. Premature Transmission of Election Results

13.1 Any unauthorized person who transmits results of a *Demkhong* prior to the declaration of the results by the Commission shall be guilty of an offence punishable under the Election Act.

14. Broadcasting Public Opinion Survey Results

14.1 No media agency, media functionaries or an individual shall release survey reports of public opinion on an election to the general public prior to closure of the poll.

14.2 No media agency, media functionaries or an individual shall transmit any forecast or prediction relating to the probable result of an election based on the information provided by or obtained from voters or observers before the closure of the poll.

15. Coverage by Foreign Media

15.1 A foreign media, shall be permitted to cover an election only upon being duly accredited by the Media Council of Bhutan and upon signing the undertaking as per Section 4.1 under these Rules.

16. Broadcasting from Outside Bhutan

16.1 A Political Party, Candidate or their supporter shall not be allowed to sponsor the broadcast of election advertising from outside Bhutan.

17. Movement of Media Personnel during Elections

17.1 The Commission shall facilitate movement and provide access to media to the places of elections upon fulfillment of the requirements under the Electoral Laws and other existing regulations of the Royal Government.

18. Miscellaneous

18.1 Operators of cable television networks, radio stations, television broadcasters, newspapers, news magazines, all Media Functionaries and owners and administrators of internet and users of Social Media sites and pages shall be responsible to provide correct information about the Parties and Candidates to the voters.

18.2 Operators of Cable television networks, radio stations, television networks, newspapers, news magazines, all Media Functionaries and owners and administrators of internet and users of Social Media sites and pages shall be responsible to strictly adhere to these Rules and the *ECB Social Media Rules and Regulations of the Kingdom of Bhutan, 2018* issued by the Commission under the Electoral Laws.

19. Penalties

19.1 Any person or organization found guilty of violation of any provision of these Rules shall be dealt with in accordance to the Election Act.

20. Power of the Commission to issue Instructions and Directions

20.1 The Commission may issue instructions and directions:

20.1.1 For the clarification of any of the provisions of these Rules and Regulations;

20.1.2 For the removal of any difficulty which may arise in relation to the implementation of any such provisions; and

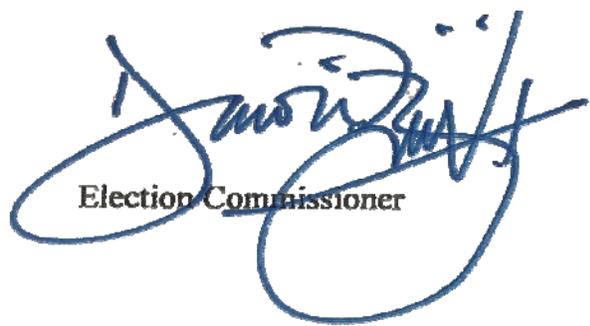
20.1.3 In relation to any matter with respect to media coverage in elections for which these Rules make insufficient provision; and clarification is necessary in the opinion of the Commission.

21. Authority of Interpretation and Amendment

21.1 The Commission shall be, in case of differences in meaning, the final authority in the interpretation of these Rules.

21.2 The Commission shall have the power to amend by way of addition, variation, or repeal the provisions of these Rules.

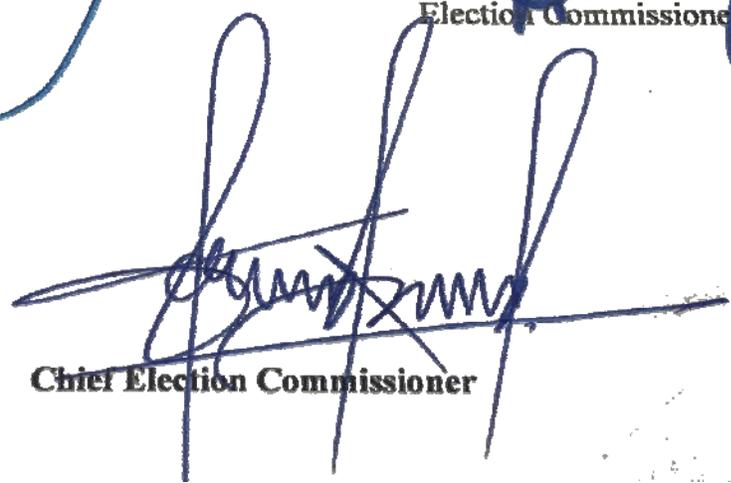
Done under the seal of the Election Commission of the Kingdom of Bhutan on 19th October, 2021 corresponding to the 14 Day of the 9th Month of the Iron Female Ox Year in the Bhutanese Calendar.



Election Commissioner



Election Commissioner



Chief Election Commissioner



Annexure 1

Media Arbitrator’s Guidelines

1. No media coverage on the contestants shall be allowed for a period of 48 hours prior to the hour of poll and till the poll closes.
2. Media Functionaries shall cooperate with the election officials and functionaries throughout the election period.
3. All Media Functionaries shall, before covering an election, acquaint themselves with the Reporting Format below:

Reporting Format of Media Functionaries

Sl. No.	Political Party/ Candidate covered	Details/ Particulars of Event	Date & time duration	Place
1				
2				
3				

Submitted by:(Name of the Media functionary)

Address.

.....

.....

Name & Signature

4. All Media Functionaries shall acquaint themselves with **Media Coverage of Elections Form No. 2**.
5. Allotment analysis of broadcast time and space in print media to Political Parties and Candidates shall be carried out based on the information in the Reporting Format given above.
6. The Reporting Format must be filled and submitted to the Media Arbitrator after the declaration of results.
7. The Media Arbitrator will, as per Section 6.11 of MCERR, evaluate the performance of the Media Functionaries and report to the Commission.

All Media Functionaries shall abide by these Guidelines and the Media Coverage of Elections Rules and Regulations of the Kingdom, 2018, Election Advertising Regulations and any law in force pertaining to elections and media.