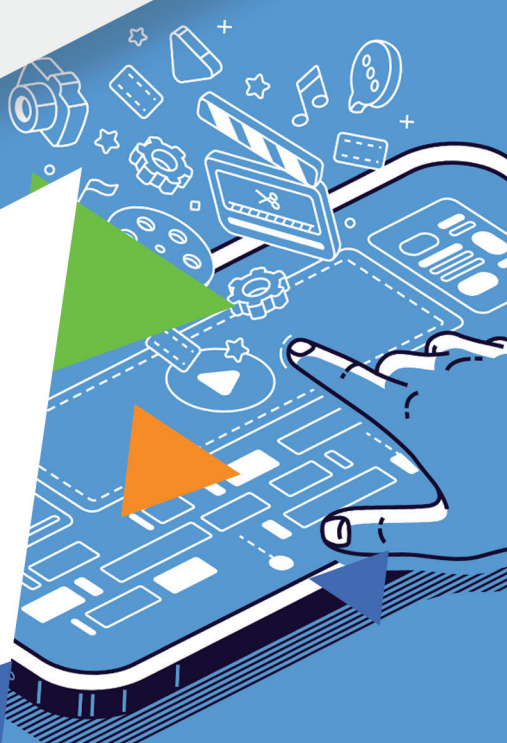


DIGITAL MEDIA ETHICS CODE



UNDER THE INFORMATION TECHNOLOGY (INTERMEDIARY GUIDELINES AND DIGITAL MEDIA ETHIC CODE) RULE 2021

FREQUENTLY ASKED QUESTIONS



MINISTRY OF
INFORMATON
AND BROADCASTING

FREQUENTLY ASKED QUESTIONS

Section I: Basic Information

1. What is the significance of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021?

Digital media has grown over the past several years. Many new stakeholders such as online news portals, OTT platforms, etc. have become common on the internet. These rules provide an institutional mechanism for these entities, empower the citizens and protect the children from potentially harmful content while upholding the freedom of speech and expression of the citizens, including the press and the artists. The rules would ensure sustainable and long-term development of the media and entertainment sector in India while providing recognition and opportunities for the news mediapersons on the digital media.

2. Under which statute have the rules been framed? Will they be placed before Parliament?

The Information Technology Act, 2000 is a law passed by the Parliament. The rules have been made under the Act and will be tabled in the Parliament.

3. What is the date from when the rules will be effective for digital news publishers and OTT platforms?

The rules have become effective from 25th February, 2021.

4. Where can I read these rules in detail?

The rules can be accessed on the website of the Ministry at <https://mib.gov.in/digitalmedia/information-technology-intermediary-guidelines-and-digital-media-ethics-code-rules-2021>

Section II: Basic Terminology and Scope of the Rules

5. Which entities are covered under the scope of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021?

The rules apply to publishers of news and current affairs, publishers of online curated content (commonly called OTT platforms) and intermediaries.



6. Are these rules administered by the Ministry of Electronics & Information Technology or the Ministry of Information & Broadcasting?

Part II of the rules relate to intermediaries and would be administered by the Ministry of Electronics & Information Technology. Part III relates to digital news publishers and OTT platforms and would be administered by the Ministry of Information & Broadcasting.

Digital Media Ethics Code

Benefits and Outcomes

For Citizens and Society



Quality Content

Better Journalistic and Entertainment Content

Citizen Empowerment

Informed Choice, Effective Grievance Redressal

Protecting Children

Access Control and Age Verification

Curbing Misinformation

Accountability of Digital News Publishers



7. Which entities are publishers of news and current affairs on digital media?

An online paper, news portal, news aggregator, news agency, etc. are publishers of news and current affairs content. Other entities who perform similar functions such as these are also publishers of news and current affairs content.

8. Who is a publisher of online curated content?

Publishers of online curated content are commonly known as OTT platforms. These include examples like Netflix, Amazon Prime, Zee5, Alt Balaji, etc. These publishers decide the variety of programmes, films, web-series, etc. on their platforms and make it available to the audience.

09. What is meant by online curated content?

Online curated content is audio-visual content such as films, web-series, etc. made available to the viewers on demand by OTT platforms.

10. Which content over the internet can be called to be available on demand?

Content which can be selected and accessed by a user, subscriber or viewer at a time chosen by him/her can be called to be available on demand.

11. Are common users who post various types of content, including opinions about various recent events, on the internet also publishers?

Common users who post content on the internet, but not as a systematic business activity, are not covered in the definition of publisher of news and current affairs content.

12. Do the rules apply only to websites of the publishers?

The publishers need to observe the rules with respect to the content being disseminated irrespective of the online means used for dissemination.

Section III: Code of Ethics for Publishers of News and Current Affairs

13. What is the Code of Ethics for digital news publishers?

- Norms of Journalistic Conduct of the Press Council of India <https://presscouncil.nic.in/WriteReadData/Pdf/NORMSTWOZEROONEININE.pdf>
- Programme Code under section 5 of Cable Television Networks (Regulation) Act, 1995 <https://www.mib.gov.in/broadcasting/programme-and-advertising-codes>
- Content which is prohibited under any law for the time being in force shall not be published or transmitted.

14. Does the Code of Ethics add new restrictions for news publishers?

The Code of Ethics for digital news publishers stipulates that they follow existing laws; no new law or regulation has been prescribed. While some news websites may have already been following the norms for print and TV news media, the Code of Ethics only places it in perspective that digital news follow the Norms of Journalistic Conduct (applicable to print) and Programme Code under the Cable Television Networks Regulation Act (applicable to TV), thereby creating a level playing field in the news media industry.

Digital Media Ethics Code

Benefits and Outcomes

Digital News Publishers



Sustainable Growth

Quality journalism through transparency

Level Playing Field

Similar principles for online and offline news

Freedom of Press

Arm's length from Government

Curbing Misinformation

Reducing fake news on digital media



Section IV: Code of Ethics for Publishers of Online Curated Content (OTT Platforms)

15. What is the Code of Ethics for OTT platforms?

The Code of Ethics for OTT platforms includes following elements:

- General Principles related to prohibited content and content regarding which the platforms need to observe due caution and discretion.
- Content classification and rating of content as per various age-based categories
- Display of content classification and content descriptors
- Age-gating, parental locks and age verification mechanisms for restriction of access to certain content by children
- Measures to improve accessibility of content for persons with disabilities

16. What are the general principles required to be observed by the OTT platforms as part of the Code of Ethics?

The general principles to be observed by the OTT platforms as part of the Code of Ethics include:

- Not to publish any content which is prohibited under any law or prohibited by any court of competent jurisdiction.
- Take into consideration the implications, and exercise due caution and discretion in respect of the content which affects the sovereignty and integrity of India; threatens, endangers or jeopardises the security of the State; is detrimental to India's friendly relations with foreign countries; or is likely to incite violence or disturb the maintenance of public order.
- Take into consideration India's multi-racial and multi-religious context and exercise due caution and discretion when featuring the activities, beliefs, practices, or views of any racial or religious group.

17. What are the various content elements that should be displayed with online curated content?

OTT platforms must display age-based content rating and content descriptor for each content or programme, web-series, etc. If applicable, the publisher should also display an advisory advising on viewer discretion at the beginning of the programme.

18. What is the basis for using a five-level age based

classification criteria? How does it help the consumers?

The age-based classification criteria, based on international practice, is intended to protect children from potentially sensitive or harmful content. Since education and media plays a major role in shaping and developing the minds of the children, five age-based categories would help the parents take informed decisions about the content that they may allow their children to consume.

19. What are the various age-based categories into which online curated content would be categorized?

Online curated content will be classified into the following age-based rating categories:

S.No	Nature of Content (suitable for)	Classification
1	unrestricted access, regardless of age, and is family friendly	U
2	for persons aged 7 years and above, and can be viewed by a person under the age of 7 years with parental guidance	U/A 7+
3	for persons aged 13 years and above, and can be viewed by a person under the age of 13 years with parental guidance	U/A 13+
4	for persons aged 16 years and above, and can be viewed by a person under the age of 16 years with parental guidance	U/A 16+
5	which is restricted to adults	A

20. Is there any censorship on OTT platforms?

The rules do not contain any censorship provisions. Content by OTT platforms would be self-classified by them.

21. What are the factors to be considered for classification of content?

The content may be classified on the basis of i) Themes and messages; ii) Violence; iii) Nudity; iv) Sex; v) Language; vi) Drug and substance abuse; and (vii) Horror. These are described in the Schedule to the Rules.

22. What details should be mentioned in the content descriptor of the programme?

The content descriptor should describe various aspects of a film, web-series etc. These aspects can be related to depiction of illegal or harmful substances, imitable behaviour, nudity, language, sex, violence, fear, threat, horror, etc.

23. How will it be ensured that children do not watch potentially sensitive content?

For 'U/A 13+' or higher rated content, the OTT platform will implement access control mechanisms such as parental locks. For 'A' rated content, it will implement a reliable age verification mechanism for viewership of such content.

24. How do the rules promote the growth of the OTT industry in India?

The rules would further growth in the digital media ecosystem. A stable institutional mechanism would help to draw investment, create

jobs and drive growth in the OTT sector in specific and the Champion Audio-Visual Service Sector in general.

25. How does the proposed ethics code promote artistic freedom and creativity?

The Government is committed to artistic freedom and the right to free speech and expression. The rules provide for self-classification of the content by OTT platforms without any involvement of Central Board of Film Certification. In this regard, broad guidelines for certification have also been provided in the rules. Therefore, the rules would further create opportunities for expression of artistic creativity and development of quality content in the entertainment sector.

26. How do the rules for OTT platforms promote consumer choice?

The rules empower the viewers and consumers. The rules propose self-classification with display of rating and content descriptor by the OTT platforms. This framework enables the audience to make informed decisions about the content they choose to watch. Access Control and age verification mechanisms for certain content would also help the parents to protect children from potentially harmful content.

Section V: Grievance Redressal Mechanism

27. What are the three levels of institutional mechanism for handling public grievances related to content on digital media?

Public grievances shall be redressed in a time-bound manner. The rules establish a three-tier structure for this purpose:-

- Level I – Self-regulation by the publishers
- Level II – Self-regulation by the self-regulating bodies of the publishers
- Level III – Oversight mechanism by the Central Government.

28. What freedom is exercised by the publishers in the self-regulatory mechanism? Does the Government control the mechanism?

The institutional mechanism establishes two levels of self-regulation- Level I being the publisher and Level II being the Self Regulating Body. The self-regulating body would be an industry body formed by the publishers themselves. Being headed by a retired judge of the Supreme Court/High Court or an eminent person from the industry related fields as the Chairperson, it would be a body of repute and high stature. The Government has a soft-touch role, through the Oversight Mechanism, at the third level in cases which are unresolved at the first two levels.

29. What will be the role of the publisher (Level I) for redressal of grievances?

Every publisher shall establish a grievance redressal mechanism and appoint a Grievance Officer based in India for receiving and redressing grievances in a time-bound manner. The details of the grievance redressal mechanism will be displayed by the publisher at an appropriate place on its website or interface. Also, every publisher needs to become a member of a self-regulating body.

30. In how much time should the publisher take a decision on the grievance received by it.

The publisher should communicate the decision to the complainant within 15 days.

31. Can a complainant appeal against the decision taken by the publisher on the grievance filed by him/her?

Yes, the complainant can appeal against the decision of the publisher to the self-regulating body of which the publisher is a member. Such an appeal can be made within 15 days of receiving the decision.

32. What happens if the publisher does not respond in 15 days?

If the publisher does not respond in 15 days, the matter can directly be taken up by the self-regulating body of which the publisher is member.

33. How would the self-regulating body be formed?

Publishers, or their associations, may establish self-regulating bodies as per the provisions of the rules.

34. What shall be the composition of a self-regulatory body?

The self-regulatory body shall be headed by a retired judge of the Supreme Court or High Court, or an independent eminent person from the field of media, broadcasting, entertainment, child rights, etc. It shall have a maximum of six other members who would be experts from these fields.

35. Would there be a single self-regulating body for all publishers in India?

There can be more than one self-regulating body but a publisher should be member of a self-regulating body

36. What are the functions of the self-regulating bodies?

The self-regulating body shall perform the following functions:—

- Ensure adherence to the Code of Ethics by the publisher;
- Address grievances which have not been resolved by publishers within fifteen days;
Hear appeals filed by the complainant against the decision of publishers;
- Issue such guidance or advisories to such publishers for ensuring compliance to the Code of Ethics.

37. Will the self-regulating bodies be registered by the Ministry?

The self-regulating bodies would be registered by the Ministry after satisfying that the body has been constituted in accordance with the provisions of the rules and has agreed to perform the functions laid down in the rules.

38. What guidance and advisory can a self-regulating body issue to the publishers?

- Warning, censoring, admonishing or reprimanding the publisher; or
- Requiring an apology by the publisher; or
- Requiring the publisher to include a warning card or a disclaimer; or
- In case of online curated content, direct the publisher to,—
 - reclassify ratings of relevant content; or
 - make appropriate modification in the content descriptor, age classification and access control measures; or
 - edit synopsis of relevant content;

39. Can a complainant appeal against the decision taken by the self-regulating body?

Yes, the complainant can appeal against the decision of the self-regulating body to the oversight mechanism within 15 days of receiving the decision.

40. What shall be the oversight mechanism (Level III) under the three tier grievance redressal mechanism?

The Ministry of Information Broadcasting, and the Inter-Departmental Committee constituted by the Ministry constitute the Oversight Mechanism.

41. What shall be the composition of the Inter-Departmental Committee?

The Inter-Departmental Committee would be chaired by the Authorised Officer designated by the Ministry. It would include representatives from other Ministries and Organizations such as Ministry of Home Affairs, Ministry of Electronics and Information Technology, etc., and domain experts.

42. What would be the role of the Inter-Departmental Committee?

The Inter-Departmental Committee would hear complaints arising out of Level II/I or referred by the Ministry, and make recommendations to the Ministry.

43. Would the publishers be given an opportunity to be heard and submit their reply and clarifications before the Committee?

For matters referred to the Committee, the publishers would be given an opportunity to be heard and submit their reply and clarifications before the Committee.

44. How will the complaint/appeal be finally resolved?

The Committee can make the following recommendations to the Ministry:-

- Warning, censuring, admonishing or reprimanding such entity; or
- Requiring an apology by such entity; or
- Requiring such entity to include a warning card or a disclaimer; or

- In case of online curated content, direct a publisher to—
 - reclassify ratings of relevant content; or
 - edit synopsis of relevant content; or
 - make appropriate modification in the content descriptor, age classification and parental or access control;
- Delete or modify content for preventing incitement to the commission of a cognisable offence relating to public order;
- In case of content where the Committee is satisfied that there is a need for taking action in relation to the reasons enumerated in sub-section (1) of section 69A of the Act, it may recommend such action.

45. How will the complaint/appeal be finally resolved?

The Ministry would consider the recommendations of the Inter-Departmental Committee, and issue appropriate orders/directions for compliance by the publisher.

46. Is blocking of content by the Government a new provision?

The provision to block content is not a new provision. It exists under Section 69A of the IT Act and for the past eleven years, since 2009, this provision has been exercised by the Secretary, Ministry of Electronics and IT under the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009. Under the Information Technology (Intermediary Guidelines and Digital Media Ethics

Code) Rules, this provision has only been replaced with Secretary, Ministry of I&B because Part III of these rules would be administered by the Ministry of Information & Broadcasting.

47. What are the safeguards regarding blocking of content?

The Hon'ble Supreme Court in the Shreya Singhal judgement, held that there were sufficient procedural safeguards before exercise of the provision of blocking under Section 69A. These safeguards are retained in the new rules. The safeguards include:

- Blocking can be done only on some of the specific grounds which are reasonable restrictions on free speech as mentioned in Article 19(2) of the Constitution. These include sovereignty and integrity of India, security of the State, friendly relations with foreign States, etc.
- The recommendation for blocking of content is required to come from a Committee having representatives from the Ministry of Women and Child Development, Ministry of Law and Justice, Ministry of Defence, Ministry of External Affairs, etc.
- The rules provide for an opportunity to the publisher concerned to appear and submit their reply and clarifications before the Committee– which looks into whether or not it is necessary to block such information. It is only when the Committee finds that there is such a necessity that a blocking order is made.
- Reasons for blocking of content have to be recorded in writing.

Section VI: Other aspects

48. How would the publishers communicate and coordinate with the Ministry, and vice-versa, for matters related to the Code of Ethics and other aspects?

Publishers shall inform the Ministry about the details of their entity by furnishing information to the Ministry.

49. What matters need to be placed in public domain by the publishers and intermediaries?

Publishers and self-regulating bodies shall disclose all grievances received by them, the manner in which the grievances are disposed of, the action taken on the grievance, the reply sent to the complainant, etc. on a monthly basis.

Section VII: Contact Points in the Ministry

50. In case of any clarification or doubts, who can be contacted in the Ministry of Information & Broadcasting?

The following officers may be contacted through email in case of any doubts or clarification:

- Shri Amarendra Singh, Deputy Secretary (Digital Media), Ministry of Information & Broadcasting. Email address: amarendra.singh@nic.in
- Shri Kshitij Aggarwal, Assistant Director (Digital Media), Ministry of Information & Broadcasting. Email address: kshitij.aggarwal@gov.in

All information regarding the Rules is available on the website of the Ministry of Information & Broadcasting at <https://mib.gov.in/>.

