

Information Technology (intermediary Guidelines and Digital Media Ethics Code), Rules, 2021

With the advancement of science, new technologies have provided an opportunity for exponential expansion of print media as well as digital media. In this OTT platforms and digital news portals are now established and are working well. The problem was that for these new sectors there was no institutional mechanism. When the Press has the Press Council of India and TV has its own self regulation and films have Central Board of Film Certification, these new platforms had no such arrangement.

There was a demand for bringing such parity and mechanism by media experts, filmmakers and industry experts, trade organizations/bodies and the people at large. These apart, there have been serious grievance from parents and guardians over the adult, violent and such other content which is harmful to children. There is also a need to empower the citizens for their grievance redressal. Due to absence of an institutional set up, citizens do not know where to send their grievances or file complaints or suggestions relating to content on OTT or on digital news. There was demand from all sectors that there must be some arrangement by which a level playing field can be provided to all the media categories.

The Digital Media Ethics Code, under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 establishes an institutional mechanism for digital news portals and OTT platforms.

Main features of the Rules

The rules establish a soft touch progressive institutional mechanism with a level playing field featuring a Code of Ethics and a three-tier grievance redressal framework for news publishers and OTT platforms on the digital media. **The OTT platforms** would self-classify the content into five age based categories- U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult). Platforms would be required to implement parental locks for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as “A”. **Publishers of news on digital media** would be required to observe Norms of Journalistic Conduct of the Press Council of India and the Programme Code under the Cable Television Networks

Regulation) Act thereby providing a level playing field between the offline (Print, TV) and digital media.

Grievance redressal mechanism

A three-level grievance redressal mechanism has been established under the rules with two levels of self-regulation- Level I being the publisher and Level II being the Self Regulatory Body, and the third level being the Oversight Mechanism under the Ministry of Information & Broadcasting. The rules provide for an effective grievance redressal mechanism for receiving, processing, and time-bound disposal of public grievances related to the Code of Ethics. The self regulatory body would be headed by a retired judge of the Supreme Court or of a High Court, or by a person of eminence from the relevant field, and can issue advisories to the publisher.

The mechanism is based on the **principles of minimum Government intervention**; however platforms should develop a robust grievance redressal mechanism on their own.

Benefits of the Rules

The institutional mechanism established by the Digital Media Ethics Code would provide a stable policy environment to encourage growth in the OT industry, bring in investments and generate jobs thereby providing a boost to the Champion Audio-Visual Services Sector. Self certification of content by OTT platforms would ensure artistic freedom for content creators and prevent delays. The Code would also empower the citizens to make informed choices about content, get their grievances redressed in definite time frames, and protect children.

The Code of Ethics for news publishers would help to fight fake news on digital media through a mechanism of accountability of publishers while providing a level playing field between online and offline (Print and TV) news publishers. The rules also open up new avenues for further engagement and coordination with the digital news publishers which would be recognized for the first time under law through the process of furnishing information.

At a time when the digital media governance is in a state of flux across the globe, the Digital Media Ethics Code is thus a transformative step which would raise India's stature at an international level and serve as a model for other nations to emulate.

Digital Media Ethics Code

Code of Ethics for Online News Publishers

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S.No	NATURE OF CONTENT (SUITABLE FOR)	Classifi- cation
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/A7+
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/A13+
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/A16+
5.	which is restricted to adults	A

Content Classification based on international practices

Digital Media Ethics Code

Code of Ethics for OTT Platforms

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**Not to show
prohibited
content**

**Access restriction to
a child – age gating,
parental controls,
age verification
mechanism**

**Display Content
Descriptor,
advisory**

**Display of
Classification**

**(SELF-
CLASSIFICATION
by OTT Platform)**



Digital Media Ethics Code

Code of Ethics for Online News Publishers

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**Norms of Journalistic
Conduct under Press
Council Act, 1995**

**Programme Code
under Cable
Television Networks
(Regulation) Rules,
1994**

**Prohibited Content
not to be transmitted**

Level playing field between Online & Offline Media



Digital Media Ethics Code

Benefits and Outcomes

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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



Digital Media Ethics Code

Benefits and Outcomes

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For Media & Entertainment Sector



Sustainable Growth

Promote Champion
Audio-Visual Services
Sector

Avoid Litigation

Informed Decisions
by Content Creators



Artistic Freedom

No pre-censorship

Self-Classification

No delays

Digital Media Ethics Code

Benefits and Outcomes

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Digital News Publishers



Sustainable Growth

Quality journalism through transparency

Freedom of Press

Arm's length from Government



Level Playing Field

Similar principles for online and offline news

Curbing Misinformation

Reducing fake news on digital media

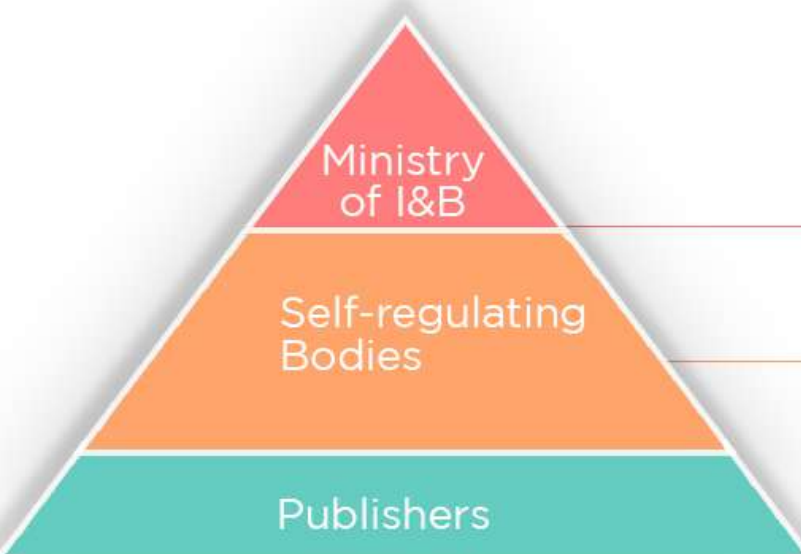
Digital Media Ethics Code

Grievance Redressal Mechanism

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Three-Tier Grievance redressal Mechanism



Level III: Central Government Oversight

Level II: Self-Regulation

Level I: Grievance Redressal by Publisher

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Grievance Redressal Mechanism

Level I: Publisher



- Establish an adequate grievance redressal mechanism
- Appoint a Grievance Officer
- Time bound acknowledgement and disposal of grievance
- Provide facility for grievance tracking
- Provide users with reasons for any action taken/not taken
- Display all details related to its grievance redressal mechanism

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Grievance Redressal Mechanism

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Inter-Departmental Committee (IDC)

Consisting of representatives from various Ministries and Departments

To hear complaints arising out of Level II/I or referred by the Ministry, and make recommendations

Recommendations:

- Warning/censure/admonish/reprimand
- Apology
- Warning card/disclaimer
- Reclassify ratings/modifications in content descriptor, age classification, edit synopsis of content
- Delete/modify content which may incite commission of a cognizable offence relating to public order;
- Block content on grounds covered under section 69A of the Act

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Grievance Redressal Mechanism



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Level III: Oversight Mechanism

FUNCTIONS OF MINISTRY OF I&B

- Constitute an Inter-Departmental Committee (IDC)
- Lay down responsibilities and obligations of publishers
- Develop an online grievance redressal system
- Issue appropriate orders for adherence to Code of Ethics
- Take action for non- compliance of its directions

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Grievance Redressal Mechanism



Level II: Self-Regulating Body

FUNCTIONS

- Oversee adherence to Code of Ethics by publisher
- Address grievances unresolved at Level I
- Issue guidance/advisories to a publisher, ensuring compliance
- Inform Ministry of I&B regarding disposal of grievances.

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Grievance Redressal Mechanism

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Role of Central Government

ADVISORIES, ORDERS AND DIRECTIONS

- Issue orders and directions based on recommendations of the IDC
- Mandatory approval of Secretary, I&B
- Interim blocking order in emergency cases as per Section 69A
- Emergency action to be placed before IDC within 48 hours
- All orders of blocking to be placed before a Review Committee

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MAIN FEATURES

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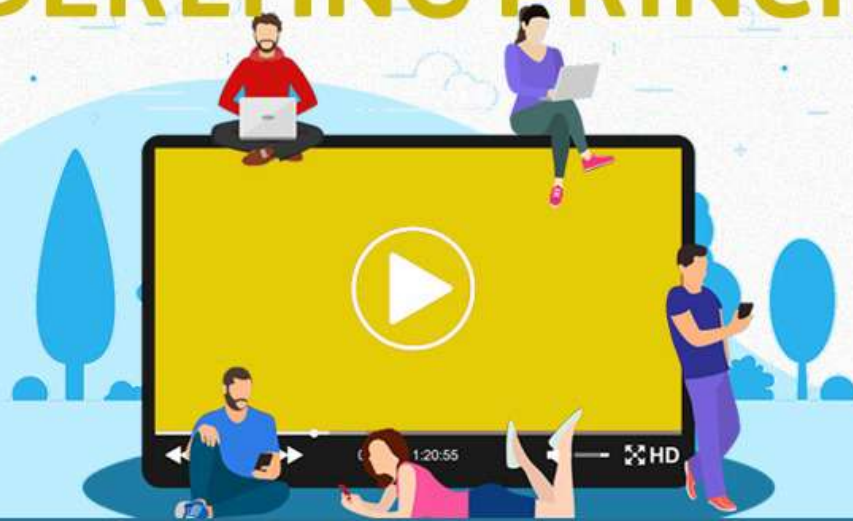


- Due diligence by intermediaries
- Three-Tier Grievance redressal mechanism
- Code of Ethics for Publishers
- Self-regulation architecture
- Disclosure of Information

Digital Media Ethics Code

UNDERLYING PRINCIPLES

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- **Create institutional mechanism to preserve Free Speech and Expression and provide level playing field**
- **Progressive and balanced Approach : Balancing with concerns of users**
- **Based on Existing Statute**
- **Utilising Experience of Existing Practices : Domestic and International**

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FURNISHING AND DISCLOSURE OF INFORMATION



- **Publisher to furnish basic information to the Ministry**
- **Disclosure of information in public domain regarding grievance redressal by publisher and self-regulating body**

Digital Media Ethics Code

Grievance Redressal Mechanism



Level II: Self-Regulating Body

STRUCTURE

- Independent body/bodies constituted by publishers
- Headed by retired judge of Supreme Court/High Court, or a person of eminence from the relevant field;
- Members - experts from various fields
- Publisher to be a member of a self-regulating body
- Ministry of I&B to register self-regulating bodies

Digital Media Ethics Code

Grievance Redressal Mechanism



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Level II: Self-Regulating Body

GUIDANCE/ADVISORIES

- Warning, censure, admonish, or reprimand
- Publisher to issue an apology
- Warning card or disclaimer
- Reclassify ratings, modifications in content descriptor, edit synopsis of content.
- Refer to Ministry cases related to incitement of commission of a cognizable offence relating to public order or circumstances as per section 69A of IT Act