

A. Tabular summary – Self Regulation for Online Curated Content Providers

<u>PART</u>	<u>HEADER</u>	<u>SUMMARY</u>
Part – A	<p>I. Introduction</p> <p>II. Preamble</p> <p>III. Objectives</p> <p>IV. Applicability</p> <p>V. Principles of Self-Regulation</p>	<p>III. Objective</p> <p>a) Empower consumer to make informed choices on age-appropriate content and protect their interest in choosing and accessing the content they want to watch, at their own time and convenience.</p> <p>b) Safeguard and respect creative freedom of content creators and artists and nurture creativity, create an ecosystem fostering innovation and abide by an individual’s freedom of speech and expression.</p> <p>c) Provide a mechanism for complaints redressal in relation to content made available by respective OCCPs and further provide an escalation mechanism for redressal of such complaints relating to content.</p> <p>IV. Applicability</p> <p>a) This Code is limited in applicability to such OCCPs who make available (stream/download) content to viewers from the OCCPs selected repertoire available on the OCCP’s respective platform.</p> <p>b) This excludes:</p> <p>(i) providers which makes available any UGC and</p> <p>(ii) intermediaries that provide access to repertoire of OCCPs.</p> <p>c) The Code is applicable prospectively i.e. it shall be applicable to the respective OCCP from the date of signing by that OCCP.</p> <p>V. Principles of Self-Regulation</p> <p>a) Preserve the freedom of speech and expression, as enshrined in Article 19(1)(a) of the Constitution of India and subject them to only such exceptions as</p>

		<p>would pass the test of ‘reasonableness’ under the Indian constitutional framework.</p> <p>b) The key Principles to be adhered by OCCPs under this Code are as follows:</p> <p>(i) Each OCCP will empower consumers by adhering to a process for dealing with complaints concerning content hosted by such OCCP.</p> <p>(ii) OCCPs will also receive complaints forwarded by any authority / body / department / nodal agency of the Government of India directly or through the Digital Content Complaint Council.</p>
Part-B	<p>The Online Curated Content Providers Code</p> <p>I. Short title, Extent and Commencement</p> <p>II. Self-Regulation Code</p>	<p>I. Short title, Extent and Commencement</p> <p>a) The Code shall apply only to members who are signatories to the Code.</p> <p>b) The earlier code issued by IMAI in February 2019 will stand superseded by this Code.</p> <p>II. Self-Regulation Code</p> <p>a) <u>Prohibited Content</u>: Content which (i) promotes and encourages disrespect to the sovereignty and integrity of India; (ii) represents a child engaged in real or simulated sexual activities or any representation of the sexual parts of a child for primarily sexual purposes; (iii) promotes and encourages terrorism and other forms of violence against the State (of India) or its institutions; and (iv) has been banned for exhibition or distribution by online video service under applicable laws or by any court of competent jurisdiction.</p> <p>For clarity and notwithstanding the generality of the foregoing, the signatories to this Code shall ensure that all applicable laws, rules and regulations are complied with.</p>

		<p>b) <u>Classification of Content</u>: Use information to equip consumers with requisite knowledge and awareness, to enable them to make informed decisions on the consumption of content.</p> <p>c) <u>Age Classification/ Maturity Ratings</u>: Signatories to the Code shall individually classify content and categorize as under: (i) General/ Universal viewing; (ii) Content with requisite parental guidance, (iii) Content solely for age appropriate audience; (iv) Content meant solely for mature audience.</p> <p>Additionally, Content may be categorized on the subject matter treatment of themes such as Crime & Violence, Sex, Obscenity & Nudity, Horror & Occult, Drugs and Language.</p> <p>d) <u>Content Descriptor</u>: The signatories to the Code agree to display a content descriptor or a guidance message of adequate length at the title page or at the beginning of each content/programme that indicates and informs the viewer about the nature of the content and advise on viewer discretion, if applicable.</p> <p>e) <u>Parental and/or Access Control</u>: The signatories to the Code shall, on a best efforts’ basis institute relevant technological tools and measures to ensure access to content and/or enable parental controls. Alternatively, to providing parental controls, the signatories may also adopt access control measures such as PIN/Password to access/restrict content solely meant for mature audiences/adult viewing.</p>
Part-C	<p>Complaint Redressal Mechanism</p> <p>I. Tier-I at the OCCP level</p> <p>II. Tier-II at the industry level</p>	<p>I. Tier I – The Digital Content Complaint Forum</p> <p>a) <u>Appointment of Digital Content Complaint Forum</u></p> <p>(i) All signatories shall appoint/ institute a dedicated person/ team/ department referred to as Digital Content Complaint Forum (“DCCF”) to receive and address any content related consumer concerns and complaints.</p> <p>(ii) Contact details with name, designation and e-mail address of the DCCF shall be displayed</p>

on the signatories website and/or online platform.

b) Functions of DCCF

- (i) Overseeing and ensuring OCCP's alignment and adherence to this Code.
- (ii) Providing guidance to the OCCP on descriptors and classification of content.
- (iii) Acting as the single point of contact for receiving all complaints from users/viewers.
- (iv) Examining the complaint in accordance with the principles in this Code and accordingly advise other departments / internal stakeholders within the OCCP.
- (v) Acting as the point of contact for any interaction with the complainant and/or the Digital Content Complaint Council on issues relating to compliance of the Code.

It is clarified that the DCCF shall not be held personally liable for any violation of the Code and that only the OCCP will be liable for any non-compliance of the Code.

c) Reporting and Redressal Process

- (i) On finding any content provided by an OCCP in violation of the Code, a complaint can be issued before the DCCF of the relevant OCCP.
- (ii) The DCCF shall ensure that every complaint with complete information should be acknowledged within three (3) working days from the date of receipt of the complaint. No anonymous and/or pseudonymized complaints shall be acknowledged by The DCCF.
- (iii) If the DCCF is of the view that the content in issue is consistent with the Code, then the DCCF may reply to the complainant within ten (10) working days from the date of receipt of the complaint. In case, more time is required to ascertain, if the content complained is consistent with the Code or not, then the DCCF shall reply to the complainant indicating timelines within which the DCCF anticipates it to be able to respond to the

complaint. However, timelines contemplated in the preceding sentence may not be later than thirty (30) days from the date of receipt of the complaint.

- (iv) In case of a violation of this Code, the DCCF must communicate to the aggrieved person within thirty (30) days of receipt of the complaint, specifying the remedial action(s) and/or such action(s) taken to appropriately address the complaint.

II. Tier II - The Digital Content Complaint Council

d) Online Curated Content Providers Governing Council:

- i) The founding signatories of this Code shall set up a separate body under IAMAI known as the Online Curated Content Providers Governing Council (“**OCCP Governing Council**”). The Governing Council shall be governed by the “**OCCP Council Charter**”.
- ii) Every founding member OCCP shall nominate one representative who shall be part of the OCCP Governing Council, with the option for such signatories to replace their nominees from time to time, as expedient.
- iii) Any decisions on behalf of the OCCP Governing Council shall be made by a simple majority.
- iv) The Secretariat as appointed by the OCCP Governing Council shall be responsible for setting up and the day-to-day functioning of the industry level-Tier II Complaint Redressal mechanism – The Digital Content Complaint Council (“**DCCC**”).

e) Constitution of the DCCC:

- i) The DCCC shall be a nine (9) member body consisting of a Chairperson, being a retired Judge of the Supreme Court or a High Court and eight (8) other Members.
- ii) The composition of other Members of the DCCC shall be as under:-

			No. of Members	Qualification
			Three (3)	members from the media / entertainment industry with a deep understanding of the OCC industry, having experience in field(s) such as writing, curating, producing or directing content
			Three (3)	members from any National level Statutory Commissions such as National Commission for Women (NCW), or National Commission for Protection of Child Rights (NCPCR), or National Commission for Schedule Caste, or from National level Statutory Commissions such as, National Commission for Schedule Tribes, or National Commission for Minorities, or National Commission for Backward Classes, or National Human Rights Commission (NHRC)
			Two (2)	OCCP members

iii) The OCCP Governing Council shall be responsible for the appointment of the Chairperson and other Members of the DCCC including the six (6) Non-OCCP Members and the two (2) OCCP Members.

f) Term of Office of Chairperson and Members

i) The Chairperson and other Members shall hold office for a period of two (2) years. After the end of the tenure, the Chairperson shall however continue to hold office until the DCCC is reconstituted in accordance with the set procedure, (or) for a period of six (6) months whichever is earlier.

ii) The process of appointment of the Chairperson and/or any other Member of DCCC shall be initiated by the OCCP Governing Council at least sixty (60) days prior to the expiry of the term of the respective member(s).

		<ul style="list-style-type: none">iii) If a person nominated as a Member to the DCCC is found unfit to hold office as member of the DCCC, the Chairperson may remove such person from being a member and thereupon such Member shall forthwith cease to be a Member of the DCCC.iv) Non-OCCP Members shall not be eligible for re-nomination for at least two (2) years.v) OCCP Members shall not be eligible for re-nomination for at least one (1) year.vi) An OCCP Member shall automatically cease to be a Member of the DCCC, if he/she ceases to be an employee with the respective OCCP. In such a scenario, the OCCP shall have the option of nominating for the remaining period of the term of the Member, an alternate representative, within thirty (30) days thereof, failing which the OCCP Governing Council may appoint a new Member.vii) A Member shall be deemed to have vacated his seat if he is, in the opinion of the Chairperson, absent without sufficient cause, from three (3) consecutive meetings of the DCCC.viii) The Chairperson may resign his office by giving notice in writing to the OCCP Governing Council, and any other Member may resign his office by giving notice in writing to the Chairperson, and upon such resignation being accepted by the OCCP Governing Council or by the Chairperson as the case may be, the Chairperson or the Member shall be deemed to have vacated his office.ix) The OCCP Governing Council shall fill any vacancy arising as above or otherwise as soon as may be, in the same manner in which the Member vacating office was nominated. The Member so nominated shall hold office for the remaining period in which the Member in whose place he is nominated would have held office. However, OCCP whose employee ceases to be a member of DCCC will have the first right of refusal to nominate another employee as a member of DCCC for the remaining period.
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		<p>g) <u>Terms of Service of Chairperson and Members</u></p> <p>i) The Chairperson and the Non-OCCP Members shall receive such honorarium and/or allowances and/or fees for attending the meetings of the DCCC, as the OCCP Governing Council may decide from time-to-time.</p> <p>ii) The Chairperson and Non-OCCP Members will be entitled for reimbursement of traveling, boarding and lodging expenses, if they are travelling from another city to attend the meeting of the DCCC.</p> <p>iii) OCCP Members will not be entitled for any sitting fee, reimbursement of traveling, boarding and lodging expenses</p> <p>h) <u>Jurisdiction of DCCC:</u></p> <p>i) The DCCC shall take up complaints of viewers that have not been resolved at the Tier-I level namely the Digital Content Complaint Forum of the relevant OCCP.</p> <p>ii) The DCCC may also suo moto entertain any new complaints that have not otherwise been submitted to the Tier-I for a resolution, if the DCCC considers such a step necessary in the interests of consumers.</p> <p>iii) The DCCC shall also accept any complaint from any Government.</p> <p>iv) The DCCC's jurisdiction to entertain complaints will be limited to escalation of unresolved issues pertaining to the following:</p> <ol style="list-style-type: none"> a. Content Related; b. Incorrect Age-classification; c. Incorrect Content Descriptor; and d. Parental and/or Access controls. <p>v) In case any complaints are received against a non-signatory OCCP, then the same will be returned to the complainant with a request to reach out to relevant OCCP.</p> <p>i) <u>Quorum and Meetings of DCCC:</u></p> <p>i) The Quorum of the DCCC meeting shall be atleast five (5) Members, including the</p>
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		<p>Chairperson and at least one (1) OCCP Members and two (2) non-OCCP members.</p> <p>ii) All decisions of the DCCC shall be by a simple majority of the members present. The same shall be in writing and may specify the action to be taken in relation to a particular complaint. The Chairperson's view shall carry the same weight as that of any other Member of DCCC.</p> <p>iii) The DCCC will meet at least once in two (2) months at the IAMAI headquarters in New Delhi or such other place as the DCCC deems fit.</p> <p>j) <u>Procedure</u></p> <p>i) Complaint shall have necessary details (<i>already mentioned above</i>), Name and Address of the OCCP against which or whom, the complaint is being preferred along with a brief detailing how the Content so complained violates or is in breach of the Code and /or such other particulars as are relevant to the subject matter of the complaint and a declaration specifying whether any proceedings are filed and/or pending in any court of law or other tribunal or statutory committee in respect of the subject matter complained of before the DCCC. If, during the pendency of the complaint before the DCCC, the matter alleged in the complaint becomes the subject-matter of any proceedings in a court of law or other tribunal or statutory committee, the complainant shall inform the DCCC forthwith of the same. Additionally, a copy of the complaint letter (along with enclosures, if any) written by the complainant to the OCCP along with a copy of the reply, if any, received by the Complainant thereto.</p> <p>ii) A complaint shall be filed before the DCCC within fifteen (15) days from the date of receipt of the final response from the OCCP to the Complainant, or, if the OCCP does not respond or has not finally responded within 30 days, then within fifteen (15) days from the date when the aforesaid period of thirty (30) days provided for the OCCP to respond expires.</p> <p>iii) If a complaint is filed after the expiration of the aforesaid period, the DCCC may, if it is satisfied that the Complainant has acted diligently and that the delay in filing the</p>
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		<p>Rs.3,00,000/- (Three Lakh Rupees) for the third instance.</p> <p>The DCCC may also consider whether the breach was serious, deliberate or reckless while determining the imposition of financial penalty.</p> <p>iii) The OCCP shall be duty bound to comply with the order/direction of the DCCC within reasonable period of time.</p> <p>iv) Should at any point in time, an OCCP in its own volition decide to reclassify ratings and/or include a warning card / disclaimer, and/or edit synopsis of content in question / complained of, then it shall inform DCCC about its decision. Any such voluntary action taken by an OCCP shall not be deemed to be an admission of wrongdoing. Further, in such an event, the complaint shall stand abated and DCCC may proceed to dispose of the complaint recording the same.</p> <p>For clarity, such disposal of complaint will not, by itself, be deemed to be compliance with stipulations of this Code and that in terms of this Code, a fresh complaint (if any) may still be filed by an aggrieved person.</p> <p>l) <u>Amendment</u></p> <p>This Code may be amended if the OCCP Governing Council so determines in terms of its charter document.</p>
Part-D	Members-Affirmation	<p>An affirmation by the signing party stating that the responsibilities are being voluntarily assumed and shall be discharged with fairness and honesty.</p>