

INFORMATION TECHNOLOGY (GUIDELINES FOR INTERMEDIARIES AND DIGITAL MEDIA ETHICS CODE) RULES, 2021

In exercise of the powers conferred by clause (c) of sub-section (2) of section 79 and sub-section (2) of section 69A, read with sub-section (1) of section 87, clause (z) of sub-section (2) of section 87 and clause (zg) of sub-section (2) of section 87 of the Information Technology Act, 2000 (21 of 2000), and in supersession of the Information Technology (Intermediary Guidelines) Rules, 2011, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely:-

PART I: PRELIMINARY

1. Short Title, Extent & Commencement: - (1) These rules may be called the Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions — (1) In these rules, unless the context otherwise requires:

- a) 'Access control mechanism' means any measure, including a technical measure, through which access to online curated content may be restricted based on verification of the identity or age of a user, to the extent reasonable;
- b) 'Access services' means any measure, including technical measure such as closed captioning, subtitles and audio descriptions, through which the accessibility of online curated content may be improved for persons with disabilities;
- c) 'Act' means the Information Technology Act, 2000 (21 of 2000);
- d) 'Appropriate Government' shall have the same meaning as assigned to it in clause (e) of sub-section (1) of section 2 of the Act;
- e) 'Broadcast Seva' means the online portal of the Ministry referred to in rule 16 for receiving, processing and transmitting applications and communication received therein, for enabling communication and coordination with applicants, Government organizations and other persons, and capable of generating analytics and other such information with regard to various parameters;
- f) 'Child' means any person below the age of eighteen years;
- g) 'Committee' means the Inter-Departmental Committee constituted by the Ministry of Information and Broadcasting, Government of India, under rule 13;

- h) 'Communication link' means a connection between a hypertext or graphical element, and one or more items in the same or different electronic document wherein upon clicking on a hyperlinked item, the user is automatically transferred to the other end of the hyperlink which could be another electronic record or another website or application or graphical element;
- i) 'Content' means electronic record defined in clause (t) of section 2 of the Act;
- j) 'Content descriptor' means the issues and concerns which are relevant to the classification of any online curated content, including discrimination, depiction of illegal or harmful substances, imitable behaviour, nudity, language, sex, violence, fear, threat, horror and other such concerns as specified in the Schedule annexed to the rules;
- k) 'Digital Media' means digitized content that can be transmitted over the internet or computer networks and for the purposes of these rules includes content received, stored or transmitted by:
 - (i) an intermediary; or
 - (ii) a publisher of news and current affairs content or online curated content.
- l) 'Grievance' includes any complaint, whether regarding any content, any duties of an intermediary or publisher under the Act, or other matters pertaining to the computer resources of an intermediary or publisher, as the case may be, which is made to an intermediary under Part II of these rules, or made under Part III of these rules;
- m) 'Intermediary' shall have the same meaning as assigned to it in clause (w) of sub-section (1) of section 2 of the Act;

Explanation: For the purpose of these rules, an intermediary includes websites, apps and portals of social media networks, media sharing websites, blogs, online discussion forums and other such functionally similar intermediaries.

- n) 'Ministry' means the Ministry of Information and Broadcasting, Government of India;
- o) "News and current affairs content" includes newly received or noteworthy information, including analysis, especially about recent events primarily of socio-political, economic or cultural nature, available over the internet or computer networks;

Explanation: For the purposes of these rules, any digital media shall be news and current affairs content where the context, substance, purpose, import and meaning of such media is in the nature of news and current affairs content.

- p) 'Newspaper' means a periodical of loosely folded sheets usually printed on newsprint and brought out daily or at least once in a week, containing information on current events, public news or comments on public news;

- q) "On demand" means a system where a user, subscriber or viewer is enabled to access, at a time chosen by such user, any content in electronic form, which is transmitted over a computer resource and is selected by the user;
- r) 'Online curated content' means any curated catalogue of audio-visual information, other than news and current affairs content, made available on demand, including but not limited through subscription, over the internet or computer networks, and includes films, television programmes, serials, podcasts and other such information;
- s) 'person' means a person as defined in sub-section (31) of section 2 of the Income tax Act, 1961;
- t) 'publisher' means a publisher of news and current affairs content or online curated content;
- u) 'publisher of news and current affairs content', means, an online paper, news portal, news aggregator, news agency and such other publishers of news and current affairs content by whatever name called, but does not include newspapers, replica e-paper of the newspaper and any user generated content which is not transmitted in the course of systematic business activity;
- v) 'publisher of online curated content' means a publisher which makes available to users a computer resource that enables such users to access online curated content over the internet or computer networks, but does not include an intermediary which merely enables access to online curated content, or which merely enables users to access third party information;
- w) 'resident' shall have the same meaning as assigned to it in sub-section (42) of section 2 of the Income Tax Act, 1961 (43 of 1961);
- x) 'section' means section of the Act;
- y) 'significant social media intermediary' means a social media with users above such threshold as may be notified by the Central Government;
- z) 'social media intermediary' means an intermediary referred to in clause (m) which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using its services but shall not include an intermediary which primarily, —
 - i. enables commercial or business oriented transactions; or
 - ii. provides access to internet or computer networks; or
 - iii. is in the nature of a search-engine, on-line encyclopaedia, online directory or suggestion tool, e-mail service or online storage service.

aa) 'user' means any person who accesses or avails any computer resource of an intermediary or a publisher for the purpose of hosting, publishing, sharing, transacting, viewing, displaying, downloading or uploading information and includes other persons jointly participating in using such computer resource and includes addressee and originator;

bb) 'user account' means the account registration of a user with an intermediary Or publisher and includes profiles, accounts, pages, handles and other similar presences by means of which a user is able to access the services offered by the intermediary or publisher.

(2) Words and expressions used and not defined in these rules but defined in the Act and various rules made thereunder shall have the same meaning assigned to them in the Act and the said rules, as the case may be.

PART II: DUE DILIGENCE BY INTERMEDIARIES

3. Guidelines in relation to due diligence while discharging duties under the Act - The rules made under this Part shall be the guidelines to be observed by an intermediary as referred to in clause (c) of sub-section (2) of section 79 of the Act.

4. Due diligence to be observed by an intermediary — (1) An intermediary, including social media intermediary and significant social media intermediary, shall observe the following due diligence while discharging its duties, namely:

- (a) The intermediary shall prominently publish on its website or application or both, as the case may be, the rules and regulations, privacy policy and user agreement for access or usage of its computer resource by any person;
- (b) The rules and regulations, privacy policy or user agreement of the intermediary shall inform the user of computer resource not to host, display, upload, modify, publish, transmit, store, update or share any information that:
 - (i) belongs to another person and to which the user does not have any right;
 - (ii) is defamatory, obscene, pornographic, paedophilic, invasive of another's privacy, including bodily privacy, insulting or harassing on the basis of gender, libellous, racially or ethnically objectionable, relating or encouraging money laundering or gambling, or otherwise inconsistent with or contrary to the laws of India;
 - (iii) is harmful to minors,
 - (iv) infringes any patent, trademark, copyright or other proprietary rights;
 - (v) violates any law for the time being in force;
 - (vi) deceives or misleads the addressee about the origin of the message or knowingly and intentionally communicates any information which is patently false or misleading in nature but may reasonably be perceived as a fact;
 - (vii) impersonates another person;

(viii) threatens the unity, integrity, defence, security or Sovereignty of India, friendly relations with foreign States, or public order, or causes incitement to the commission of any cognizable offence or prevents investigation of any offence or is insulting any foreign States:

(ix) contains software virus or any other computer code, file or program designed to interrupt, destroy or limit the functionality of any computer resource;

(x) is patently false and untrue, and is written or published in any form, with the intent to mislead or harass a person, entity or agency for financial gain or to cause any injury to any person

(c) An intermediary shall periodically inform its users, at least once every year, that in case of non-compliance with rules and regulations, privacy policy or user agreement for access or usage of the computer resource of such intermediary, it has the right to terminate the access or usage rights of the users to the computer resource immediately or remove non-compliant information or both, as the case may be.

(d) An intermediary, upon receiving actual knowledge in the form of an order by a court of competent jurisdiction or on being notified by the appropriate Government or its agency under clause (b) of sub-section (3) of section 79 of the Act, shall not host, store or publish any information prohibited by any law in relation to the interests of the sovereignty and integrity of India: the security of the State; friendly relations with foreign States; public order; decency or morality; in relation to contempt of court; defamation; incitement to an offence, or information which violates any law for the time being in force:

Provided that any notification by the appropriate government or its agency in relation to any information which is prohibited under any law for the time being in force shall be issued by a lawfully authorized agency, as may be notified by the appropriate government.

Provided further that if any such information is hosted, stored or published, the intermediary shall remove or disable access to that information, as early as possible, but in no case later than thirty-six hours from receipt of the court order or on being notified by the appropriate government or its agency,

Provided further that the removal or disabling of access to any information, data or communication link within the categories of information specified under this clause or clause (p), under clause (b) on a voluntary basis, or on the basis of grievances received by such intermediary, shall not amount to a violation of the conditions of clauses (a) or (b) of sub-section (2) of section 79 of the Act.

(e) The temporary or transient or intermediate storage of information automatically by an intermediary in a computer resource within its control as an intrinsic feature of that computer resource, involving no exercise of any human, automated or algorithmic editorial control for onward transmission or communication to another computer resource

shall not amount to hosting, storing or publishing any information referred under clause (d):

- (f) The intermediary shall inform its users of its rules and regulations, privacy policy or user agreement periodically, at least once in a year, or whenever there is a change in the rules and regulations, privacy policy or user agreement, as the case may be.
- (g) Where upon receiving actual knowledge under clause (d), or under clause (p) or on the basis of a grievance received by any user, any information has been removed or access to which has been disabled, the intermediary shall, without vitiating the evidence in any manner, preserve such information and associated records for one hundred and eighty days for investigation purposes, or for such longer period as may be required by the court or by Government agencies who are lawfully authorised;
- (h) Where an intermediary collects information from a user for registration on the computer resource, it shall retain his information for a period of one hundred and eighty days after any cancellation or withdrawal of his registration, as the case may be;
- (i) The intermediary shall take all reasonable measures to secure its computer resource and information contained therein following the reasonable security practices and procedures as prescribed in the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Information) Rules, 2011;
- (j) The intermediary shall, expeditiously but not later than seventy two hours of the receipt of a lawful order, provide information under its control or possession, or any assistance to the Government agency who is lawfully authorised for investigative or protective or cyber security activities, for the purposes of verification of identity, or for the prevention, detection, investigation, or prosecution, of offences under any law for the time being in force, or for cyber security incidents:

Provided that any such order shall be in writing stating clearly the purpose of seeking information or any assistance as the case may be:

- (k) The intermediary shall not knowingly deploy or install or modify technical configuration of computer resource or become party to any act that may change or has the potential to change the normal course of operation of the computer resource than what it is supposed to perform thereby circumventing any law for the time being in force:

Provided that the intermediary may develop, produce, distribute or employ technological means for the purpose of performing the acts of securing the computer resource and information contained therein.

- (n) The intermediary shall prominently publish on its website or application or both, as the case may be, the name of the Grievance Officer and his/her contact details as well as mechanism by which a user or a victim may make complaint against violation of the provisions of rule 4 or other matters pertaining to the computer resources made available by it, and the Grievance Officer shall be responsible for the following:
- (i) acknowledging the complaint within three working days and resolving it within a month from the date of its receipt:
 - (ii) receipt and acknowledgement of any order, notice or direction issued by the appropriate government, any competent authority or a court of competent jurisdiction.
- (o) The intermediary shall report cyber security incidents and share related information with the Indian Computer Emergency Response Team following the policies and procedures as prescribed in the Information Technology (The Indian Computer Emergency Response Team and Manner of Performing Functions and Duties) Rules, 2013;
- (p) An intermediary shall, within twenty four hours from the receipt of a complaint made by an individual or any person on their behalf under this sub-rule, in relation to any content which is prima facie in the nature of non-consensual transmission of any material which exposes the private area of any person, shows such person in full or partial nudity or shows or depicts such person in any sexual act or conduct, or is in the nature of impersonation in an electronic form, including artificially morphed images, and such content is transmitted with the intent to harass, intimidate, threaten or abuse an individual, take all reasonable and practicable measures to remove or disable access to such content which is hosted, stored, published or transmitted by it.

Provided that the intermediary shall implement a mechanism for the receipt of complaints under this sub-rule which may enable individuals to provide details, as may be necessary, in relation to such content or communication link.

(2) An intermediary shall publish, on an appropriate place on its website and mobile based application or both, as the case may be, a clear and concise statement to inform the entities referred to in rule 7 that in addition to the common terms of service for all users, such entities shall adhere to the Code of Ethics under Part III of these rules while disseminating such content through the intermediary;

5. Additional due diligence to be observed by significant social media intermediary.—(1)

In addition to the due diligence observed under rule 4, a significant social media intermediary shall, within three months from the date of publication of these rules, observe the following additional due diligence while discharging its duties, namely:-

- (a) Appoint a Chief Compliance Officer who shall be responsible for ensuring compliance with the Act and rules made thereunder and shall be liable for any proceedings relating to any relevant third-party information, data or communication link made available or

hosted by that intermediary where he fails to ensure that such intermediary observes due diligence while discharging its duties under the Act and rules made thereunder.

Provided that no liability under the Act or rules made thereunder may be imposed on such significant social media intermediary without being given an opportunity of being heard.

Explanation.—For the purposes of this clause “Chief Compliance Officer” means the employee of an intermediary who shall be resident in India holding a valid Indian passport;

- (b) Appoint a nodal person of contact for 24x7 coordination with law enforcement agencies and officers to ensure compliance to their orders or requisitions made in accordance with the provisions of law or rules made thereunder.

Explanation.- For the purposes of this clause “nodal person of contact” means the employee of an intermediary, other than the Chief Compliance Officer, who shall be resident in India holding a valid Indian passport;

- (c) Appoint a Resident Grievance Officer, who shall be responsible for the functions referred to in clause (n) of sub-rule (1) of rule 4.

Explanation.- For the purposes of this clause, “Resident Grievance Officer” means the employee of a significant social media intermediary, who shall be resident in India holding a valid Indian passport.

- (d) Publish periodic compliance report every six months mentioning the details of complaints received and action taken thereon, and the number of specific communication links or parts of information that the intermediary has removed or disabled access to in pursuance of any proactive monitoring conducted by using automated tools or any other relevant information.

(2) A significant social media intermediary providing services primarily in the nature of messaging shall enable the identification of the first originator of the information on its computer resource as may be required by a judicial order passed by a court of competent jurisdiction or an order passed under Section 69 of the Act by the Competent Authority as per the Information Technology (Procedure and Safeguards for interception, monitoring and decryption of information) Rules, 2009, which shall supported with a copy of such information in electronic form.

Provided that an order shall only be passed for the purposes of prevention, detection, investigation, prosecution or punishment of an offence related to the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, or public order, or of

incitement to an offence relating to the above or in relation with rape, sexually explicit material or child sexual abuse material, punishable with imprisonment for a term of not less than five years, and such order shall not be passed in cases where less intrusive means are effective in identifying the originator:

Provided further that in complying with an order for identification of the first originator, no significant social media intermediary shall be required to disclose the contents of any electronic message, any other information related to the first originator, or any information related to its other users:

Provided further that where the first originator of any information on the computer resource of an intermediary is located outside the territory of India, the first originator of that information within the territory of India shall be deemed to be the first originator of the information for the purpose of this clause.

(3) A significant social media intermediary that provides any service with respect to an information or transmits that information on behalf of another person on its computer resource,—

(a) for direct financial benefit in a manner that increases its visibility or prominence, or targets the receiver of that information; or

(b) to which it owns a copyright, and has an exclusive license, or in relation with which it has entered into any contract that directly or indirectly restricts the publication or transmission of that information through any means other than those provided through the computer resource of such social media intermediary,

shall make that information clearly identifiable to its users as being advertised, marketed, sponsored, owned, or exclusively controlled, as the case may be, or shall make it identifiable as such in an appropriate manner.

(4) A significant social media intermediary shall endeavour to deploy technology-based measures, including automated tools or other mechanisms to proactively identify information that depicts any act or simulation in any form depicting rape, child sexual abuse or conduct, whether explicit or implicit, or any information which is exactly identical in content to information that has previously been removed or access to which has been disabled on the computer resource of such intermediary under clause (d) of sub-rule (1) of rule 4.

Provided that the measures taken by the intermediary under this sub-rule shall be proportionate having regard to the interests of free speech and expression, privacy of users on the computer resource of such intermediary, including interests protected through the appropriate use of technical measures,

Provided further that such intermediary shall implement mechanisms for appropriate human oversight of measures deployed under this sub-rule, including a periodic review of any automated tools deployed by such intermediary.

Provided further that the review of automated tools under this sub-rule shall evaluate the automated tools having regard to the accuracy and fairness of such tools, the propensity of bias and discrimination in such tools and the impact on privacy and security of such tools.

(5) The significant social media intermediary shall have a physical contact address in India published on its website or mobile based Internet application or both, as the case may be, for the purposes of receiving the communication addressed to it.

(6) The significant social media intermediary shall implement an appropriate mechanism for the receipt of complaints under clause (n) of sub-rule (1) of rule 4 and grievances in relation to the violation of provisions under rule 5, which shall enable the complainant to track the status of such complaint by providing a unique ticket number for every complaint received by such intermediary.

Provided that such intermediary shall, to the extent reasonable, provide such complainant with reasons for any action taken or not taken by such intermediary in pursuance of the complaint received by it.

(7) The significant social media intermediary shall enable users who register for their services from India, to voluntarily verify their accounts by using any appropriate mechanism, including the active Indian mobile number of such users, and where any user voluntarily verifies their account, such user shall be provided with a demonstrable and visible mark of verification, which shall be visible to all users of the service.

Provided that the information received for the purpose of verification under this sub-rule shall not be used for any other purpose, unless the user expressly consents to such use.

(8) Where a significant social media intermediary has removed or disabled access to any information, data or communication link, such intermediary shall, subject to any applicable law stating anything to the contrary,

- (a) ensure that prior to the time at which such intermediary removes or disables access, it has provided the originator of the information, data or communication link with a notification explaining the action being taken and the grounds or reasons for such action;
- (b) ensure that the originator of information is provided with an adequate and reasonable opportunity to dispute the action being taken by such intermediary and request for the reinstatement of access to the information, data or communication link;
- (c) ensure that the Resident Grievance Officer of such intermediary maintains appropriate oversight over the mechanism for resolution of any disputes raised by the originator under clause (b);

- (d) ensure that the action taken by it is based on an assessment of the relevant context of the information, data or communication link by implementing effective and adequate safeguards, which may include appropriate human oversight of any automated tools used by it;
- (e) display a notice to any user attempting to access the disabled or removed information, data or communication link stating the action taken by it, and the grounds or reasons for such action.

6. Notification of other intermediary.— (1) The Central Government may by notification, for reasons to be recorded in writing, require any intermediary, which is not a significant social media intermediary, to comply with all or any of the obligations mentioned under rule 5, if the services of that intermediary permits the publication or transmission of information in a manner that may create a material risk of harm to the sovereignty and integrity of India, security of the State, friendly relations with Foreign States or public order.

(2) The assessment of material risk of harm referred to in sub-rule (1) shall be made having regard to the nature of services of such intermediary, and if those services permit

- (a) Interaction between users, notwithstanding whether it is the primary purpose of that intermediary; and
- (b) The publication or transmission of information to a significant number of other users as would be likely to result in widespread dissemination of such information.

PART III : CODE OF ETHICS AND PROCEDURE AND SAFEGUARDS IN RELATION TO DIGITAL/ONLINE MEDIA

7. Application of this Part.- (1) The rules made under this Part shall apply to the following persons or entities, which shall be referred to through this Part as “*applicable entities*”:

- (a) publishers of news and current affairs content; and
- (b) intermediaries which primarily enable the transmission of news and current affairs content; and
- (c) publishers of online curated content; and
- (d) intermediaries which primarily enable the transmission of online curated content.

Provided that where an intermediary does not primarily enable the transmission of news and current affairs content or online curated content, but provides a dedicated interface or part of its computer resource or services specifically for such purposes, , the rules made under this Part shall apply in relation to the content on such dedicated interface or part

Illustrations.- (a) X is an entertainment aggregator. It has a dedicated tab labelled ‘Latest News’, on which it aggregates news and current affairs content. The rules made under this Part shall apply to X in relation to the content on the ‘Latest News’ tab only.

(b) Y is a video streaming platform which allows any user to upload and share their videos. There is a dedicated part of Y’s website labelled ‘Y Exclusives’, and it features online curated

content owned and produced by Y. The rules made under this Part shall apply to Y in relation to the content on the 'Y Exclusives' tab.

- (2) The rules made under this Part shall apply to applicable entities, where
 - (a) such entity operates in the territory of India;
 - (b) such entity conducts the systematic business activity of making its content available in India, which is targeted at Indian users.
- (3) For the purposes of this rule,
 - (a) An applicable entity shall be deemed to operate in the territory of India where such publisher has a physical presence in the territory of India:
 - (b) "systematic activity" shall mean any structured or organized activity that involves an element of planning, method, continuity or persistence.
- (4) The rules made under this Part shall come into operation after three months from the date of publication of these rules.
- (5) The rules made under this Part shall be the procedure and safeguards referred to in sub-section (2) of section 69A of the Act.

Provided that the rules made under this Part shall be in addition to and not in derogation of the provisions of any other law for the time being in force, including the Information Technology (Procedure and Safeguards for Blocking of Access of Information by the Public) Rules, 2009.

8. Observance and adherence to the Code — (1) An applicable entity shall observe and adhere to the Code of Ethics laid down in the Appendix annexed to these rules.

(2) Notwithstanding anything contained in these rules, an applicable entity who contravenes any law for the time being in force shall be liable for consequential action as provided in any law which has so been contravened.

- (3) For ensuring observance and adherence to the Code of Ethics by the applicable entity, and for addressing the grievances made under this Part , there shall be a three-tier structure as under:
- (a) Level I - Self-regulation by the applicable entity;
 - (b) Level II — Self-regulation by the self-regulating bodies of the applicable entities
 - (c) Level III - Oversight mechanism by the Central Government.

CHAPTER I: ESTABLISHMENT OF A GRIEVANCE PORTAL AND REGISTRATION OF GRIEVANCE

9. Establishment of Grievance Portal and registration of grievance — (1) The Ministry shall establish an online Grievance Portal, as the central repository for receiving and processing all

grievances from the public in respect of the Code of Ethics, within three months of the commencement of the rules.

(2) Any person having a grievance regarding content published by an applicable entity in relation to the Code of Ethics may register its grievance on the Grievance Portal.

(3) The Portal shall generate and issue an acknowledgement of the grievance a the benefit of the complainant within 24 hours of its registration, and electronically direct the grievance to the applicable entity for addressing the grievance, and also refer such grievance to the Ministry and the self-regulating body for information and record.

(4) The manner of grievance redressal shall have the following arrangement —

- (a) The applicable entity shall address the grievance and inform the complainant of its decision within 15 days of the registration of the grievance, and also forward the decision on the Grievance Portal;
- (b) If the decision of the applicable entity is not communicated to the complainant within the stipulated 15 days, the grievance shall be escalated to the level of the self-regulating body of which such entity is a member.
- (c) Where the complainant is not satisfied with the decision of the applicable entity, it may prefer to appeal on the Grievance portal to the self-regulating body of which such entity is a member within 15 days of receiving such decision.
- (d) The self-regulating body shall address the grievance referred to in clause (b) and (c) above, and convey its decision in the form of a guidance or advisory to the applicable entity, and inform the complainant of such decision within a period of 15 days, and every such decision shall also be recorded on the Grievance Portal by the self-regulating body.
- (e) Where the complainant is not satisfied with the decision of the self-regulating body, it may, within 15 days of such decision, prefer an appeal on the Grievance Portal to the Oversight Mechanism referred to in Rule 12 for resolution.

CHAPTER II: SELF REGULATING MECHANISM - LEVEL I

10. Self-Regulating Mechanism at Level I : (1) The applicable entity shall be the Level I of the self-regulating mechanism.

(2) An applicable entity shall :

- (a) establish a grievance redressal mechanism, and shall appoint a Grievance Redressal Officer based in India, who shall be responsible for the redressal of grievances received by it.
- (b) display the contact details related to its grievance redressal mechanism, the name and contact details of its Grievance Redressal Officer, prominently at the Grievance Portal and an appropriate place on its website or interface, as the case may be.

- (c) ensure that the Grievance Redressal Officer takes a decision on every grievance registered in respect of such entity with the Grievance Portal within 15 days of the receipt of such grievance, and communicates the same to the complainant within the stipulated time, and records the decision on the Grievance Portal.

Provided that where a grievance relating to the Code of Ethics is received by such entity other than through the Grievance Portal, the Grievance Redressal Officer shall register such grievance on the Grievance Portal within 48 hours of such receipt.

Provided further that where any entity has appointed a Grievance Officer under Part II of these rules, such person may be the Grievance Redressal Officer of such entity for the purposes of this Part.

- (d) be a member of a self-regulating body as referred to in Rule 11 and abide by its terms and conditions.

(3) The Grievance Redressal Officer shall

- (a) be the contact point for receiving any grievance relating to Code of Ethics;
- (b) act as the nodal point for interaction with the complainant, the self-regulating body and the Ministry.

(4) Every applicable entity referred to in clause (c) and (d) of sub-rule (1) of rule 7 shall classify the online curated content transmitted by it by granting such content with an appropriate certificate in accordance with sub-rule (5)

(5) Online curated content shall be classified into the categories referred to in the *Schedule* annexed to these rules, having regard to the context, theme, tone, impact and target audience of such content, and it shall be granted the relevant certificate for such categories based on an assessment of the relevant content descriptors in the manner specified in the *Schedule* annexed to these Rules.

(6) Every entity referred to in sub-rule (4) shall display the certificate granted by it to any online curated content and an explanation of the relevant content descriptors based on which such certificate is granted, prominently to its users at an appropriate place, as the case may be, in a manner that ensures that such users are aware of this information before accessing such content.

CHAPTER III; SELF REGULATING MECHANISM - LEVEL II

11. Self-regulating body — (1) There shall be a self-regulatory body of applicable entities, being an independent body constituted by such entities or their association.

Provided that there may be more than one self regulating body constituted by such entities or their associations.

(2) The self-regulatory body referred to in sub-rule (1) shall be headed by a retired judge of the Supreme Court or of a High Court, who shall be appointed from a panel prepared by the Ministry, and have other members, not exceeding six, being experts from the field of media, broadcasting, technology and entertainment.

(3) The self-regulating body shall, after its constitution under sub-rule (1), inform the Ministry and register itself with the Grievance Portal.

(4) The self-regulating body shall perform the following functions, namely :

- (a) Oversee and ensure the alignment and adherence by the applicable entities to the Code of Ethics;
- (b) Provide guidance to such entities on various aspects of the Code of Ethics;
- (c) Address grievances which have not been resolved by such entities within the stipulated period of 15 days;
- (d) Hear appeals filed by the complainant against the decision of such entities;;
- (e) Issue such guidances or advisories to such entities as specified in sub-rule (5) for ensuring compliance to the Code of Ethics, and place every such guidance or advisory on the Grievance Portal within 24 hours.

Provided that where an applicable entity resolves a grievance where such grievance has been taken up by the self regulating body as per clause (c) of sub-rule (4), such self regulating body shall not take any action in relation to such grievance unless an appeal is filed as per clause (d) of sub-rule (4) with such self regulating body.

(5) A self-regulating body while disposing a grievance or an appeal referred to it in sub-rule (4) may issue guidances or advisories to the applicable entities as under :

- (a) warning, censuring, admonishing or reprimanding such entity; or
- (b) requiring an apology by such entity; or
- (c) requiring such entity to include a warning card or a disclaimer; or
- (d) in case of online curated content, direct such entity to
 - (i) reclassify ratings of relevant content;
 - (ii) make appropriate modification in the content descriptor, age classification and access control measures;
 - (iii) edit synopsis of relevant content; or
- (e) in case of content any content where it is satisfied that there is a need for taking of action in relation to the reasons enumerated in sub-section (1) of section 69A of the Act, refer such content to the Oversight Mechanism referred to in rule 12 for appropriate action.

Provided that where the self-regulating body is of the opinion that there is no violation of the Code of Ethics, it shall convey such decision to the complainant and such entity, and shall record the same on the Grievance Portal.

(6) Where the applicable entity fails to comply with the guidances or advisories of the self-regulating body within the time specified in such guidance or advisory, the self-regulating body shall refer the matter to the Oversight Mechanism referred to in Rule 12 within 15 days of expiry of the stipulated date.

CHAPTER IV: OVERSIGHT MECHANISM - LEVEL III

12. Oversight Mechanism : (1) The Ministry shall coordinate and facilitate the adherence of the Code of Ethics by applicable entities and self regulating bodies, and for that purpose, develop an Oversight Mechanism with the following functions-

- (a) publish a charter for self regulating bodies, including Codes of Practices for such bodies;
- (b) develop the Grievance portal for prompt disposal of the grievances;
- (c) establish an Inter-Departmental Committee for hearing grievances;
- (d) refer to the Inter-Departmental Committee grievances arising out of the decision of the self-regulating body under Rule 11, or where no decision has been taken by the self-regulating body within the stipulated time period, or such other complaints or references relating to violation of Code of Ethics as it may consider necessary;
- (e) Issue appropriate guidances and advisories, on the basis of the recommendations of the Committee, for maintenance and adherence to the Code of Ethics.

(2) The Ministry shall designate, by notification in the Official Gazette, an officer of the Ministry not below the rank of a Joint Secretary, as the “Authorised Officer”, who shall be authorised by it for the purpose of issuing direction for blocking for access by the public any information generated, transmitted, received, stored or hosted in any computer resource under sub-section (1) of section 69A of the Act.

13. Inter-Departmental Committee — (1) The Ministry shall constitute an Inter- Departmental Committee, called the Committee, consisting of representatives from the Ministry of Information and Broadcasting, the Ministry of Women and Child Development, Ministry of Law and Justice, Ministry of Home Affairs, Ministry of Electronics and Information Technology, Ministry of External Affairs, Ministry of Defence, the Indian Computer Emergency Response Team and such other Ministries and Organizations, including domain experts, that it may decide to include in the Committee.

Provided that the Authorised Officer designated under sub-rule (2) of rule 12 shall be the Chairperson of the Committee.

(3) The Committee shall meet periodically and hear complaints regarding violation or contravention of the Code of Ethics by an applicable entity —

- (a) arising out of grievances in respect of decisions taken at the Level I or II, including where no such decision is taken within the time specified in the grievance redressal mechanism;
- (b) suo motu if in the opinion of the Committee such hearing is necessary, for reasons to be recorded in writing by the Committee;
- (c) Referred to it by the Ministry.

Provided that any complaint referred to the Committee, whether arising out of grievances or referred to it by the Ministry, shall be in writing on the letterhead of the respective entity which refers such complaint, and may be sent either by mail or fax or by e-mail signed with electronic signature of the authorised representative of such entity.

Provided further that on receipt, the Committee shall ensure that a reference made to it under this sub-rule is assigned a number which is recorded along with the date and time of its receipt.

(4) In the hearing, the Committee shall examine complaints/grievances and after giving due opportunity to the applicable entity, may either accept or allow the complaint/grievance, and make its recommendations to the Ministry as under :

- (a) warning, censuring, admonishing or reprimanding such entity; or
- (b) requiring an apology by such entity; or
- (c) requiring such entity to include a warning card or a disclaimer; or
- (d) in case of online curated content, direct such entity to
 - (i) reclassify ratings of relevant content;
 - (ii) make appropriate modification in the content descriptor, age classification and parental/access control;
 - (iii) edit synopsis of relevant content; or
- (e) in case of content where the Authorised Officer, on the recommendation of the Committee, is satisfied that there is a need for taking of action in relation to the reasons enumerated in sub-section (1) of section 69A of the Act, it may take action in accordance with the procedure specified in rule 14.

14. Procedure for issuing of direction.-- (1) Where the Authorised Officer, on the recommendation of the Committee, is satisfied that any content is in accordance with the criteria referred to in clause (e) of sub-rule (4) of Rule 13, he shall issue a notice as per sub-rule (2).

(2) The Authorised Officer shall make all reasonable efforts to identify the applicable entity which has published or hosted the content or part thereof, and where he is able to identify such entity, he shall issue a notice by way of mail or fax or email signed with electronic signature to such entity to appear and submit their reply and clarifications, if any, before the Committee, at a specified date and time.

(3) The Committee shall consider the relevant content and the reply or clarification made by any entity under sub-rule (2), and shall examine whether the content is covered within the scope of sub-section (1) of section 69A of the Act and that it is justifiable to block such information or part thereof and shall give a specific recommendation in writing with respect to such content to the Authorised Officer.

Provided that in case of non-appearance before the Committee or failure to submit any reply or clarification by the applicable entity, the Committee may give its specific recommendation in writing based on the information available with the Committee.

(4) The Authorised Officer shall submit the recommendation of the Committee, in respect of the blocking of relevant content along with the information available with the Committee, to the Secretary in the Ministry of Information and Broadcasting, Government of India (hereinafter referred to as the "Secretary, Ministry of Information and Broadcasting")

(5) The Authorised Officer, on approval of the request by the Secretary, Ministry of Information and Broadcasting, shall direct any agency of the Government or any intermediary to block the relevant content and information generated, transmitted, received, stored or hosted in their computer resource for public access within the time limit specified in the direction.

Provided that in case the recommendation of the Committee is not approved by the Secretary, Ministry of Information and Broadcasting, the Authorised Officer shall convey the same to the Committee.

(6) A direction under this rule may be issued only in respect of a specific piece of content or an enumerated list of content, as the case may be, and shall not require any applicable entity to cease its operations.

15. Review of directions issued.-- (1) The Authorised Officer shall maintain complete records of the proceedings of the Committee, including any complaints referred to the Committee or any content which has been considered by the Committee on a suo motu basis, and shall also maintain records of recommendations made by the Committee and any directions issued by the Authorised Officer.

(2) The Review Committee shall meet at least once in every two months and record its findings whether the directions issued under these rules are in accordance with the provisions of sub-section (1) of section 69A of the Act and if it is of the opinion that the directions are not in accordance with the provisions referred to above, it may set aside the directions and issue order for unblocking of said content or information generated, transmitted, received, stored or hosted in a computer resource.

Explanation: For the purpose of this rule, "Review Committee" shall mean the Review Committee constituted under Rule 419A of Indian Telegraph Rules, 1951.

CHAPTER V:NOTIFICATION BY SIGNIFICANT PUBLISHERS OF NEWS AND CURRENT AFFAIRS CONTENT

16. Notification by significant publishers of news and current affairs content.—

(1) A significant publisher of news and current affairs content shall mandatorily notify the Broadcast Seva that it is operating in the territory of India, by furnishing the information that may be required on the Broadcast Seva by the Ministry, for the purpose of enabling communication and coordination with such publisher.

Explanation: For the purposes of this rule, a publisher of news and current affairs content shall be a significant publisher of news and current affairs content if it:

- (a) publishes news and current affairs content as a systematic business activity;
- (b) operates in the territory of India;
- (c) has not less than five lakh subscribers, or fifty lakh followers on the services of any significant social media intermediary, as the case may be.

(2) The notification by the significant publisher of news and current affairs content referred to in sub-rule (1) shall be made within sixty days of the notification of this rule where such publisher is operating in the territory of India at the time of the notification of this rule, and where such publisher begins operating in the territory of India or comes into existence after the notification of this rule, as the case may be, within sixty days from the start of its operations in the territory of India or its attaining five lakh subscribers or fifty lakh followers on the services of any significant social media intermediary, whichever is later.

(3) The Ministry shall not refuse to accept any notification made by a significant publisher of news and current affairs content to the Broadcast Seva under sub-rule (1) where the information required on the Broadcast Seva has been provided by such publisher.

(4) If any significant publisher fails to notify the Ministry as per sub-rule (1), it shall be subject to the provisions of Rule 18 but shall not be required to cease its operations or be prevented from transmitting any content on this ground.

PART IV - MISCELLANEOUS

17. Disclosure of Information: (1) An applicable entity and a self-regulating body shall make true and full disclosure of all grievances received by it, the manner in which the grievances are disposed, the action taken on the grievance, the reply sent to the complainant, the orders/directions received by it under the rules and action taken on such orders/directions.

(2) The information referred to in sub-section (1) shall be recorded on the Grievance Portal in the manner specified in these rules by the applicable entity or the self regulating body, as the case may be..

(3) Subject to any applicable law, the applicable entity shall preserve records of content transmitted by it for a minimum period of 60 days and make it available to the self-regulating body or the Central Government, or any other Government agency under law, as may be requisitioned by them in a lawfully authorised manner for implementation of the rules.

18. Contravention of rules: — The provisions of the Act, including Section 45 of the Act, shall apply for any violation of these rules.

CODE OF ETHICS

I. News and current affairs

- (i) Norms of Journalistic Conduct of the Press Council of India under the Press Council Act, 1978
- (ii) Programme Code under section 5 of the Cable Television Networks regulation) Act, 1995
- (iii) Content which is prohibited under any law for the time being in force shall not be published or transmitted.

II. Online curated content

A. General Principles

- (a) An applicable entity shall not transmit/publish/exhibit any content which is prohibited under any law for the time being in force, or has been prohibited by any court of competent jurisdiction.
- (b) An applicable entity shall take into consideration the following factors, when deciding to feature or transmit/publish/exhibit any content, after duly considering the implications of any content as falling under the following categories, and shall exercise due caution and discretion in relation to the same:
 - (i) Content which affects the sovereignty and integrity of India;
 - (ii) Content which threatens, endangers or jeopardizes the security of the State;
 - (iii) Content which is detrimental to India's friendly relations with foreign countries.
- (c) An applicable entity shall 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.

B. Content Classification

- (i) All content transmitted/published/exhibited by an applicable entity shall be classified, based on the nature and type of content, into the following rating categories:
 - (a) Online curated content which is suitable for children as well as people of all ages shall be classified as "U" rating;
 - (b) Online curated content which is suitable for persons aged 7 years and above, and can be viewed by a person under the age of 7 years with parental guidance, shall be classified as "U/A 7+" rating;

- (c) Online curated content which is suitable for persons aged 13 years and above, and can be viewed by a person under the age of 13 years with parental guidance, shall be classified as “U/A 13+” rating;
- (d) Online curated content which is suitable for persons aged 16 years and above, and can be viewed by a person under the age of 16 years with parental guidance, shall be classified as “U/A 16+” rating; and
- (e) Online curated content which is restricted to adults shall be classified as “A” rating.

(ii) The Content may be classified on the basis of : (i) Themes and messages; (ii) Violence; (iii) Nudity; (iv) Sex; (v) Language; (v) Drug and substance abuse; and (vi) Horror as described in the Schedule.

C. Display of Classification :

- a. The applicable entity shall prominently display the classification rating specific to each content/programme together with a content descriptor informing the user about the nature of the content, and advising on viewer description (if applicable) at the beginning of every programme enabling the user to make an informed decision, prior to watching the programme.
- b. The applicable entity making available content that is classified as U/A 13+ or higher shall ensure that access control mechanisms, including parental locks, are made available for such content.
- c. An applicable entity which makes available content/programme that is classified as “A” shall implement a reliable age verification mechanism for viewership of such content.
- d. The applicable entity must strive to include classification rating and consumer advice for their programmes in any print, televised or online promotional or publicity material and prominently display the classification rating specific to each such content.

D. Restriction of access to certain curated content by a child

Every applicable entity providing access to online curated content which has an "A" rating shall take all efforts to restrict access to such content by a child through the implementation of appropriate access control measures.

E. Measures to improve accessibility of online curated content by persons with disabilities

Every applicable entity shall, to the extent feasible, take reasonable efforts to improve the accessibility of online curated content transmitted by it to persons with disabilities through the implementation of appropriate access services.

III. Advertisements

All advertisements in relation to online curated content, and news and current affairs content shall adhere to the Consumer Protection Act, 2019, the Advertising Codes laid down under the

Cable Television Networks (Regulation), Act, 1995 and arid-Codes of the Advertising Standard Council of India (ASCI).

Classification of any curated content shall be guided by the following sets of guidelines-

**PART I: GENERAL GUIDELINES FOR CLASSIFICATION OF FILMS AND
OTHER ENTERTAINMENT PROGRAMMES, INCLUDING WEB BASED
SERIALS**

There are general factors that may influence a classification decision at any level and in connection with any issue. The following factors are elucidated which may be read along with Part II and Part III of the Guidelines -

a. Context

Curated content may be considered in the light of the period depicted in such content and the contemporary standards of the country and the people to which such content relates. Therefore, the context in which an issue is presented within a film or video may be given consideration. Factors such as the setting of a work (historical, fantasy, realistic, contemporary etc), the manner of presentation of the content, the apparent intention of the content, the original production date of the content, and any special merits of the work may influence the classification decision.

b. Theme

Classification decisions may take into account the theme of any content, but will depend significantly on the treatment of that theme, especially the sensitivity of its presentation. The most challenging themes (for example, drug misuse, violence, paedophilia, sex, racial or communal hatred or violence etc.) are unlikely to be appropriate at the junior levels of classification.

c. Tone and impact

Curated content may be judged in its entirety from the point of view of its overall impact. The tone of content can be an important factor in deciding the influence it may have on various groups of people. Thus, films/serials that have a dark and unsettling tone may receive a higher classification. Other tonal considerations that might have an influence on classification include the extent to which the content presents a view of the world that is anti-life, pessimistic, or despairing or the extent to which transgressive or harmful behaviour is condoned or made to appear normal.

d. Target audience

The classification of any content may also depend upon the target audience of the work and the impact of the work on such audience

PART II: ISSUE RELATED GUIDELINES

This section of the Guidelines comprises the issues and concerns that apply in varying degrees to all categories of certification, and elaborates the general approach that may be taken with regard to the same. These concerns are listed in alphabetical order, and are to be read with the four General Guidelines listed in Part I above -

a. Discrimination

The category classification of a content will take into account the potentially offensive impact of a film on matters such as caste, race, gender, religion, disability or sexuality that may arise in a wide range of works, and the classification decision will take account of the strength or impact of their inclusion. The context in which such content may appear has a bearing. Works with such content may receive a lower category where discriminatory language and behavior is implicitly or explicitly criticized; or the work as a whole seeks to challenge such attitudes.

b. Psychotropic substances, liquor, smoking and tobacco

- 1) Films/serials, etc. that as a whole portray and promote misuse of psychotropic substances would qualify for a higher category of classification. Works that normalize or glamorize misuse of the same are likely to receive a higher classification than works that show such misuse while emphasizing or bringing out the dangers and ramifications of such use of such substances;
- 2) Works that have the effect of justifying or glorifying drinking liquor would receive a higher classification. Works that portray the same but also explicitly or implicitly criticize the same would receive a lower classification.
- 3) Similarly, works that glorify or justify smoking or imbibing of tobacco would receive a higher classification as against works that portray the same but also explicitly or implicitly criticize the same.

c. Imitable behavior

- 1) Classification decisions may take into account any detailed or glamorous portrayal of criminal and violent behavior with easily accessible weapons, such as knives etc. Works that portray anti-social behaviour (for example, bullying, violence, eve-teasing) uncritically are likely to receive a higher classification.
- 2) Portrayal of potentially dangerous behaviour that are likely to incite the commission of any offence (including suicide, and infliction of self-harm) and that

children and young people may potentially copy, will receive a higher classification.

- 3) Works containing portrayal of avoidable scenes of violence, cruelty and horror, scenes of violence intended to provide entertainment and such scenes as may have the effect of desensitizing or dehumanizing people would receive a higher classification. The context of such portrayal, such as whether the work reflects the point of view of the perpetrator or victim would be critical.
- 4) Films/serials with song and dance scenes comprising lyrics and gestures that have sexual innuendos would receive a higher classification, particularly where such scenes have no bearing on the context and theme of the film.

d. Language

Language is of particular importance, given the vast linguistic diversity of our country. The use of language, dialect, idioms and euphemisms vary from region to region and are culture-specific. This factor has to be taken into account during the process of classification of a work in a particular category.

- 1) Language that people may find offensive includes the use of expletives with a sexual, religious, caste or racial association, derogatory language about minority groups and commonly understood rude gestures in various parts of India. The extent of offence may vary according to age, gender, race, background, beliefs and expectations of the target audience from the work as well as the context, region and language in which the word, expression or gesture is used.
- 2) For these reasons, it is impossible to set out a comprehensive list of words, expressions or gestures that are acceptable at each category in every Indian language. The advice at different classification levels, therefore, provides general guidance to consider while judging the level of classification for content, based on this guideline.

e. Nudity

- 1) Adult nudity without any sexual context may not be portrayed upto U/A 16+ category level.
- 2) Nudity with a sexual context will receive a higher classification of A

f. Sex

- 1) The portrayal of overly sexualized behavior is a concern at the junior categories and such works will not qualify for upto U/A 16+ category. The classification of content in various categories from U/A to A shall depend upon the portrayal of non-explicit (implicit) to explicit depiction of sexual behavior.
- 2) Work containing scenes that may offend human sensibilities on account of vulgarity, obscenity or depravity are likely to receive a higher classification, such as the A category

g. Fear, threat and horror

- 1) Where films are targeted at a younger audience, classification decisions will take into account factors such as the frequency, length and detail of scary or otherwise unsettling scenes as well as factors such as the impact of music and sound, and whether there is a swift and reassuring outcome.
- 2) The classification of threat and horror will take account of the general tone, impact, realism and supernatural elements of a work as well as the level of detail in individual scenes.
- 3) Fantasy settings may be a mitigating factor.

h. Violence

- 1) Classification decisions will take account of the degree and nature of violence in a work.
- 2) Works that feature the following are likely to receive higher classifications
 - Portrayal of violence as a normal solution to problems
 - Heroes who inflict pain and injury
 - Callousness towards victims
 - The encouragement of aggressive attitudes
 - Characters taking pleasure in pain or humiliation
 - The glorification of glamorization of violence
- 3) Sadistic or sexual violence, or other conduct that is demeaning or degrading to human dignity is likely to receive a higher classification.

PART III : CATEGORY SPECIFIC GUIDELINES

Part III of the Guidelines provide the specific approach that the applicable entity would take for various categories of rating from U to A. This part should be read together with Part I and Part II containing the General Guidelines and Special Classification Considerations.

a. U- Universal - Suitable for all

A program that is appropriate for all ages. While it does not designate that the material is intended for children, parents may allow their children to watch such a program. It includes little or no realistic violence, no sex or nudity, only mild language, no psychotropic, illegal or harmful substance use and any threat or anti-social behavior is expressly disapproved or resolved quickly.

b. U/A - General Viewing: but some scenes may be unsuitable for young children :

U/A - 7+ : suitable for 7 years and above

The themes may be more mature and parental discretion is suggested before allowing younger children to watch this program. Violence may be more realistic, but tends to be rooted in fantasy, or comedy and is generally not prolonged. There are no explicit images of sex or nudity and any sexual content is limited to affectionate encounters. Crude humor may be present, but there is no harsh language. There are no depictions of illegal drug use or references to such;

U/A 13+ : Suitable for 13 years and over

A program that is intended for more mature audiences. parents should take caution and learn more before allowing their older children to watch the program. The violence may be more realistic and/or graphic, but not too gory. Acts of self-harm may be implied, but not depicted in great detail. There may be implied nudity or sexual activity, but not graphic; sexual references and innuendo is acceptable. The language may be more mature but will not include strong coarse expletives. References to drug misuse may be present, but the program will not contain explicit depictions of such misuse of illegal drugs.

U/A 16+ : Suitable for 16 years and over

A program that is not intended for children. The violence can include more graphic acts, including self-harm and acts of sexual violence, but gore will not be prolonged or excessive. Sexual content and depictions of nudity may be more adult as well, but not graphic. Crude and frequent language will be more acceptable in this category. Drug use may be depicted but will not be glamorized or promoted.

c. A- Adult category

A: Suitable only for 18 years and above

No one younger than 18 may see an A category film.

This content is patently created and intended for adults. The themes, depictions and level of content is mature and at a level that is not appropriate for children. Moreover, the graphic nature of any depictions may be much more extreme than any other rating category. Violence could be gory, cruel or extremely graphic or disturbing, and there could be strong language used. The content may contain strong or mature sex scenes along with nudity. Abuse of illegal substances may be included.

This shall not be taken to permit:

- Where the material is in breach of criminal law, or has been created through the commission of a criminal offence;

- Where the work is pornographic in nature
- Where the content is in breach of Sections 67, 67A and 67B of the Information Technology Act, 2000.
- Where the content is prohibited under any law for the time being in force..