

**SELF REGULATION
FOR
ONLINE CURATED CONTENT PROVIDERS**

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PART-A

1. INTRODUCTION

The Online Curated Content (“OCC”) industry plays a prominent role in the Indian socio-economic landscape and is expected to serve a majority of the Indian population in the coming years. It has transformed the way that content is created and consumed through employing advanced technology to provide consumers flexibilities related to viewing of content at time, place and device(s) of their choice.

The industry recognizes the principles already laid down in the existing statutory and judicial pronouncements and use the same as a guide to formulate uniform standards that apply to all stakeholders in the online curated video content industry.

1.1. Key Features Of The OCC Industry:

The OCC industry is distinguished from others (such as, intermediaries and user generated content (“UGC”) providers) *inter-alia* by the following features:

- A fully curated content catalogue which is licensed or owned by the individual provider
- A 'pull' model of consumption where consumers choose the content they wish to watch and access it on device(s), time or place of their choice; and
- Technology-enabled solutions for content filtering and access controls.

1.2 Business Models:

Businesses in this industry use innovative models of monetisation, which enable them to provide diverse and high-quality content in a competitive manner. These models help improve consumer attitudes towards piracy, as consumers are less likely to visit pirate sites with greater availability of legal sources of content. Thus, Online Curated Content Providers (“OCCPs”) not only contribute towards white economy and taxation revenues but also assist in combating piracy.

OCCPs employ different business models variably and in combination with each other in accordance with the dynamism of the content consumption trends. The widespread use of advanced technologies like Artificial Intelligence, Data Analytics and Interactive Services in the industry are aligned with the creation of the skills and infrastructure necessary to achieve the Indian Government’s target of hosting a trillion-dollar digital economy. This widespread use of technology also translates into economic benefits such as, increased potential for export of content, especially as the audio-visual industry has been recognised as a ‘Champion Service’ by the Government. Further, the demand for content provided by the OCCPs help generate demand for broadband infrastructure, thereby engendering a virtuous cycle for realising the goals of Digital India.

Business models for the industry include:

- a) Subscription model - where consumers pay a periodic fee in order to stream or download content;
- b) Ad-supported model - where the content is made available free to consumers with advertising on the service;
- c) Transaction model - where consumers buy or rent individual pieces of content;
- d) In certain cases, OCCPs make available hybrid models, where, some content may be available to users supported through advertisements, while other content may be available on subscription and/or transaction basis.

2. PREAMBLE

- 2.1.** The present Code for Self-Regulation of Online Curated Content Providers (hereinafter, referred to as “Code”) has been jointly developed by companies carrying on business in India. Organizations that sign on to this Code, commit to making reasonable efforts and acting in good faith to ensure that content offered on their respective services in India is in line with the Principles laid out herein.
- 2.2.** By adhering to industry best-practices as laid out in this Code, the signatories commit to conducting themselves in a responsible and transparent manner.
- 2.3.** Additionally, the signatories to this Code invest extensively in several safety features (such as those relating to content descriptors, age classification / maturity rating filtering and access/parental controls) to empower consumers to make informed viewing decisions.

3. OBJECTIVES

- 3.1.** The Objectives of this Code are to:

- 3.1.1.** Empower consumers to make informed choices on age-appropriate content;
- 3.1.2.** Protect the interests of consumers in choosing and accessing the content they want to watch, at their own time and convenience;
- 3.1.3.** Safeguard and respect creative freedom of content creators and artists;
- 3.1.4.** Nurture creativity, create an ecosystem fostering innovation and abide by an individual’s freedom of speech and expression; and
- 3.1.5.** Provide a mechanism for complaints redressal in relation to content made available by respective OCCPs.
- 3.1.6.** Provide an escalation mechanism for redressal of complaints relating to content made available by respective OCCPs.

4. APPLICABILITY

- 4.1.** This Code has been drafted to introduce greater specificity and detail with a view to facilitate self-regulation by OCCPs. The basic underlying principle of these Guidelines is that the responsibility of complying with the provisions of the Code rests with the OCCP.
- 4.2.** This Code is limited in applicability and scope to such OCCPs who make available to viewers a system that allows viewers to download and/or stream content from OCCPs selected repertoire available on the OCCP’s respective platform. For avoidance of any doubt, this Code does not apply and specifically excludes providers which makes available any UGC and intermediaries that provide access to repertoire of OCCPs.
- 4.3.** This Code is effective from . The Code is forward looking in its applicability and shall be applicable to all such OCCP, from the date of signing by that OCCP. Nothing in this Code should be seen as contravening any past representation made by any signatory to this Code.

5. PRINCIPLES OF SELF-REGULATION

- 5.1.** The Principles of Self-Regulation contained in this Code are based on, and in complete harmony with, the statutory and judicial guidance already available to the online content industry. Such statutory and judicial norms have been used as a guide to formulate uniform standards that shall apply to all signatories operating within the online curated content industry.
- 5.2.** With respect to online content, the Information Technology Act (hereinafter, IT Act) is the primary governing statute. It is administered by the Ministry of Electronics and Information Technology (hereinafter, MEITY) deriving authority from Government of India (Allocation of Business) Rules, 1961, which entrust the said Ministry with “Policy matters relating to information technology; Electronics; and Internet”.
- 5.3.** From the existing framework governing the online content industry, it is clear that the first and foremost priority is to preserve the freedom of speech and expression, as enshrined in Article 19(1)(a) of the Constitution of India. Therefore, the Principles laid down hereunder respect and uphold the freedom of speech and expression, and subject them to only such exceptions as would pass the test of ‘reasonableness’ under the Indian constitutional framework. Additionally, there are principles laid out in statutes like The Information Technology Act, 2000, Indian Penal Code, 1860, Emblems and Names (Prevention of Improper Use) Act, 1950, Indecent Representation of Women (Prohibition) Act, 1986, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Protection of Children from Sexual Offences Act, 2012, Copyright Act, 1957 among others which aid the OCCP’s.
- 5.4.** These Principles apply to all OCCPs who are signatories to this Code. They aim to bring together the key pillars of protecting interests of consumers in viewing content of their choice on one hand and defending the creative freedom of OCCPs on the other.
- 5.5.** All signatories to the Code agree to adhere to these Principles, both in letter and spirit.
- 5.6.** The key Principles are as follows:
 - 5.6.1.** OCCPs will enable consumers to make an informed choice about the licensed video content they engage with or the video content they create. This will be done by OCCPs by inter-alia adhering to certain disclosures such as, specifying maturity ratings and content descriptors (e.g., language, sex, violence).
 - 5.6.2.** Each OCCP will empower consumers by adhering to a process set-out herein for dealing with complaints concerning content hosted by such OCCP.
 - 5.6.3.** OCCPs will also receive complaints forwarded by any authority / body / department / nodal agency of the Government of India (including, the National Consumer Helpline of India, Ministry of Information & Broadcasting, Ministry of Electronics & Information Technology and Ministry of Communications) (“**Government**”) directly or through the Digital Content Complaint Council.

PART-B

THE ONLINE CURATED CONTENT PROVIDERS CODE

1. Short title, Extent and Commencement:

The Code shall apply and extend to all members of the Online Curated Content Industry, who are signatories to this Code and agree to abide by and affirm the Principles and norms contained within this Code.

This Code shall come into effect on . For clarity, from the date of notification, the earlier Code issued by IAMAI on February 2019 shall stand superseded by this Code.

2. SELF-REGULATION CODE:

In accordance with the Principles for Self-Regulation set out above, and in furtherance of the stated Objectives, this Code sets out the commitments undertaken by all signatories, as best practices towards self-regulation. These are delineated below.

2.1 Prohibited Content:

The signatories to this Code will not make available the following categories of content through their services to users:

- Content which promotes and encourages disrespect to the sovereignty and integrity of India;
- Content which represents a child engaged in real or simulated sexual activities or any representation of the sexual parts of a child for primarily sexual purposes;
- Content which promotes and encourages terrorism and other forms of violence against the State (of India) or its institutions; and
- Content that has been banned for exhibition or distribution by online video service under applicable laws or by any court of competent jurisdiction.

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.

2.2 Classification of Content:

The signatories to this Code seek to protect the consumers' ability to choose content that they may deem to be appropriate for their viewing. The objective is to use information to equip consumers with requisite knowledge and awareness, to enable consumers to make informed decisions on the consumption of content. A key component of empowering consumers to make such informed decisions lies in providing them with information about the types of content available, themes contained within, age classification, etc.

The signatory to this Code shall adopt the following best practices to ensure a clear and transparent disclosure system which informs the viewer about the nature of content and advise viewer discretion so that consumers are informed about the content that they are accessing.

2.3 Age Classification/Maturity Ratings:

All signatories to the Code agree to individually categorize the content available on their services and classify the same based on the nature and type of the content in the following categories:

- General / Universal Viewing
- Content which requires Parental Guidance

- Content which is solely meant for age-appropriate audiences (such as 12+, 15+ etc.)
- Content which is meant solely for mature audiences/Adults (18+)

Content may be categorized on the subject matter treatment of themes such as Crime & Violence, Sex, Obscenity & Nudity, Horror & Occult, Drugs and Language.

2.4 Content Descriptor:

The signatories to the Code agree to display a content descriptor or a guidance message specific to each content/programme that indicates and informs the viewer about the nature of the content and advise on viewer discretion, if applicable. It is agreed that the content descriptor would be displayed at the title page of the respective content or at the beginning of any programme which will enable the viewer to make an informed decision prior to viewing the content. It is further agreed that in case the content descriptor is displayed at the beginning of any programme, then the duration of such display should be such that it is clearly discernible to the viewer.

2.5 Parental and/or Access Control:

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.

PART-C

COMPLAINT REDRESSAL MECHANISM

PREFACE:

This section sets out the mechanism for redressal of complaints as a part of the self-regulation mechanism. All signatories agree on a two-tier Complaint Redressal mechanism for ensuring compliance to the Code:

- i Tier-I at the OCCP level; and
- ii Tier-II at the industry level.

Any complaint may be filed in the following ways:

- An aggrieved consumer (complainant) may file a complaint with Tier I. The complainant, if dissatisfied with the decision at Tier I, may escalate the matter to Tier II. Alternatively, the complainant may file a complaint directly with Tier II.
- If any consumer has approached the Government with a complaint, the Government may also forward such complaint to either Tier I or Tier II for redressal. The Government itself may also file a complaint with either Tier I or Tier II.

The two-tier Complaint Redressal mechanism would examine complaints about any violation of the Code, received from its consumers or Government authority.

TIER-I: THE DIGITAL CONTENT COMPLAINT FORUM

1. Appointment of Digital Content Complaint Forum:

- 1.1 All signatory OCCPs' agree to internally appoint/institute, as part of their operational systems, a dedicated person / team / department referred to as the Digital Content Complaint Forum ("DCCF") to receive and address any consumer related concerns and complaints in relation to content of the respective providers.
- 1.2 Each OCCP shall provide the contact details with name, designation and email address of the DCCF on its website and/or on its online platform.

2. Functions of the Digital Content Complaint Forum:

The functions of the DCCF shall include:

- 2.1 Overseeing and ensuring the respective OCCP's alignment and adherence to this Code;
- 2.2 Providing guidance to the respective OCCP on descriptors and classification of content;
- 2.3 Acting as the single point of contact for receiving all complaints from users/viewers;
- 2.4 Examining the complaint in accordance with the principles in this Code and accordingly advise other departments / internal stakeholders within the relevant OCCP;
- 2.5 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.

3. Reporting and Redressal Process

- 3.1 A complainant may file a complaint with the DCCF of the relevant OCC Provider if such viewer finds any content available on the relevant OCCP's services to be in specific violation of the Code.
- 3.2 The complaint should necessarily contain the name, e-mail id, user's login-id, title of the content, date of viewing and details about the alleged violation in the complaint.
- 3.3 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. It is clarified that the DCCF need not consider and/or acknowledge any anonymous and/or pseudonymized-complaints.
- 3.4 If the DCCF is of the view that the content in issue is consistent with the Code, then the DCCF may appropriately 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 appropriately reply to the complainant indicating timelines within which the DCCF anticipates it to be able to respond to the complaint. For clarity, timelines contemplated in the preceding sentence may not be later than thirty (30) days from the date of receipt of the complaint.
- 3.5 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.
- 3.6 All signatory OCCP agree that the reporting and redressal process, as specified in this chapter hereinabove will be followed while responding to complaints.

TIER-II: THE DIGITAL CONTENT COMPLAINT COUNCIL:

4. Online Curated Content Providers Governing Council:

- 4.1 The founding signatories to the Code shall set up a separate body under the Internet & Mobile Association of India ("IAMAI") known as the Online Curated Content Providers Governing Council ("OCCP Governing Council"). The Governing Council shall be governed by the "OCCP Council Charter".
- 4.2 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.
- 4.3 Any decisions on behalf of the OCCP Governing Council shall be made by a simple majority.
- 4.4 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").

5. Constitution of the DCCC:

- 5.1 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.
- 5.2 The composition of other Members of the DCCC shall be as under:-
 - a. 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;
 - b. Three (3) members from any National level Statutory Commissions such as National Commission for Women (NCW), or National Commission for Protection of Child Rights (NCPNR), 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);
 - c. Two (2) OCCP members.
- 5.3 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.

6. Term of Office of Chairperson and Members

- 6.1 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 re-constituted in accordance with the procedure, as elaborated hereinbelow, (or) for a period of six (6) months whichever is earlier.
- 6.2 The process of appointment of the Chairperson and/or any other Member of DCCC shall be initiated by the OCCP Governing Council at least 60 days prior to the expiry of the term of the respective member(s).
- 6.3 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.
- 6.4 Non-OCCP Members shall not be eligible for re-nomination for at least two years.
- 6.5 OCCP Members shall not be eligible for re-nomination for at least one year.
- 6.6 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 30 days thereof, failing which the OCCP Governing Council may appoint a new Member.
- 6.7 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 consecutive meetings of the DCCC.
- 6.8 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.

- 6.9 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.

7. Terms of Service of Chairperson and Members

- 7.1 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.
- 7.2 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.
- 7.3 OCCP Members will not be entitled for any sitting fee, reimbursement of traveling, boarding and lodging expenses.

8. Jurisdiction of DCCC:

- 8.1 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.
- 8.2 The DCCC may also *suo motu* 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.
- 8.3 The DCCC shall also accept any complaint from any Government.
- 8.4 The DCCC's jurisdiction to entertain complaints will be limited to escalation of unresolved issues pertaining to the following:
- Content Related;
 - Incorrect Age-classification;
 - Incorrect Content Descriptor; and
 - Parental and/or Access controls.
- 8.5 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.

9. Quorum and Meetings of DCCC:

- 9.1 The Quorum of the DCCC meeting shall be atleast five (5) Members, including the Chairperson and at least one (1) OCCP Members and two (2) non-OCCP members.
- 9.2 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.

- 9.3 The DCCC will meet at least once in two months at the IAMAI headquarters in New Delhi or such other place as the DCCC deems fit.

10. Procedure:

- 10.1 Any complaint made by complainant to the DCCC must be made in writing and must necessarily include the following:
- 10.1.1 The Name, E-mail ID, User's Login-ID of the Complainant; Title of the Content, Date of Viewing, Name and Address of the OCCP against which or whom, the complaint is being preferred;
 - 10.1.2 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;
 - 10.1.3 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.
 - 10.1.4 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;
- 10.2 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.
- 10.3 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 complaint within the prescribed period has been caused for reasons not of the Complainant's making and/or for other sufficient cause, condone the delay and entertain a complaint.
- 10.4 The Chairperson may return the complaint if it does not comply with the requirements of this Code and may call upon the Complainant to bring it in conformity with such requirements and re-present it within such time as the DCCC may grant. In case complaint is received from any Government authority, then the Secretariat may reach out to complainant to seek such information / documents as contemplated in paragraphs 7.1.1 to 7.1.4 that may have not been provided along with the complaint.
- 10.5 If in the opinion of the DCCC, there is sufficient reason for initiating an enquiry on the Complaint, the DCCC may within fourteen (14) days from the date of receipt of a complaint complete in all respects, forward such copy thereof to the relevant OCCP's DCCF, along with a notice requiring the OCCP to show cause as to why action should not be taken against it under this Code giving it a period of fourteen (14) days to respond to such complaint within a period of fourteen (14) days from the date of receipt of notice along with complaint (along with enclosures, if any).
- 10.6 If however, there exists no sufficient ground for holding an inquiry, the Chairperson shall communicate the reasons for his decision not to issue notice and the DCCC may then pass

such orders as it deems fit upon such complaint.

- 10.7 The notice so issued along-with a complete copy of the complaint and all documents relied upon by the Complainant shall be sent to the OCCP by any mode of recorded delivery, at the address/es furnished in the complaint.
- 10.8 At any stage, if the Chairperson is of the view that it is expedient to hear the Complainant / respondent on the matter, then a notice of hearing will be issued to them with at least ten (10) days' prior intimation. In this regard, notice of the time, date and place of hearing shall be served upon the Complainant as well as on the OCCP and shall be sent to them by any mode of recorded delivery.
- 10.9 The OCCP against which the complaint is made may, within fourteen (14) days from the date of service of the notice submit a written statement to the DCCC and also send a copy of such written statement to the Complainant by any mode of recorded delivery.
- 10.10 After receipt of the complaint or written statement, the Chairperson may, if he considers necessary, call for any further information, statements and/or documents either from the Complainant or the OCCP as the Chairperson may consider necessary and such statements and documents called for shall form part of the record and shall be placed before the DCCC at the time of the inquiry.
- 10.11 In any inquiry under this Code a party to the proceedings may appear in person or be represented by Counsel or by a duly authorized representative.
- 10.12 If during any inquiry being conducted by the DCCC, the Complainant fails to appear at any hearing without sufficient cause, the DCCC may dismiss the complaint or proceed to decide the complaint *ex parte*, as the DCCC may deem fit.
- 10.13 At the inquiry before the DCCC, parties shall be entitled to adduce relevant evidence, oral and documentary, and make submissions in support of their contentions.
- 10.14 At the close of an inquiry the DCCC shall record its findings upon the allegations contained in the complaint together with its reasons therefor and pass such orders and directions as provided under this Code as it may deem fit.
- 10.15 That no Member shall take part in the proceedings and/or decision of any complaint in which such Member has any direct involvement or commercial interest or in which such Member is interested as an agent or representative of any OCCP and such Member shall opt-out of such proceedings.
- 10.16 The orders / directions of the DCCC shall be communicated in writing to the parties-to the case and shall also be duly publicized as may be directed by the OCCP Governing Council.
- 10.17 The DCCC shall have the power to regulate its own procedure in respect of any matter for which no provision or inadequate provision is made in this Code and shall also have the power in appropriate cases to hold inquiries *in camera*.
- 10.18 All complaints decided by the DCCC may be made publicly available.
- 10.19 The OCCP shall endeavour to as a matter of practise retain and preserve records and/or obtain records of any content that may be the subject matter of a complaint.

11. Decision of DCCC

- 11.1 This Section prescribes the procedure to be followed by DCCC when passing orders in relation to the Complaints filed by the viewers/complainants.
- 11.2 The DCCC after following the due process of Complaint Redressal mechanism as set out herein and the principles of natural justice may:
 - a. Dismiss/Reject the Complaint, or
 - b. Allow the Complaint
- 11.3 If the DCCC is of the opinion, that the OCCP against whom the complaint has been filed has violated the Code, the DCCC may consider imposing any of the following direction to the relevant OCCP:
 - (a) Reclassify ratings of relevant content; and/or
 - (b) Include a warning card or disclaimer; and/or
 - (c) Edit synopsis of relevant content; and/or
 - (d) Impose a financial Penalty.

It is clarified that the DCCC may impose a financial penalty only in exceptional cases involving recurring violations of the stipulations of this Code relating to prohibited content and age classification.

The financial penalty is to be imposed in a graded manner depending on nature and severity of violation and upto a maximum of Rs. 3,00,000/- (Three Lakhs). The penalty could be graded in the following manner Rs.1,00,000/- (One Lakh Rupees) for the first instance, Rs 2,00,000/- (Two Lakh Rupees) for the second instance, and Rs.3,00,000/- (Three Lakh Rupees) for the third instance. The DCCC may also consider whether the breach was serious, deliberate or reckless while determining the imposition of financial penalty.

- 11.4 The OCCP shall be duty bound to comply with the order/direction of the DCCC within reasonable period of time.
- 11.5 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. 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.

12. Amendment

This Code may be amended if the OCCP Governing Council so determines in terms of its charter document.

PART-D

MEMBERS -AFFIRMATION

1. We, _____, members of the Online Curated Content industry, as undersigned, hereby agree and affirm to abide by this Code, in our capacity as responsible OCCP.
2. The Code is meant to protect and empower consumers in accessing appropriate online content of their choice.
3. As a signatory to this Code, we affirm the responsibilities outlined in this Code, which are voluntarily assumed and which will guide our approach to providing curated content online.
4. We the undersigned OCCP shall discharge our duties with complete honesty and fairness, in order to uphold the objectives of this Code and laws of the land.

Signatory:
For and on behalf of

Date: _____