



Everything you should know!



NEW IT RULES FOR OTT & other Platforms

Let's crack WAT, GDs and
PIs!



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Lecture Snapshot!



01

**Who are under
the purview?**



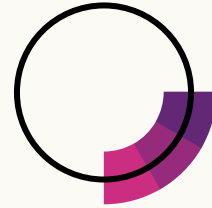
02

**Why new
rules?**



03

**What are
the new
rules?**



04

**Critics &
Concerns**



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Who are under the purview?



OTT Platforms

Platforms like
Netflix, Amazon
Prime, Hotstar, etc.



Social Media Firms

Companies like
Twitter, Facebook,
Instagram, etc.



Digital News

Websites like Quint,
The Wire,
Newslandry, etc.



Why new rules?

Recent developments:

- Hurting religious sentiments in series like Tandav, Paatallok, Leila, etc. via OTT platforms.
- Misleading and fake news posts to misuse and abuse social media platforms like morphed and obscene pics of women especially.
- No proper grievance resolution forum.
- Anti-national and cross-border incitement to violence.
- Child pornography cases.

Why new rules?

- While the print was regulated by the Press Council of India and Television, both News and Entertainment, were being regulated by the Cable Networks Regulation Act (2005).
- But content on online platforms, fell into a black hole with no or unclear oversight. Hence a level playing field is must.
- Supreme Court of India issued notice to the Centre and the Internet and Mobile Association of India, on a petition to regulate OTT platforms such as Netflix, Amazon Prime etc.

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What are the new rules?

- A **soft-touch oversight** mechanism established after elaborate consultations among Ministries of Electronics and Information Technology, Ministry of Information and Broadcasting and stakeholders like OTT firms.
 - Significant social media platforms, i.e. platforms with a user base over a certain threshold will need to enable identification of the first originator of the information for publishing offensive content that can invite imprisonment of more than five years.
 - Significant social media platforms will have to appoint a Chief Compliance Officer, a Nodal Contact Person and a Resident Grievance Officer within three months.
 - Social media platforms, publishers of news and current affairs content will also need to publish a monthly compliance report with details of complaints received and action taken.
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- A decorative graphic in the bottom-left corner consisting of several overlapping, colorful lines (yellow, orange, pink, purple) and shapes, including a white circle and a small pink asterisk.

A decorative graphic in the top-left corner showing several colorful pencils (orange, yellow, green, pink) and a black paperclip, with a small white circle and a pink asterisk nearby.

What are the new rules?

- If some content is deemed offensive by a court or government, social media firms have to pull it out within 36 hours; 24, if it is sexually offensive content.
- Social media firms should not host or store, and must take down content prohibited in the context of India's sovereignty, integrity, defamation and incitement to violence.
- OTT platforms now have to self-classify content into five age-based categories – U, 7+, 13+, 16+, and A which need to be displayed.



3-Tier Mechanism

- As per the new rules, social media companies, OTT streaming platforms and digital news publishers will now come under a three-tier regulatory regime.
- The first tier — Level I — will be self-regulation by the company itself.
- For this, every company will have to appoint a grievance redressal officer, and publish their details on their websites.

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3-Tier Mechanism

- The second tier — Level II — has been called “Self-regulation by the self-regulating bodies of the applicable entities” by the government.
- At this level, industry bodies will address complaints made against organizations that come under them.
- The rules stipulate that the grievance redressal mechanism of the industry body will have to be headed by a retired judge empaneled by the government, and will have to have ‘experts’.



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3-Tier Mechanism

- The third tier — Level III — is government regulation via an inter-departmental government committee appointed by the Ministry of Information and Broadcasting.
- 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, etc.



The process flow



Critics & Concerns

- The action that can be taken under each level includes — removal of content, issuance of an apology, giving a warning, changing the rating of the content etc.
- This created a serious fear of censorship.
- The draft IT Rules have introduced the requirement of traceability of the originator of information, which would break end-to-end encryption.
- A multi-ministry government body can ultimately decide what content can and cannot be published by these organizations.

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