



DPCGC/ADVISORY NO. 2

**ADVISORY QUA THE CONTENT ON THE MEMBER PLATFORMS**

It has come to the notice of the Grievance Redressal Board (Board) that some members of Digital Publisher Content Grievance Council (DPCGC) have not been complying with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 and the Code of Ethics provided therein with respect to its content.

The Code of Ethics categorically provide that no content that is prohibited by law at the time being in force can be published or transmitted. Article 19(1)(a) of the Constitution ensures and guarantees artistic and literary freedom to every citizen of this country, as a form of right of speech, however, the said right is not absolute but subject to reasonable restrictions contained in Article 19(2) of the Constitution. One such limitation/restriction is that art or culture should not be obscene. Obscenity is treated as penal offence as well as per the provisions of Section 292 of the Indian Penal Code (IPC). Restriction can also be imposed in the interest of public order, decency and morality.

Even, the Hon'ble Supreme Court of India has emphasized that the requirement of art and literature includes 'social life' not in its ideal form, but the line is to be drawn where the average moral man begins to feel embarrassed or disgusted at a naked portrayal of life without the redeeming touch or art or genres or social value.

In light of the above, the Board strongly advises the platforms to undertake suitable measures to ensure that all the content on their respective platforms must comply with the test of obscenity and pornography as enumerated under the various laws of the land. The Platforms are strongly advised to ensure that the content published/transmitted by it does not fall foul of the principles laid down in the Code of Ethics provided under the IT Rules, 2021 and must pass the muster of the various tests of obscenity and pornography in India.

Justice A.K. Sikri

Former Judge, Supreme Court of India

Chairperson, Grievance Redressal Board

Digital Publisher Content Grievances Council

Dated: 27.12.2023