

DIGITAL MEDIA CONTENT REGULATORY COUNCIL

Structure & Guidelines



INDIAN DIGITAL MEDIA INDUSTRY FOUNDATION

C-301, C-302 & C-303, THIRD FLOOR, ANSAL PLAZA, KHELGAON MARG, NEW DELHI – 110 049 (INDIA)

A. Introduction

The Indian Broadcasting & Digital Foundation (IBDF) has set up the Indian Digital Media Industry Foundation (IDMIF) in October 2021 as its wholly owned subsidiary to expand its workspace in the digital domain.

Under the aegis IDMIF, an independent body christened - Digital Media Content Regulatory Council (DMCRC) has been constituted as a self-regulation body (SRB) for the implementation of the self-regulatory mechanism for IDMIF members that are publishers of non-news online curated content in India (OCCPs).

This document, *inter-alia*, sets-out the DMCRC's framework and the guidelines for grievance redressal.

B. Objectives of Digital Media Content Regulatory Council (DMCRC)

DMCRC is an independent, autonomous self-regulatory appellate body to hear and decide:

- a) Appeals against decisions of the Grievance Officers of OCCPs
- b) In case the Grievance Officer of OCCP does not revert to the Appellant (Viewer) or decide the complaint within a period of 15 working days from the date of receipt of complaint, then the grievance can be escalated to DMCRC.

C. Composition of DMCRC

Sl. No.	Members	No. of person(s)	Appointed by	Criteria for appointment/ Pre-requisite for appointment
1	Chairperson	1	IDMIF Board of Directors	Retired judge of the Supreme Court or a retired Chief Justice of a High Court.
2	Non-OCCP Members	4	IDMIF Board of Directors	<p>Eminent persons <i>inter-alia</i> from the following fields:</p> <ul style="list-style-type: none"> - Media, Broadcasting & Entertainment - Renowned Social Worker – Child Rights/Human Rights - An administrator with relevant experience in public service - A Veteran Actor, Producer, media critic/ or media expert - Eminent Academician or professional with background in the liberal arts, humanities, law or public affairs - Distinguished persons from such other sector or professional as may be considered relevant by the IDMIF Board.
3	OCCP Members	2	IDMIF Board of Directors	<p>Nomination will be sought from IDMIF Full or Regular Member* OCCPs.</p> <p>Nominees should have previous experience in content creation / programing, legal affairs, public affairs or diversity and inclusion or should meet the criteria as determined by the IDMIF Board from time to time.</p>

*IDMIF Full or Regular Member shall have the meaning as defined in the constitutional documents of IDMIF

Notes:

- (i) DMCRC shall have the right to invite any Subject Matter Expert or Regional Language Expert as a Special Invitee considering the nature of the appeal/grievance.
- (ii) All appointments to the DMCRC shall be put up for consideration before IDMIF Board sixty (60) days prior to the expiry of the term of the respective DMCRC member.

D. Tenure of DMCRC members

1. The Chairperson and other Non-OCCP Members shall hold office for a maximum period of three (3) years. Provided that the Chairperson shall continue to hold office on the expiry of their term until the DMCRC is re-constituted in accordance with the procedure, as enunciated herein below, or for a period of three (3) months, whichever is earlier. Process of appointment of new DMCRC Member shall be initiated by IDMIF at least 60 days prior to the expiry of the term of the DMCRC.
2. Provided also that if, after due enquiry, any Member of the DMCRC is found unfit to hold office as Member of the DMCRC, the DMCRC may remove such person from being DMCRC Member, such Member (i.e. the individual) shall forthwith cease to be a Member of the DMCRC.
3. Non-OCCP Members selected in the DMCRC shall be eligible for re-appointment after expiry of their tenure of three (3) years.
4. The term of OCCP Members selected in the DMCRC shall be three (3) years and after retirement from DMCRC the retiring OCCP Member shall be eligible for re- appointment. An OCCP Member who ceases to be an employee of the IDMIF member (or its group company) that nominated them shall suo-moto cease to be a Member of the DMCRC. The relevant IDMIF member can nominate another person in place of such person who resigns from the DMCRC or ceases to be an employee of the IDMIF member for appointment by the Board of IDMIF for the remaining tenure of the OCCP Member being replaced under intimation to IDMIF Secretariat.
5. A Member of DMCRC shall be deemed to have vacated their seat if they, in the opinion of the Chairperson, are absent without sufficient cause, from three (3) consecutive meetings of the DMCRC.
6. The Chairperson may resign from his office by giving notice in writing to the IDMIF Board. Any other Member of DMCRC may also resign from their office by giving notice in writing to the Chairperson, and upon such resignation being accepted by the IDMIF Board or by the Chairperson, as the case may be, the Chairperson or the Member shall be deemed to have vacated their office.
7. Subject to the above, any vacancy arising in DMCRC shall be filled by IDMIF Board, as soon as possible, by nomination in the same manner in which the Member of DMCRC vacating office was nominated and the tenure of such newly appointed member (Non-OCCP or OCCP) shall be three years from the date of appointment.

E. Functions of DMCRC

1. The DMCRC shall perform the following functions:
 - (a) Provide guidance to OCCPs on various aspects of the Code of Ethics as set out in Section J hereto ("Code");
 - (b) Address grievances which have not been either resolved by the Grievance Officer at Level 1 / OCCPs within a period of 15 working days from the date of receipt of complaint;

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- (c) hear appeals filed by the Appellant (Viewer or the OCCP, as the case may be) against the decision of the Grievance Officer at Level 1;
 - (d) issue guidance or advisories to those OCCPs specified under Section E(2) below for ensuring compliance to the Code within 15 working days of receipt of such appeals/grievances; and
 - (e) take such measures and actions guided by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 and any other framework, as applicable and appropriate.
2. The DMCRC while disposing a grievance or an appeal referred to it may issue following guidance or advisories to the OCCPs as under, namely:-
- (a) warning, censuring, admonishing or reprimanding the OCCP; or
 - (b) requiring an apology by the OCCP; or
 - (c) requiring the OCCP to include a warning card or a disclaimer; or
 - (d) in case of online curated content, direct the OCCP 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 any content, where it is satisfied that there is a need for taking action to delete, or modify the content for preventing incitement to the commission of a cognizable offence relating to public order, or in relation to such other similar and compelling reasons, take such measures / as appropriate and relevant.
3. Where the DMCRC is of the opinion that there is no violation of the Code, it shall convey such decision (in writing with reasons) to the Appellant (Viewer) and the OCCP against whom the appeal/grievance was filed.
4. Where an OCCP fails to comply with the decisions or guidance or advisories of the DMCRC within the timeframe specified in such decisions or guidance or advisories, the DMCRC may take such further action as may be relevant within fifteen (15) working days of expiry of the specified date.
5. The detailed procedure for redressal of appeal is defined under Section H hereto.

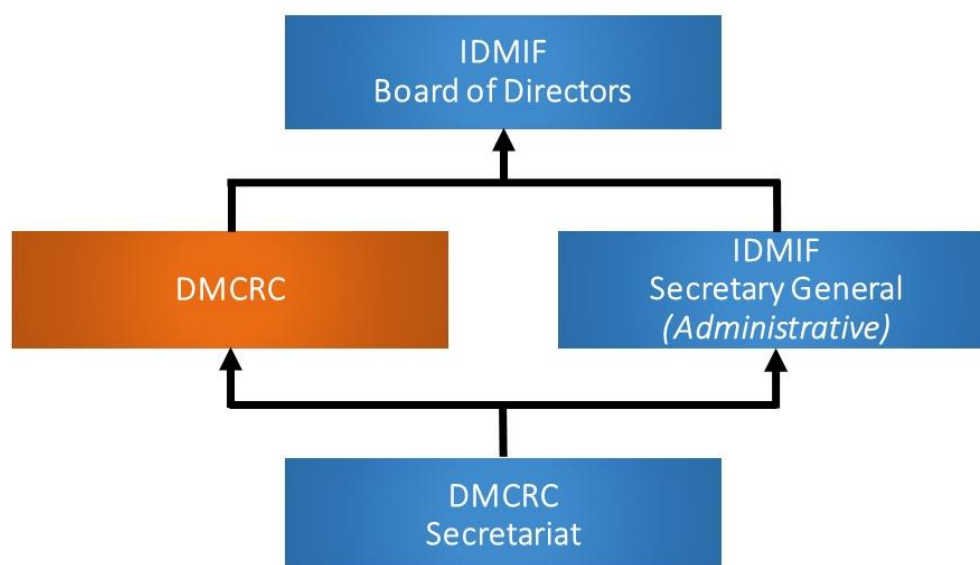
F. Terms of Service of Chairperson and other DMCRC Members

1. The Chairperson and non-OCCP Members will be entitled to Sitting Fee for attending each meeting of DMCRC ("Fee"). Such Fee shall be determined by the Board of Directors of IDMIF from time to time.

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2. Meetings may be conducted virtually/online or at the IDMIF's office in New Delhi or at such other location as may be determined by the Chairperson.
3. The Chairperson and non-OCCP Members (who are out-stationed) will be entitled to avail air travel and hotel accommodation (for out-station DMCRC Meetings) as well as local travel to and from the meeting venue for attending physical meetings. The logistics for such meetings will be arranged by the DMCRC Secretariat.
4. OCCP Members in the DMCRC will not be entitled for any Sitting fee, reimbursement of traveling (air fare /local travel), boarding and lodging expenses.

- G. Organization Chart- the IDMIF Board will have no supervisory or administrative control over the DMCRC which shall be an independent and autonomous body**



Note: IBDF Secretariat would provide Manpower, Office Space and Equipment to IDMIF as per the Resource Sharing Agreement between IBDF and IDMIF

- H. Receipt, processing and disposal of appeals against decisions of Grievance Officers of OCCPs or unaddressed grievances escalated to DMCRC**

1.1 Procedure for filing of appeals / grievances with DMCRC (as per the format set out at Annexure I)

- (a) If an Appellant (Viewer/OCCP) is not satisfied with the decision by the Grievance Officer at Level- 1, the Appellant (Viewer) may appeal to the DMCRC within 15 working days of the decision issued by the Grievance Officer of OCCP. In case the Grievance Officer at Level 1 does not revert to the Appellant (Viewer) within a period of 15 working days of receipt of the duly filed complaint, then the Appellant (Viewer) may escalate the grievance to DMCRC.
- (b) The appeal/grievance may be via email sent to [appeals@dmcrc.in], either in English or Hindi, and must be as per the format set out at Annexure I.
- (c) Appellant (Viewer/OCCP) can alternatively register his/her appeal/grievance against the OCCP's decision online on the IDMIF Website by providing information as per the format set out at Annexure I.

1.2 Handling of appeals/grievances by DMCRC

- (a) Appeals / grievances against the decisions of the Level 1 Grievance Officers received through website / email shall be acknowledged by DMCRC Secretariat within 1 working day.

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- (b) The DMCRC Secretariat shall classify the appeals/grievances received Valid or Incomplete categories within 1 working day. In case appeal/grievance pertains to non-IDMIF member, the same should be returned to the Appellant (Viewer). DMCRC shall not entertain anonymous appeal/grievances.
- (c) All such appeals / grievances received after 1700 hrs. on working days, or on a Saturday or a Sunday, or on a National holiday, shall be treated to have been received on the next working day.
- (d) DMCRC Secretariat shall place all valid appeals/grievances received for review and consideration by the DMCRC.
- (e) If appeal is properly filed, the Chairperson will direct DMCRC Secretariat to ask the concerned OCCP/the aggrieved viewer to submit their views on the appeal/grievance (including the referred content).
- (f) DMCRC Secretariat shall seek the reply of the OCCP on the appeal/grievance received.
- (g) DMCRC Secretariat shall convene a meeting of DMCRC to consider the appeal/grievance and share with the DMCRC : the reply of the OCCP, if any, along with video/footage of referred content and submission made by the Appellant (Viewer) as part of the agenda of the DMCRC meeting.
- (h) Prior to the hearing / adjudication of any appeal/grievance, the DMCRC Members shall review the referred content along with the submissions made by the parties, including the Appellant (viewer) and the publisher.
- (i) It shall be open to the OCCP and/or the Appellant to seek a personal hearing and to DMCRC to seek the OCCP's presence and/or Appellant's presence at their meeting (online or offline). The OCCP and/or the Appellant may make further submission in writing pursuant to the hearing within such time as may be agreed by the DMCRC. The parties' presence or written submissions shall not be construed to grant any time extension, but must be allowed within the same period.
- (j) Upon review of the submissions, (including the referred content) if DMCRC is not satisfied with the response of the concerned OCCP for reasons to be recorded in writing, the DMCRC will decide whether the Code has been violated or not. In case a violation is detected, DMCRC shall issue directions/ orders/ advisory/ guidance to the concerned OCCP in accordance with line of action under Section E above. The same shall also be captured by the DMCRC Secretariat in the minutes of the meeting.
- (k) If the representative of the OCCP fails to appear before DMCRC on the stipulated date without sufficient cause or provide its written submission to the DMCRC before the stipulated date, the DMCRC may decide the appeal/grievance *ex-parte* as the DMCRC may deem fit.
- (l) The OCCP or the Appellant (Viewer), may file a representation with DMCRC seeking a review of the decision/order/advisory issued by DMCRC within seven (7) working days of receipt of such decision/order/advisory from

DMCRC Secretariat under the following circumstances:

1. Error apparent on the face of the record
- (m) DMCRC would reconvene within seven (7) working days of receipt of such review request from OCCP.
 - (n) Final decision of the DMCRC shall be communicated to the OCCP and the Appellant (Viewer) within fifteen-(15) working days from receipt of the request for review.
 - (o) In the event the DMCRC has adjudged that the OCCP has violated the Code for reasons recorded in writing, the OCCP shall comply with the said decision/order within the timeframe prescribed by DMCRC. The DMCRC Secretariat shall monitor compliance of the final decision/order by the OCCP.
 - (p) DMCRC Secretariat shall upload monthly updates on grievances received and disposed along with action taken report on IDMIF's website & also share the same with DMCRC, IDMIF Board and the IDMIF Secretariat.
 - (q) In case of failure on part of the OCCP to comply with the final decision/order, DMCRC shall take such further action as may be relevant.

1.3 Meetings of the DMCRC

- (a) The DMCRC meetings shall be held on a fortnightly basis or at such frequency as deemed fit by or necessary by the DMCRC *inter-alia* considering the volume of appeals/grievances and timelines for disposal contemplated herein.
- (b) Besides the hearing or meeting to consider the appeals / grievances received, the DMCRC shall also meet on an annual basis, *inter-alia*, to: (i) review and discuss the functioning of the DMCRC, (ii) hold training / awareness /sensitization session or the members of DMCRC and/or stakeholders from the OCCP industry. Any suggestion/recommendation pursuant thereto may be shared with IDMIF Board for suitable consideration.
- (c) The DMCRC Secretariat shall send the meeting invite at least seven (7) working days before the scheduled date of the meeting.
- (d) In the event appeal/grievance included in the meeting agenda pertains to regional content, if required, the DMCRC Secretariat will engage with the empanelled language expert for necessary translation of the content.
- (e) Relevant empanelled language expert (if any) may also be invited for the DMCRC meeting, as a Special Invitee, for appropriate review and disposal of appeals/grievance received against regional content.
- (f) Quorum of all DMCRC's meetings shall be four (4) Members, out of which, at least three (3) should be non-OCCP Members. In case the number of Members attending the meeting is less than the required quorum or if the Chairperson is unable to attend the meeting, the meeting will not transact any business but be adjourned to next possible date. Provided however, in case the Chairperson is not available to attend any meeting of DMCRC to

consider any grievance/appeal filed in respect of violation of the Code, then the Members present shall elect one of the participating Non-OCCP Members as the acting chairperson for such meeting. The decision taken by the Members present in such meeting shall be placed before the Chairperson (originally designated so for DMCRC) for ratification and the Chairperson may call for a hearing / submission from the parties concerned especially if required. It is clarified that the decision shall be final only upon ratification by the Chairperson.

- (g) The DMCRC members will refer to the Code and the categorization system defined under Section J hereinafter while reviewing the content.
- (h) The DMCRC Secretariat will capture Minutes of the Meeting (MoM). The action proposed by the DMCRC should be documented in the MoM, approved by the Chairperson, during or following the Meeting, and then should be shared with OCCP and the Appellant (Viewer) within 15 working days of the conclusion of the meeting / hearing.
- (i) The decision, guidance and advisories taken / issued by the DMCRC should be in writing. If it is adjudged that there is a violation of Code then the decision should specify the action to be taken, reasons for the same, including if any deviation from the Code along with the action to be taken.
- (j) Subject to the provisions contained hereinabove, all decisions of the DMCRC shall be by two-third majority of the Members present.
- (k) Any DMCRC member who has any interest in the appeal/grievance by virtue of being associated with the concerned OCCP or the Appellant (Viewer), in any manner, shall automatically recuse from the relevant meeting in respect of the appeal/grievance relating to concerned OCCP. Secretariat should not send papers relating to the appeal/grievance and even if such papers have been sent such member shall voluntarily withdraw from the proceeding.

I. Power to remove difficulties.

In case of matters not contemplated herein, the Chairperson of DMCRC may bring the same to IDMIF Board's notice through the DMCRC Secretariat however, till such time a formal procedure is not adopted by IDMIF Board, the DMCRC Chairperson in consultation with other Members may prescribe an interim procedure with an aim to remove difficulties in discharging functions contemplated herein.

J. Code of Ethics

(A) General Principles

- (a) A publisher / OCCP shall not transmit or publish or 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) A publisher shall take into consideration the following factors, when deciding to feature or transmit or publish or 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, namely:—
 - (i) content which affects the sovereignty and integrity of India;
 - (ii) content which threatens, endangers or jeopardises the security of the State;
 - (iii) content which is detrimental to India's friendly relations with foreign countries;
 - (iv) content which is likely to incite violence or disturb the maintenance of public order.
- (c) A publisher 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.
- (d) In respect of adjudication of any grievance/appeal, the following principles shall be applied:
 - (i) Due regard shall be given to preserve the fundamental right of freedom of speech and expression guaranteed under the Constitution of India.
 - (ii) Content must be considered from the standpoint of a reasonable and strong-minded viewer, exerting their right to choose to view or control the content as accessed by informed decision or personal choice.
 - (iii) Content must be considered in its entirety, after giving due context to the theme and nature of content and applying contemporary standards.

(B) Content Classification:

- (i) All content transmitted or published or exhibited by a publisher of online curated content shall be classified, based on the nature and type of content, into the following rating categories, namely:—
 - (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; vi) Drug and substance abuse; and (vii) Horror as described in the Schedule hereto, as may be modified from time to time.

(C) Display of Classification:

- (a) The publisher of online curated content shall prominently display the classification rating specific to each content or programme together with a content descriptor informing the user about the nature of the content, and advising on viewer discretion (if applicable) at the beginning of every programme enabling the user to make an informed decision, prior to watching the programme.
- (b) The publisher of online curated content 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) A publisher of online curated content which makes available content or programme that is classified as “A” shall implement a reliable age verification mechanism for viewership of such content.
- (d) A publisher of online curated content 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 publisher of online curated content 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 publisher of online curated content 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.

Classification of any curated content shall be guided by the following sets of guidelines, namely:—

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 and the following factors are elucidated which may be read along with Part II 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 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, pedophilia, 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 stronger depiction of violence may receive a higher classification.

(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 part of the guidelines comprises the issues and concerns that apply in varying degrees to all categories of classification and elaborates the general approach that may be taken in this 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

(a) Discrimination:

The categorical classification of content shall take into account the 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.

(b) Psychotropic substances, liquor, smoking and tobacco:

Films or serials, etc. that as a whole portray misuse of psychotropic substances, liquor, smoking and tobacco would qualify for a higher category of classification.

(c) Imitable behaviour:

- (1) Classification decisions may take into account any portrayal of criminal and violent behaviour with weapons.
- (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, shall receive a higher classification.
- (3) Films or serials with song and dance scenes comprising lyrics and gestures that have sexual innuendos would receive a higher classification.

(d) Language:

- (1) 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.
- (2) Language that people may find offensive includes the use of expletives. 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.
- (3) It is not possible 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) No content that is prohibited by law at the time being in force can be published or transmitted.
- (2) Nudity with a sexual context will receive a higher classification of "A".

(f) Sex:

No content that is prohibited by law at the time being in force can be published or transmitted. The classification of content in various ratings from U/A 16+ to "A" shall depend upon the portrayal of non-explicit (implicit) to explicit depiction of sexual behaviour.

(g) Violence:

Classification decisions shall take account of the degree and nature of violence in a work.

Annexure I

Format for filing of complaints / appeals (relating to the Code of Ethics) to DMCRC:

1. Name of Appellant (Viewer):
2. Address along with proof of address
3. Email id of the Appellant:
4. Mobile No. of the Appellant:
5. Title of the content:
6. Nature of appeal/grievance (please select / provide, as applicable)
 - (i) Content Classification
 - (ii) Display of Classification
 - (iii) Content Theme
 - (iv) Access /Parental Control
7. Please specify the time stamps for the content in respect of which this appeal/grievance is being filed: [00 minute] – [00 minute], if applicable.

(Guidance: In your appeal/grievance, please indicate provisions of the relevant provisions of the Code or any applicable law(s) invoked, title / name of content (if any), time-stamp details of content (i.e., specific time(s), where the scene(s) appears / appear in the content (if any) and any other information or details that you deem necessary.)

8. Details of other proceedings initiated (if any): Have you initiated any proceedings in relation to the appeal/grievance, which have not been mentioned above? If so, please provide details along with a copy of the complaint, replies, orders passed, if any.
9. Provide details of the complaint referred to the Grievance Officer of the concerned OCCP and specify reasons why the complainant is not satisfied with the decision of or the response from the Grievance Officer.
10. Declaration (Surmising that information and data provided is correct and true in all respects and no material information has been concealed).

Note:

1. In the absence of complete information/details being provided, we will not be able to entertain any issues you may raise.
2. You would need to respond within 72 hours of a request from the DMCRC for additional details/information, if any, in order to act on your appeal, failing which the appeal/grievance will be deemed dismissed.
3. The timeline of 15 working days will commence from the date of complete details/information received by DMCRC.