



## Censorship in the digital age: Exploring the current regulatory legal framework and the future of online content in India

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### Abstract

Lately, the rise of over-the-top (OTT) services has completely changed how people watch media. In the last few years, these services have become a major force in the media sector. Concerns regarding the regulation and control of content on OTT platforms have surfaced since their inception. Moreover, the OTT platforms such as Sony Liv, Disney+, Netflix, Hulu, Amazon Prime Video, and MX Player are well-known. Over the past decade, these platforms have become incredibly popular, and their success can be attributed to a number of things. The objective of this paper is to give a general review of the current regulatory landscape for television program compliance, movie certification, and OTT media platform trends.

**Keywords:** OTT services, Television Program Compliance, Movie Certification, Media Sector

### Introduction

Globally, the Media and Entertainment sector has continuously expanded and is still expanding, especially with the introduction of new distribution channels and the rapid growth of technology. Over the years, the Indian market has shown tremendous potential in addition to following this worldwide trend. Both the quantity and demand for diverse material as well as the channels that consumers use to access it have undergone a paradigm shift in recent years, according to the Indian media and entertainment sector. The Digital Media and Entertainment platforms, commonly referred to as over-the-top ("OTT") platforms, have gained popularity among viewers of all ages and demographics due to India's increasing digitization and easier access to and affordability of the internet. The Entertainment business has undergone a remarkable transformation in recent years due to the introduction of over-the-top (OTT) platforms. OTT stands for over-the-top (OTT) services that offer audio-visual content via the Internet without the need for traditional cable or satellite TV subscription infrastructure. The well-known OTT platforms are Sony Liv, Disney+, Netflix, Hulu, Amazon Prime Video, and MX Player. These platforms have been extremely popular in the last ten years, and several factors have contributed to their success. With the help of these platforms, content producers now have an unprecedented platform to develop intricate stories and delve into topics that would be considered out of the mainstream. Consequently, creative freedom is the cornerstone of artistic innovation, enabling artists to push limits, challenge social standards, and convey stories that resonate with a broad audience. At the same time, this newfound independence does present several difficulties because of the global character of the digital realm, which raises questions about the moral duties and potential social consequences of unfiltered creative expression. However, the threat of censorship endures because of concerns about cultural sensitivities, political ambitions, and the potential for the media to influence public opinion. Encouraging free thought while maintaining social integrity is a challenging task that requires a thorough comprehension of the legal frameworks governing OTT content. The availability of a large variety

of material on a single platform, meeting the demands and preferences of a diverse audience base, makes OTT entertainment platforms more appealing to viewers, and they may soon replace traditional television boxes. Furthermore, since digital content is exempt from the censor certification requirements that apply to movies and TV shows, its producers have a great deal of creative flexibility. On the other hand, users are free to select the content they wish to see at any given moment. A major contributing cause to the growth of online content and over-the-top (OTT) platforms' viewing may be the extent of this freedom and the accessibility to a vast array of content. But because of the lack of control and the availability of uncensored content on OTT platforms, there is also discussion about whether or not anything other than movies and television shows needs to be restricted.

### Film and Digital Content Certification: A Closer Look at the Standard and Process

Freedom of Speech and Expression is the foundation of all artistic expression; hence it has historically been used to test the applicable law regarding pre-censorship of films in India. When film censorship was first contested because it infringed upon people's right to free speech and expression, the Supreme Court ruled that people's social interests supersede their liberties and, as a result, justified film censorship because it is a potent medium of expression. Currently, the Central Board of Film Certification ("CBFC"), which was established by the Cinematographic Act, of 1952 (the "Act"), is responsible for censoring movies in India. The Act outlines the process for certifying films for Indian screenings, as do the Cinematographic (Certification) Rules, 1983, and the Central Government's instructions from December 6, 1991, which were issued by Section 5B of the Act (the "Censorship Laws"). Currently, films falling under any of the following categories must be certified by the CBFC by the Act:-

- "U" (unrestricted exhibition);
- "UA" (unrestricted exhibition except for children below 12 years of age);
- "A" (restricted to adults only); and
- "S" (restricted to a specified class of persons).

The Central Board of Film Certification (CBFC) certifies films based on a set of standards that include evaluating the picture from the standpoints of defamation, morality, decency, and public order. The CBFC must also take into account legislation about the use of narcotics and other substances, the representation of cigarettes and tobacco, the prohibition of animal cruelty, the use of national names and insignia, and other issues of national honor. Ensuring certification without limiting creative freedom and artistic expression is the CBFC's goal.

Although the title suggests censorship, the CBFC's primary responsibility is film certification rather than content censorship. The CBFC has frequently come under fire from filmmakers for going beyond its certifying authority and assuming the responsibility of moral policing. An appropriate example of this would be the removals that the CBFC ordered to be made from the movie, namely, "Udta Punjab". These included instructions to remove the names of Indian states, allusions to several profanity words, and, strangely, the removal of a dog's name: "jacky chain." The producers of the film appealed the CBFC's judgment to the Bombay High Court, arguing that the "A" certification should be given without any restrictions or changes to the picture. After considering each of the CBFC's suggested deletions, the Bombay High Court logically decided that the film was acceptable despite its representation of drug use or sales in a specific state and its political allusions. The court also stated that the story should be seen as a whole. A separate notification about the certification of subtitles was released by the CBFC in April 2018. Several films were certified without subtitles, according to the CBFC's warning. As a result, applicants should provide an undertaking that the final version of the film will include subtitles and that no captions will be inserted once the picture has been certified. The Indian Motion Picture Producers Association has challenged this notification, and it is presently pending in the Bombay High Court.

In several cases, OTT platforms have included graphic or violent content that shows self-harm, murder, assault, and genocide. Some viewers, especially children, found such stuff to be unsettling. Furthermore, some of the published material was deemed disrespectful and detrimental to some groups of people, including members of racial or ethnic minorities, LGBTQ+ persons, and religious communities. For the targeted individuals, this content has been especially harmful and painful. Similarly, it has been claimed that certain OTT material disseminates inaccurate or misleading information, including fake news and conspiracy theories. This has had serious repercussions, especially when it comes to political campaigns and public health information. Simultaneously, strong complaints have been made about certain platforms' publication of content such as pornography, sexual violence, child exploitation, cyberbullying, and others. In India, content posted on over-the-top (OTT) platforms has also drawn criticism and criticism from a range of groups. For example, in 2020, a web series called "Tandav" was made available on a well-known OTT platform. Some groups claimed that the fictional political settings in this series offended religious feelings. The series' creators were subsequently accused of several crimes, including inciting hatred between various communities and disparaging religious convictions. In a similar vein, the highly regarded television series "Mirzapur" was frequently attacked for its fictitious

portrayal of an Indian village that is a hotbed of anarchy and bloodshed. A series called "Gandi Baat" was also denounced for encouraging voyeurism and portraying adultery. Unlike traditional push media like movies, which need to be pre-certified by the Central Board of Film Certification, content curated on over-the-top (OTT) platforms in India does not need to be pre-screened or certified before distribution. Additionally, the Cable Television Networks (Regulation) Act of 1995, which governs satellite television in India, does not require any prior authorization for OTT platforms to broadcast content or to adhere to its regulations. As a result, the Ministry of Information and Broadcasting (MIB) primarily regulates the content accessible on over-the-top (OTT) platforms by the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These regulations give digital media outlets, particularly over-the-top (OTT) platforms, a code of ethics and a complaint resolution procedure.

According to these regulations, all over-the-top (OTT) platforms must self-classify their material into several categories, including A (adult), U/A 7+ (universal/adults over seven years), U/A 13+ (universal/adults over thirteen years), U/A 16+ (universal/adults over sixteen years), and U (universal). Parental locks are also anticipated to be implemented for content rated U/A 13+ or higher. The provisions provide that anyone can use the grievance redressal system of an OTT platform to make a complaint if they have a grievance regarding any particular material on the site. Within a certain amount of time, the platforms are required to designate a grievance officer to handle the complaints. Assume that the platform's answer or resolution does not satisfy the complainant. In that instance, customers have the option to take the complaint to the Digital Media Content Regulatory Council (DMCRC), a self-regulatory organization that was founded to monitor compliance with the self-regulatory process and is led by the industry. If a platform violates the regulations, it has the power to suspend or cancel its registration in addition to issuing warnings and penalties.

### **Insights from the Shyam Bengal Committee Report**

The Ministry of Information and Broadcasting (the "MIB") has recently established expert committees to look into both the Act's provisions and the certification of films, acknowledging the necessity to reevaluate the logic of the current standards. An expert committee led by Indian filmmaker Mr. Shyam Benegal (the "Committee") was established by the MIB in January 2016. The Committee's main goal was to provide general rules and procedures for the CBFC's film certification process and to guarantee that the certification of films for public screening is conducted consistently, impartially, and without bias. In April 2016, the Committee turned in its report. Nevertheless, the MIB has yet to implement the Committee's recommendations. The following are some of the Committee's main recommendations:-

1. Given that the rights owner has full control over the film, only he or his consent should make alterations or adjustments to it.
2. The Central Board of Film Certification (CBFC) should not operate as a moral compass; rather, its authority should be restricted to determining who and what sorts of viewers are permitted to see a given film. It should be left

to the viewers of that category to decide whether or not to see the film after the CBFC classification serves as a kind of legal notice about what to expect from a given picture.

3. Movies under the "UA" category will now be further subdivided into "UA 12+" and "UA 15+" in light of sociological shifts and teens' moderate exposure to certain types of content. Additionally, films that may contain explicit material like violence or nudity will now be eligible for the additional "A-C" (A with caution) certification, which will help viewers make more informed decisions.
4. Revision of the current rules that determine whether movies are approved to remove the CBFC's oversight of a film's aesthetics or its ability to provide clean, wholesome amusement. The Committee suggested that distinct guidelines be established for each aspect of certification. These could include general guidelines for all films, issue-related guidelines that describe societal issues and concerns that apply to all certification categories to differing degrees, and category-specific guidelines that specify how various film categories' certification procedures should be established.
5. Recertification of films for television viewing, as only "U" certified pictures are currently eligible for television viewing, which means that other certified films lose money. Therefore, the owner of the film's rights may alter the work to make it fit under the "U" category for television screenings.
6. The classification of films ought to be restricted to public screenings and should not impact state-imposed entertainment taxes.

In addition to its recommendations, the Committee suggested changes to several Act provisions. The Hon'ble Justice Mukul Mudgal, a former Chief Justice of the Punjab and Haryana High Court, chaired the "Committee of Experts to examine issues of certification under the Cinematograph Act, 1952" that the MIB had previously established (the "Mudgal Committee"). The Mudgal Committee's agenda included discussing the authority of state governments to prohibit a movie from showing in their respective states. The Mudgal Committee advised against issuing an order of suspension before or during a public exhibition because it suggests that the exhibition has already occurred or is still going on. This suggestion came in response to the Supreme Court's ruling in the "Aarakshan" case, which saw the state governments of Punjab, Andhra Pradesh, and Uttar Pradesh ban the movie's screening. While overturning the state governments' judgment, the Supreme Court said that each state is responsible for upholding law and order and that screening cannot be banned in the way that the relevant parties had requested once the CBFC had approved the movie for public viewing. A proposed successor to the Cinematograph Act of 1952, the model Cinematograph Bill, had several additional conclusions and suggestions made by the Mudgal Committee. But as of yet, the MIB has not taken any action.

The Supreme Court recently addressed the matter of the Gujarati and Rajasthani state governments' orders to ban the film "Padmaavat" from being shown. In the dispute involving the movie Aarakshan, the Supreme Court reaffirmed its stance, halting the Gujarati and Rajasthani state governments' directives and preventing other states from enacting any legislation that would forbid the movie's screening. The Supreme Court further noted that "the

concept of creativity paves the path of extinction; and when creativity dies, values of civilization corrode" if "intellectual prowess and natural or cultivated power of creation are interfered with without the permissible facet of law." Additionally, it was decided that a state had an obligation to maintain law and order while a movie was being shown. This included, if needed, offering police protection to both the participants and the audience.

### **The Program and Advertising Code for Television**

The Program and Advertising Code is an important part of the legal instrument that controls what is aired on television in India. Promulgated under the Cable Television Networks (Regulation) Act, of 1995 the code sets out specific guidelines in respect of programs and advertisements which are to be followed to refrain from broadcasting content of certain decency, taste, and morality. It aims at safeguarding the interests of the viewer from watching wrong information, obscene and misleading material as well as smoothening the face of the country's cultural and social standards. The practice of regulating broadcast content could be traced back to the Indian Broadcasting Company in the 1920 British government's solution to prevent political dissent by banning several programs about nationalist motives. After liberation, Indian television remained heavily regulated with Doordarshan as the single channel holding a monopoly over the programs aired.

During the 1990s the trend of liberalization eradicating monopoly over the economy paved the way for the emergence of private channels, with this growth increasing the government gave birth to the Cable Television Networks (Regulation) Act..

### **The code covers several aspects, such as:**

#### **▪ Decency and Public Morality**

Thus, the code rightly bans content that tends to provoke the unsuspecting sensibilities of the public. For instance, the regulation forbidding the broadcasting of adverts on tobacco and alcohol is in a bid to eradicate the glorification of harmful resources, especially among the youthful population. In 2019 it was flagged and taken down because it condemned or indirectly advertised the product through a surrogate "club soda" campaign. The Advertising Standards Council of India (ASCI) sent it to them for violating moral aspects of the code.

#### **▪ Accuracy and Fair Reporting**

In the news segment, the code insists on accurate, balanced, and objective reporting of events. The Supreme Court of India in *Bennett Coleman & Co.v Union of India* (1973) very much stressed freedom of the press but at the same time it is equally important that it cannot trespass the rights of an individual or disturb the harmonious society. Where media houses report the news intending to achieve high TRP 'the code of conduct' is violated in aspects concerning impartiality. For instance in the coverage of the #SSRcase and many others that include criminal coverage several news channels were criticized for bias and sensationalism which calls for better standard compliance with the set ethical standards.

#### **▪ Content that Promotes Hate Speech or Communal Disharmony**

One of the most important provisions under the code is the ban on material that may cause the creation of communal hatred. The so-called 2020 Delhi riots were the coverage of

which some channels were charged with being partly responsible for civil insanities, provoked by unbearable headlines and discrimination in reports. The Broadcasting Content Complaints Council (BCCC) had given advisory measures to stop such broadcasts and stressed on ethical reporting of code regulation.

#### ▪ **Protection of Minors**

There has been a considerably large increase in the children's audience leading to more encouragement of regulation of content which is unsafe for young hearts. It requires by the guidelines that the broadcasting programs should be labeled with appropriate age and that indecent material should not be aired when children are likely to be awake. For example, if adult-rated movies or programs are screened during several hours, fines and penalties are expected. The above aspect has been augmented with the recent promulgation of the Juvenile Justice (Care and Protection of Children) Act, 2015 to ensure that children are protected from materials that may harm them physically, mentally, or emotionally including media influence.

#### ▪ **Regulatory Bodies and Enforcement**

The primary enforcement body for these guidelines is the BCCC which ensures commitment is adhered to. It operates on grievances from viewers and can fine stations, request for ages, or order removal of programs. For instance, a complaint related to the portrayal of domestic violence on a television program brought to the notice of the BCCC helped the BCCC order a change in this program and also asked the channel to broadcast a disclaimer that reemphasizes the role of content regulation.

#### ▪ **International Comparisons and Best Practices**

When India's code is compared to the international standard, there are resemblances with dissimilarities like the FCC (Federal Communications Commission) regulations in the USA. For instance, while both of them have policies against obscenity or indecency, the FCC's key policies have higher fines and penalties and means for enforcing the policy. Thus, analysis of these differences allows Indian regulators to adjust their policy to fit better global benchmarks while being culturally sensitive.

#### ▪ **Challenges in Implementation**

However, the problems associated with the application of the code are enormous; they pertain to the volume of programs aired daily and secondly, the centralized structure of television production. With the appeal of more regional channels, the presence of shows with different types of content, and the increase of television shows of reality, moral enforcement has only become more difficult.

#### ▪ **Future Considerations**

Television program continues to diversify to compound with interactive digital on-demand TV pertaining to the integration of the new formats, therefore requiring a rethink on the Program and Advertising Code. The use of AI in monitoring content can help improve the effectiveness of regulation because it assures order in work and does not limit creativity.

IBF has set up a self-regulatory wing named the Broadcasting Content Complaints Council (BCCC) that practically controls the non-news channels of India though it

is not legally authorized to do so. Under it, a viewer can complain or complain to a particular broadcaster, and it rules against the breach of the guidelines. However, the existence of the code has been challenged by the enforcement and effectiveness of these regulations which appear to be lessened with the advancement of digital stream platforms that are not under similar regulation. Such a difference establishes the basis for new and even more extensive legislation that would encompass the increasingly diverse consumption of content.

#### **Expanding Horizons of the Information Technology Act, 2000**

The IT Act 2000 is one of India's most important laws that were primarily enacted to address the legal requirement of electronic transactions and e-commerce. In the years that ensued, as the digital environment was rapidly shifting, the Act has been changed repeatedly, extending its remit considerably. It now become an influential tool for filtering information, controlling criminals in cyberspace, and protecting the data of users. The enlargement of the scope of this legislation gives an indication of its elasticity and the constantly evolving nature of the internet and then the need for other good legal frameworks to cater to problems that are associated with the operations of social media, digital media, and emerging technologies.

#### **The Evolution of IT Act**

The IT Act was passed when the Internet was mainly confined to the transfer of information and simple monetary transactions. Nevertheless, in the context of the steadily deepening "digitization" of the economy, the growing popularity of online-based commerce, and the thick presence of social networking platforms the mentioned Act called for important amendments to counter new threats. One of the most important and significant shifts in theoretical definitions of IT happened in the year 2008 using the Information Technology (Amendment) Act. This amendment proved significant because, for the first time, it incorporated several measures to improve the Act and bring it in tune with change that was becoming manifest in the new Post Millennium digital environment.

#### **1. Section 66A - Curbing Offensive Online Speech**

- Section 66A of the IT Act was targeted to punish the person sending an objectionable message through a communication device. It fully explained the provocative content and recognized it as any message that could be seen as threatening, grossing, or simply annoying. The provision was aimed to bring some concerns as to the fact that people harass one another or spread misinformation online.
- Nevertheless, principally the section motivated an incredible amount of criticism, at least because of the overly explicated latitude of its application which resulted in the suppression of free speech by authorities. In the historic judgment delivered in *Shreya Singhal v. India* (2015) the Supreme Court of India held that Section 66A was unconstitutional through a decision that was arrived at by the court. The Court held that the section violated the right to freedom of speech and expression under Article 19(1)(a) of the Constitution, as it was overly broad and open to arbitrary interpretation.

## 2. Section 69A - Blocking of Online Content

- Section 69A empowers the government to order the blocking of any information on any online platform in the reasonable INSTANCE, cause apprehension in the unity, integrity, security, and stability of India to develop, or to incite the commission of any other cognizable offense. The provision was recently employed during the operation of some Chinese applications such as TikTok and WeChat that was banned in early 2020 based on national security and data protection.
- Section 69A has come under controversy regarding transparency and accountability of the channels involved in its application. It has been criticized that the mechanism of blocking is rather opaque and an insufficient number of steps against blocking are evident: For example, the reasoning behind blocking often remains nontransparent and secrecy raises concerns about censorship. However, the government justified the provision as a tactic required in the global internet age to protect the nation's interests.

## 3. Section 79 - Intermediary Liability and Safe Harbor Protection

- Similar to Protection Section 79 of the IT Act contains a provision known as "Safe-Harbor" provision for an intermediary to mediation which includes social media networking sites & ISPs etc., for third-party content. This protection is only given on condition that the intermediaries have to abide by guidelines and remove unlawful content whenever informed.
- After the Intermediary Guidelines and Digital Media Ethics Code Rules, 2021, the usage of Section 79 has changed dramatically. Such rules entail increased care for the intermediaries; they need to have a proper grievance-handling mechanism and conform to having a compliance officer act on them when the content is unlawful. Common rules were designed to force platforms to take responsibility for the contents they allow while, at the same time, preserving the principle of free speech and user privacy.

### The Role of the IT Act in Regulating Digital Content

Indian IT ACT has emerged as the basic instrument of controlling the content in the digital platform due to the lack of a digital content act in India. The basic legal documents encompass various issues including hacking, identity theft, defamation, misuse of social media, fake news, hate speech, and other negatives. The inability to regulate content and the IT Act have been something that the government has been struggling with. Debate, particularly as it relates to balancing the protection of individual rights with national security concerns.

### Cybercrime Regulation: A Concern of IT Act, 2000

The IT Act includes various sections that deal with cybercrimes, such as unauthorized access to computer systems (hacking), identity theft, phishing, and cyberstalking. For instance:

- Section 66B deals with receiving stolen computer resources or communication devices.
- Section 66C addresses identity theft, where fraudulent digital identities are created or misused for malicious activities.

- Section 66D penalizes cheating by impersonation using computer resources, which covers online fraud and phishing attacks.

These provisions have been useful in trying the offenders especially those involved in cybercrimes that affect the banking and other sensitive issues like frauds in online banking of customers' money and unauthorized access to information and other related issues. However, these laws are only as useful as they are implemented on time and as the police forces implement them as equal to the rate at which cyber threats are developed.

### The Impact of Intermediary Guidelines on Online Platforms

Through the Intermediary Guidelines and Digital Media Ethics Code Rules, 2021 under the IT Act, new rules in 2021 changed the course of almost all digital platforms in India. The rules impose a three-tier regulatory mechanism for digital news publishers, OTT platforms, and social media intermediaries:

1. Self-Regulation by Platforms: The first level of regulation is carried out by the platform through the decisions it makes itself. Social media intermediaries have to designate a grievance officer to redress the complaints of users within 24 hours including matters concerning objectionable content, fake news rumors, etc.
2. Industry-Level Regulation: The second is a self-regulatory system whereby industry associations will scrutinize complaints not solved by a user and make sure that particular ethical standards are met.
3. Oversight by the Government: The third level is supervised by an independent committee identified by the government which focuses on the elevated complaints and enforces the rules.

This approach formed of several layers should lead to a more orderly approach to complaints and moderation. However, some issues with more extended government interference and impacts on the freedom of speech are the causes for appeals against the new rules.

### Criticisms and Calls for Reform

Despite the IT Act's expanded role in regulating digital content, it has faced several criticisms:

- Ambiguity and Overreach: Various provisions have been claimed to have ambiguous words and sentence structures, which result in arbitrary, muscular interpretation for example sections 69A and 79. Because there is no specific definition of 'objectionable' or 'harmful' content, they can be easily manipulated to silence or suppress opposition or prevent free speech where appropriate.
- Need for a Comprehensive Digital Law: Technology in recent years has expanded at a much higher rate than the legal regime governing it. As observed by the authors, there is a concern that there is no digital content regulation law that has been specifically formulated for the purpose of regulating new media forms such as OTT platforms, media social networks, and AI.

### Looking Forward: The Digital India Act

In response to these criticisms, the Indian Government is now contemplating enacting a common bill that is the Digital India Act which will be a new umbrella legislation to overhaul and harmonize the regulatory responses to digital content. According to reports, the Act would fill in for lacking legislation in the existing IT Act covering issues to do with protection of data, moderation of content, and the control of emerging technology.

#### Key Focus Areas of the Digital India Act

- Establishing a clear regulatory framework for OTT platforms and digital news publishers.
- Enhancing user data protection and privacy, aligning with global standards like the GDPR.
- Providing a transparent process for content takedown and dispute resolution to prevent arbitrary censorship.

The Digital India Act aims to provide a cohesive and adaptive legal framework that can respond to the rapidly changing digital landscape, balancing the need for content regulation with the protection of individual rights and freedom of expression.

#### The Online Content Regulation in India

In India, the films must comply with certification regulations, and television broadcasters must follow the Program Code and the Advertising Code. However, the owners of web series, movies, and other content that is only shown online or on digital platforms (like Netflix, Amazon Prime, and Hotstar) are currently exempt from censorship and other codes, subject to the previously mentioned provisions of the IT Act. The Ministry of Information & Broadcasting (MIB) affirmed this stance in response to a question submitted under the RTI Act, 2005, stating that the CBFC just certifies movies for theatrical distribution and has no authority over content that appears online. So, to propose a regulatory framework for digital media enterprises, including online media, news portals, and infotainment sites, the MIB established a committee early this year in response to the growing demand and popularity of online content relative to television and movies. The committee was later disbanded because the Ministry of Electronics and Information Technology (the "MeitY") established a committee on national investment in digital broadcasting and critical national infrastructure, which was also charged with tackling issues that were outside the purview of the MIB. The official MeitY website does not currently provide information about the committee or its activities. Furthermore, The Indecent Representation of Women (Prohibition) Act, 1986, which now forbids the indecent portrayal of women in commercials, books, movies, paintings, and writings, has also been proposed to specifically cover online content. Among other things, an amendment to the Indecent Representation of Women (Prohibition) Amendment Bill, 2012 sought to expand the law's application to cover modern media. It's interesting to note that several OTT providers have thought about self-regulating content on their platforms through a voluntary code for online content, particularly about sex, language, and violence. Though they are not currently required by law for online content, some OTT players on their accounts do display censorship certificates before a movie starts, include disclaimers in scenes showing the consumption of alcohol

and tobacco products, and provide information for user discretion based on the age and nature of the content.

Moreover, preventing legal action due to offensive content, accommodating local and regional sensibilities in India, and avoiding any other type of regulation that might limit the creative freedom enjoyed by online content providers are some of the reasons for the need for self-regulation. The opinion of the digital content sector regarding the necessity of a voluntary code, however, seems to be split. The reason for this is that the majority of OTT players prefer to keep their autonomy in producing content for their web platforms rather than imposing any rules or regulations on their operations. Therefore, it would seem that stakeholders could object to certification or any kind of censorship standards for online content.

#### Conclusion

Due to the development of internet, media censorship and regulation have developed into one of the biggest headaches for governments because of the existence of internet-based forums, social networks, and streaming application services. Technological advancement continues to widen the frontiers of conventional digital content thereby raising the need for media regulation laws to evolve. The changes in the existing rules and regulations like the Program and Advertising Code for Television, The Information Technology Act, and good measurement for online content show the fact of how innovative this field is. Thus, every one of these frameworks has its advantages and disadvantages or gaps that would have to be addressed to meet present and future requirements. An important issue that emerges while censoring the media is the ability to restrict this freedom while protecting society from potentially damaging information. This balance is especially tough for the Indian firm because cultural values, social norms, and politics differ greatly across the country. The lawsuit of Shreya Singhal v. Union of India pointed out that loose words may lead to very adverse effects and yet vague terms should not be used in legislation to cover all sorts of circumstances because the right of free speech equally needs protection. But, the pressure was created recently in terms of the new law, Intermediary Guidelines and Digital Media Ethics Code of 2021, where the government attempts to regulate the platforms more tightly and bring increased accountability. These regulations require compliance officers, quick content removal procedures, and the inclusion of ethical guidelines, which is a much steeper move towards more stringent regulation of information posted online. On this note, self-regulation by media houses cannot be overemphasized since it is encouraged as a contractual supplement to formal regulation by government laws. National bodies like BCCC or the ASCI have prepared certain standard codes that help in maintaining proper conduct while creating content for broadcasting and advertising respectively. The self-regulation idea requires media companies to set their standards to avoid popular decency and violent exhibitions. But self-regulating has its demerits as observed when the media houses engage in the reckless coverage of news stories to gain high ratings. The case of investigation of Sushant Singh Rajput by many channels is one of the examples of this and this led to mass outrage and demand for higher regulation. India can learn valuable lessons from international frameworks such as the General Data Protection Regulation (GDPR) in the

European Union and the Federal Communications Commission (FCC) in the United States. These regulatory bodies have set benchmarks for data privacy, content standards, and ethical advertising. International cooperation, particularly in areas like combating fake news and preventing online radicalization, can enhance the effectiveness of India's regulatory measures. In conclusion, while significant progress has been made in regulating media content in India, there is still a long way to go. The legal frameworks need continuous updates to keep pace with technological advancements and changing societal values. A balanced approach, combining legal regulations, self-regulation, and public awareness, is essential for fostering a media environment that respects freedom of expression while ensuring social responsibility.

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