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Regulations on OTT and Digital Content

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Why in News

Recently, the Government has brought **Over The Top (OTT) platforms, or digital video streaming service providers** such as Netflix, Amazon Prime and others, **under the ambit of the Ministry of Information and Broadcasting.**

Key Points

- **Background:**

- The government had **indicated the necessity to monitor these platforms** and wanted the **platforms to come up with a self-regulatory body**.
- In **January 2019**, eight video streaming services had **signed a self-regulatory code** that laid down a set of **guiding principles for content on these platforms which prohibited five types of content**:
 - Content that deliberately and maliciously **disrespects the national emblem or national flag**.
 - Any visual or storyline that **promotes child pornography**.
 - Any content that “maliciously” intends to **outrage religious sentiments**.
 - Content that “deliberately and maliciously” **promotes or encourages terrorism**.
 - Any content that has been **banned for exhibition or distribution by law or court**.
- However, the **government refused to support** this code and **expressed displeasure** at a model suggested by the **Internet and Mobile Association of India (IAMAI)**, and **Digital Curated Content Complaints Council (DCCC)**.
 - IAMAI is a **not-for-profit industry body** registered under the **Societies Registration Act, 1860**. Its mandate is to expand and enhance the online and mobile value-added services sectors
 - DCCC was **launched by the Online Curated Content Providers (OCCP) in February 2020 to empower consumers** to make informed choices on viewing content over OTT platforms and to also provide consumers with a complaints redressal mechanism.
- It held that the model **lacked independent third-party monitoring**, did not have a well-defined code of ethics and did not clearly enunciate prohibited content.

- **Current Order:**

- It covers “**Digital/Online Media**”, including “**films and audio-visual programmes made available by online content providers**” and “**news and current affairs content on online platforms**”.
- It will give the government control over these platforms, which were unregulated **till now as there is no law or autonomous body governing digital content**.
- Online content providers come **under the legal framework of the Information Technology Act 2000** but, unlike print and broadcast media, were **not directly under any Ministry**.
- However, there are no **details on how the government will regulate it**. There is a **possibility that the Programme Code of the Cable Television Network Regulation Act 1995, that governs content on TV, may serve as a template** to frame rules for online content.

- **Reasons Behind the Order:**

- The Ministry also keeps receiving **complaints from the public underlining the concerns of unregulated content** and need to regulate it. In **October 2020**, the **Supreme Court** issued notice to the Centre and the IMAI, on a petition to regulate OTT platforms.
- The Ministry is **already regulating news and entertainment content on TV and radio** through statutory bodies so it is important to bring the digital content under its purview as well.
- With the growth of the digital media and a significant shift of viewership from traditional media platforms to digital media, there is a real **need for having an appropriate oversight framework for online news and content**, at par with traditional media platforms.

Rules and Regulatory Bodies for Other Platforms

- **Regulations:**

- The **Cable Television Network (Regulation) Act, 1995** penalises television channels for any violation of the programming and advertising.
 - Complaints can be sent directly to the Ministry, or raised through the internal mechanism of the Electronic Media Monitoring Centre.
- In **November 2019**, the Government had brought out a **draft Registration of Press and Periodicals (RPP) Bill**, which sought to replace the 150-year-old Press and Registration of Books Act, 1867.
- **Cable Networks Regulation Act 2005** regulates both news and entertainment on television.

- **Various Sectors and Regulating Bodies:**

- **Print Media:**

- **Press Council of India** (a statutory, quasi-judicial authority).

- **Television:**

- **News Broadcasting Standards Authority** (self-regulatory body) set up by the **News Broadcasters Association (NBA)** regulates television news.
 - **Electronic Media Monitoring Centre**, set up in 2008, monitors content on TV.
 - **Broadcasting Content Complaints Council** (independent and self-regulatory) for television entertainment.

- **Films:**

- **Central Board of Film Certification (CBFC)** under the Ministry of Information and Broadcasting.

- **Advertisement:**

- **Advertising Standards Council of India** (a self-regulatory body).

Source: TH