

GOVERNMENT SETS OUT REGULATIONS FOR DIGITAL MEDIA, OTT PLATFORMS

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NEW DELHI: The Indian government on Thursday tightened its [control](#) over digital news media and [OTT](#) (over-the-top) video streaming platforms, introducing a three-tier mechanism and terming it as a "soft-touch regulatory architecture." While the first two tiers bring in place a system of self-regulation by the platform itself and by the self-regulatory bodies of content publishers, the third calls for an oversight mechanism by the Centre.

These guidelines may be called the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, as per a government statement.

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"The idea is to create a level-playing field for all media, since print and television already worked under certain restrictions," Union minister of information and broadcasting Prakash Javadekar told the media on Thursday. The government had asked OTT platforms to come up with a code of self-regulation multiple times, but the last draft had not allowed for a third-party intervention. While freedom of the press is absolute, it needs to come with certain responsibility, the minister said.

Publishers of news on digital media will be required to observe Norms of Journalistic Conduct of the Press Council of India and the Programme Code under the Cable Television Networks Regulation Act, so far followed by print and TV respectively.

According to the new rules, a digital website or content publisher will have to appoint a grievance redressal officer based in India who will have to act upon a complaint within 15 days.

The second tier will comprise self-regulatory body of the news publisher or streaming platforms headed by a retired Supreme Court or high court judge or an eminent person.

Third, and most importantly, the I&B ministry will establish an inter-departmental committee for hearing grievances.

"These guidelines are on expected lines and are really quite mild compared to the kind of pre-censorship of content many were fearing," said a senior executive at a streaming platform. The rules, the person said, had stemmed from the industry's failure in formulating a code of self-regulation that the government found satisfactory.

Instead of pre-censored content, platform owners will have to classify their content according to different age groups: "U" or universal rating, and others for 7+, 13+, 16+ and then 18+ age group.

This will have to be developed specifically for India since similar age classifications do not exist in other countries, the executive cited earlier said. Platforms will be required to implement parental locks for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content classified as "A".

Karan Taurani, research analyst at Elara Capital Ltd, said the move will lead to consolidation in

the OTT industry or shutting down of niche apps which have relied on obscene content, but will augur well for large global giants and broadcaster-led OTTs, with especially the latter having a strong track record of creating content within government regulations. "The consolidation of the OTT industry may now happen much earlier than expected, wherein broadcaster OTTs can go a long way if they are able to address issues of tech with better user experience and distribution via aggregators and telcos. The situation is similar for the news genre; larger news broadcaster groups may have an edge versus smaller news aggregators," Taurani added.

Abhinandan Sekhri, co-founder of news portal NewsLaundry, said at first glance, the rules seem vague and arouse concerns but DigiPub (a body representing the interests of digital news publishers) will study and comment on the same soon.

Netflix, ZEE5, Shemaroo, Hoichoi and ALTBalaji declined to comment. Amazon Prime Video, Disney+ Hotstar, SonyLIV, Eros Now, VOOT, MX Player and Lionsgate Play did not respond to Mint's queries.

The courts will need to be involved in interpreting some aspects of the new rules, said Chandrima Mitra, partner at DSK Legal.

"There are various categories of ratings now which may become more cumbersome for the content creator as well as the platform. Except animated films or series, all content currently on OTT platforms may fall into the U/A 16+ or the A category. The players and creators will have to probably re-look at the kind of content they want to make since these ratings will directly impact the storytelling and the commercials involved," Mitra said.

Also, there will be ambiguity regarding certain films which may have already received CBFC certification. It is unclear whether the platform would need to incorporate the same certification or re-determine it based on these rules, which would lead to increasing compliance procedures.

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