

**INDIA'S SAGA FOR CENSORSHIP AND OTT PLATFORMS:
DETERMINING A LIMIT FOR RESTRICTION**

*Mihika Bhatnagar**

ABSTRACT

Covid-19 was a bad experience for most of the people in the world, but for Over the top platforms [OTT platforms], it brought the fortune. Everyone was at home, without much to do, cinemas were closed, and people turned to various OTT platforms like Netflix and Amazon Prime in order to fulfill their dose of entertainment. In February 2021, the government took a major step with respect to the regulation of OTT platforms by introducing the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 [IT Rules, 2021] as the legal aid for regulating the content, morality and censorship of the OTT platform and social media. In the age of artistic freedom, one still needs an Act to govern anything which is made available for public view, which is still missing from our legal structure, but the only question is, to what level?

In this paper, I have summed up what exactly amounts to vulgarity, obscenity, and nudity and how the Indian cinemas have always been sceptical about showcasing anything new or out of the box. I have summed up the journey of OTT platforms in India from a smooth road to a roller coaster ride after the release of Sacred Games on Netflix, which happened to be groundbreaking. I have broadly analyzed the concept of the Two Faces of Censorship: Good and Bad. Via this paper, we will get an idea of how India censors its films for theatre, television, and OTT platforms, as moral policing is going on for a long time, but how do we determine the limit of censorship? Lastly, I have concluded the paper by giving suggestions that need to be implemented in the current legal scenario of the country to have proper legal aid with respect to OTT platforms.

Keywords: OTT Platforms, Censorship, Media Laws, Morality, IT Rules, 2021

* Student, School of Law, UPES

INTRODUCTION

The days when people were not even allowed to publish a news article without getting prior permission and present are like two different worlds. We live in the same world but with a totally different situation, and considering the fact that India got Independence over 75 years ago are we really where we need to be and not a few years backward than what we were supposed to be with respect to the Media Industry and especially in terms of censorship laws in the country?

In the days of Artistic Freedom and a sudden rise in digital content consumption and several people who have their entire life and social structure revolving around Social Platforms, it becomes very important to have some sort of regulation with regard to these platforms. But there are repercussions to everything as everything we do has both positive and negative impacts.

Some of the greatest paintings in the world, dazzling sculptures, harmonious songs and dances, India's glistening heritage, etc. may be asphyxiated by law, because the state have a prude and as well as a ping behaviour towards the same, and State moralists prescribe paradigms and proscribe heterodoxies.¹

Every time someone has tried to do something out of the box, their voices have been tried to be silenced by the people who call themselves moralists. It is not that such restriction is not necessary, it is obviously very important to have a regulation but there needs to be a determination as to when such restriction becomes too much and hampers with our rights as a viewer and their rights of artistic freedom.

A country as big and populated as India and everyone having different ideologies, it is obvious that everyone will have different views on the same piece of work but a proper determinations needs to be there in the era of OTT platforms and Social Media taking over the world to the extent that people don't even prefer going to theatres anymore.

It all started when the OTT platforms grew their popularity in India, during the time of Covid and so did the never ending controversy.² The plan with respect to the need for a regulation of OTT platforms have been the talk of the town for a while now, and with the introduction to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

¹ Raj Kapoor v. State, (1980) I SCC 43, AIR 1980 SC 258

² Garima Sharma Nijhawan and Prof. (Dr.) Surbhi Dahiya, ROLE OF COVID AS A CATALYST IN INCREASING ADOPTION OF OTTS IN INDIA: A STUDY OF EVOLVING CONSUMER CONSUMPTION PATTERNS AND FUTURE BUSINESS SCOPE, Vol. 12 Year 6, December - 2020 [ISSN: 2395-7514], Journal of Content, Community & Communication, 298, (2020), https://www.amity.edu/gwalior/jccc/pdf/dec_28.pdf.

[IT Act, 2021] which got notified in February, 2021³, which has seemingly provided with the regulation of OTT platforms a critical analysis is needed on the subject- matter.

Defining Censorship: What exactly is, Nudity and Vulgarly?

Media Law in India operates and is given birth by the Article 19 of the Constitution of India Act, 1949⁴, and the media industry is given the same right as that to every single citizen of the country. Similarly, it has the same restrictions as that of every single citizen when it comes to showcasing art in a public platform.

The word censorship is like a synonym of debates as it has often found itself in the face of controversies arising among the politicians, philosophers, organisations, religious community and even the general public. Censorship is the requisite tool to regulate what the public may and may not know.⁵

Censorship is a very wide term and one single definition would never be enough when asked to define censorship. But censorship is definitely not what the general public perceives it to be. Most of the people believe censorship to be only limited to nudity or violent content which should not be made available to be viewed by the general population and is thus censored before the film or series is presented before the public. The reality is so much more than that. The starting point is to take the definition of censorship as the imposition of a control on expression aiming to stop people receiving certain content or messages on the basis that an authority decides that it would be bad for those people or that it goes against the interest or wishes of the authority. The most objectionable types of censorship also tend to contain a high level of discretion so that the authority can selectively apply a standard to curtail speech which it opposes or of which it disapproves.⁶

The most used words to understand the ambit of scope of restriction is ‘decency’ and ‘morality’, and since censorship is basically the moral policing of what certain authorities find indecent or against our morals, but there are two sides of everything, and similarly censorship also has two faces: good and bad. They are not a fixed concept and have to be understood as per the situation. The conception differ from country to country depending upon the standards of moral of modern day society.⁷ But in a country viz India with immense cultural and religious

³ Ashima Obhan and Samridhi Poddar, India: Government Released FAQs On The IT Rules, 2021: Explained, Mondaq, (Accessed on 21st June, 2023, 09:55), <https://www.mondaq.com/india/social-media/1130750/government-released-faqs-on-the-it-rules-2021-explained>.

⁴ The Constitution of India, 1949, Art 19

⁵ A-G v. Guardian Newspapers Ltd (No 1) 91987) 1 WLR 1248 (HL)

⁶ Jacob Rowbottom, Media Law, 157, (Hart Publishing 2018)

⁷ Chandrakant Kalyandas Kakodkar v. State of Maharastra (1969) 2SCC 687: AIR 1970 SC 1390

diverseness, it becomes extremely difficult to set a unitary moral standard and define decency in a way which is accepted by the whole society. The terms decency and morality is most popularly used as an expression to mean 'Obscenity' which was defined in the landmark case of Directorate General of Doordarshan v. Anand Patwardhan⁸ "as a state of being in a way that is offensive to modesty or decency, characterized by lewd, filthy, and repulsive behaviour or content. There are end number of reasons why such content is restricted from public view. A lot of moral arguments underpins such content control and the argument of morality Obscenity is usually targeted by the person that seeks by his to corrupt that fundamental well-being of the nation, and this is where the concept of 'vulgarity' steps in. Vulgarity often elicits feelings of disgust and boredom, while obscenity can have a more harmful effect by potentially corrupting and depraving those who are susceptible to immoral influences."⁹

It is very important to note that sex and nudity does not regards obscenity, the distinction between nudity and obscenity was done by the Supreme Court in the landmark Bandit Queen Case¹⁰, where the rape scene of Phoolan Devi was shown by showing a frontal nude scene, to which Supreme Court held that the scene was a mere depiction of rape and not to cause any harm to the morality. The concept of intent of the filmmakers was thus introduced. Pornography is made with intent to arouse sexual desire and it different from obscenity. Pornography does not only confide adult stories, it shapes the audience's expectations and standards which is said to provoke the people into committing crimes and is thus only confined to the part of media specially dedicated to it.

If a law is created with the intention of limiting freedom of speech and expression, it must be deemed "reasonable." In determining the reasonableness of such a restriction, various factors must be taken into account, including the nature of the right being infringed upon, the purpose behind the restriction, the extent and type of harm being suppressed, and the current social and cultural conditions. The reasonableness of the restriction must be evaluated on a case-by-case basis, considering all of these factors.¹¹

In the past years, it is quite evident the judges are able to loosen up their shackles when it comes to understanding and determining censorship with an open mind.

Provisions of Censorship with respect to Cinema and Television

⁸ (2006) 8 SCC 433: AIR 2006 SC 3346

⁹ Samaresh Bose v. Amal Mitra (1985) 4 SCC 289: AIR 1986 SC 967

¹⁰ Bobby Art International v. Om Pal Singh Hoon (1996) 4 SCC 1: AIR 1996 SC 1846

¹¹ Madhavi Goradia Divan, Facets of Media Law, 54, (Eastern Book Company 2015)

The entertainment industry has had a massive growth in the last century. We went from silent films to pure art, from black and white films to colored films, from colored films to VFX and animated movies. The way this industry keeps on growing never fails to amaze people. The movies and TV shows that we watch have a great impact on us, and sometimes really shape our personality. Some people idealize movie stars and follow their routines. India produces more than 1000 movies per year in Hindi English and other regional languages.¹²

The issue of censorship may be classified as the issue with a citizen's right to freedom of speech and expression. Article 19(2)¹³ imposes certain restrictions on the citizens with respect to the freedom of speech and expression and cinema is not at mercy under that, it must follow all these restrictions, failing to do so would invite consequences.

CENSORSHIP OF CINEMA IN INDIA:

In India, cinema is not mere watching of movies, rather it is an expression of our Freedom of Speech and Expression and our right as a viewer cannot be denied. The filmmakers has the right to produce any movie on any theme which does not violate the reasonable restrictions and is not obscene. These days films deal with controversial issues and they necessarily have to portray what is controversial about the theme of their film. The constitution shields the rights of the artists to portray social realities and controversies in all forms.¹⁴

In India, the regulation of films is done under the Cinematographic Act, 1952¹⁵ which clearly lays down the process of certification of film and also the licensing and regulation of cinemas.¹⁶ A certificate is needed to be obtained from the Central Board of Film Certification [CBFC] which was established under the Cinematographic Act, 1952. This also works in collaboration with Cinematographic Rules, 1983¹⁷ and Central Government of 1991 set out the manner in which movies are censored. The CBFC has divided movies in 4 categories- 'U' certificate movies are suitable for unrestricted public view, 'UA' is unrestricted but not suitable for children below 12 years but they may be allowed on the discretion of their parents or guardians, 'A' for movies which are only for adult viewership, and finally there is 'S' which is

¹² Daniela Sunde-Brown, Bollywood: inside India's billion-dollar film industry, The Real World, 21st January, 2021, <https://www.trafalgar.com/real-word/bollywood-beginners-guide-indias-billion-dollar-film-industry/>.

¹³ The Constitution of India, Art 19 cl. 2

¹⁴ F.A. Picture International v. Central Board of Film Certification, Mumbai & Another, AIR 2005 Bom 145

¹⁵ Cinematographic Act, 1952, No. 37, Acts of Parliament, 1949 (India)

¹⁶ "Theatres and Dramatic performance; cinemas subject to the provisions of Entry 60 of List I; sports, entertainment and amusements" fall under item 33 of the State List under the VII Schedule to the Constitution.

¹⁷ Cinematographic Rules, 1983 (Act no 37 of 1983)

suitable but is restricted to members of any profession or any class of persons.¹⁸ They assess the movies on the basis of obscenity, morality and decency.

CENSORSHIP OF TELEVISION

Censorship takes a much more strict form in television and the same is done by the Cable Television Networks (Regulation) Act, 1995¹⁹ and Cable Television Network Rules, 1994²⁰ which regulate and restrict the broadcast of films on television that have not been issued 'U' by CBFC. Therefore it will not be wrong to say that censorship of television in India is way harsher when it comes to understanding the terms decency and morality.

THE RISE OF OTT PLATFORMS

Over the past four years, there has been a tectonic shift from cinema and television to OTT Platforms, but things have not always been this way. OTT platforms in India were brought by Reliance Entertainment which launched BigFlix in the year 2008²¹ which was followed by Digivive which launched India's first OTT mobile app named NexGTV which provided both TV and on-demand content. It was the first-ever app to live stream the Indian Premier League (IPL).

Interestingly, IPL played a pivotal role in the growth of another very popular OTT platform- Hotstar. Ditto TV (now Zee5) and Sony Liv were launched in the year 2013 and in the year 2015, Hotstar was launched.²²

In January, 2016 was when Netflix, which is an American streaming service was launched in India competing with platforms like Amazon Prime Video and Hotstar which were among the popular OTT platforms of that time. This was the time when digital content creation was rising, but still not at a very fast pace. The concept of OTT Platforms was a relatively newer concept in the Indian market and very few people knew about it, and the content was earlier non-controversial.

However, since the rise of Covid-19 placed severe restrictions on the Social life of people and staying in the house and working from home became the new normal. Cinemas were closed and the shooting of Television series was stopped and people were driven towards the OTT

¹⁸ Central Board of Film Certification, <https://cbfcindia.gov.in/cbfcAdmin/>, Accessed on 21st June, 2023.

¹⁹ Cable Television Networks (Regulation) Act, 1995 (Act no. 7 of 1995)

²⁰ Cable Television Network Rules, 1994 (Act no 9 of 1994)

²¹ Reliance Entertainment, <https://www.relianceentertainment.com/2008/07/>, (Accessed on 22nd June, 2023)

²² Suhani T, An Overview of India's Booming OTT Market, Marketfeed, (Accessed on 22nd June, 2023, 10:45), <https://www.marketfeed.com/read/en/an-overview-of-indias-booming-ott-market>.

platforms, which were earlier popular only among youngsters, got massive popularity in all age groups because irrespective of age, everyone was suffering from boredom.

The freedom to watch anywhere changed the whole content consumption behaviour and soon people began to love the new normal and the whole concept of OTT platforms. It was also a result of pressure from friends who suggest to each other all the series and movies which they have already watched to the ones who haven't watched them yet. Soon, several regional language-based OTT Platforms also began to emerge in the field and provided movies, series, and podcasts in Regional language which was supported throughout by the people.

The content on the OTT platform is available to everyone having a subscription and with better sound and video quality than that of television and theatre. People can watch anything of their interest by giving personalized suggestions by selecting the theme and can watch it on any device of their choice, be it mobile, laptop, tablet, or even television. People can watch that content anytime and anywhere, and not be time bound or restricted like that in the case of cinema and television.

Another reason which turned out to be both a boom and a bane for the OTT platform was that there was absolutely no restriction placed on the OTT platforms with regards to censorship of their content which was welcomed by the younger audience a lot as they got to see a wider variety of content and unrestricted view of their loved themes. The OTT Platforms had adopted a self-regulation policy by catheterizing their content on the basis of violence, nudity, and strong language.²³

In the era of artistic freedom, the content of OTT Platforms started to get controversial day by day. The release of Sacred Games on Netflix introduced a new era regarding the regulation of OTT Platforms when the headline of all the news channels was the need for regulation of OTT platforms after numerous FIRs were lodged against the controversial content on the OTT platforms and people²⁴, for the first time ever felt a need for the legal regulation of the OTT Platforms. It was due to the reason that due to the unavailability of any legal provisions, the court's hands were also tied and not much could be done with the FIRs. In the year 2017, the landmark judgment of the case, Justice K.S. Puttaswamy (Retd.) & Anr. v. Union of India &

²³ Shivika Gupta, Regulation of the OTT platforms, Blog iPleaders, (Accessed on 22nd June, 2023, 12:00), <https://blog.iplayers.in/regulation-ott-platforms/>.

²⁴ Nagoriastha, Censorship Of OTT Platforms: A Boon Or Bane, Legal Service India E- Journal, (Accessed on 22nd June, 2023, 11:10), <https://www.legalserviceindia.com/legal/article-3418-censorship-of-ott-platforms-a-boon-or-bane.html>.

Ors²⁵ which made Right to Privacy as a fundamental right under Article 21 of the Constitution²⁶.

It was also noticed that several OTT Platforms rose in the market who was selling soft pornographic content in the name of their digital content and were able to get away with it due to the lack of any specific legal provision for the same. Sacred Games on Netflix was not the only series that ignited the controversy, there were several other shows like Mirzapur, Tandav, Paatal Lok, Four More Shots Please, etc. on Amazon Prime Video which also became the talk of the town since the day they were released in the market. The Government, via notification in 2020 announced that online films are now under the government regulation and under the ambit of Ministry of Information and Broadcasting.²⁷

There was definitely the unavailability of any specific legal provision with regards to the regulation of the content of OTT Platform, however there were still several Indian Legislatures who were regulating the content somehow indirectly. Article 19 and 21 of the Indian Constitution, Section 293(5), 295 A(6), 499(7) and 354(8) of the Indian Penal Code²⁸, The Indecent Representation of Women (Prohibition) Act, 1986²⁹, POSCO Act³⁰, 2012, IT Act, 2000's Section 67A, 67B, 67C AND 69A³¹. There was also a self-regulation code named 'The Code of Best Practices for Online Curated Providers' released by Internet and Mobile Association of India (IAMAI) and was signed between the various OTT Platforms as their own regulatory code.³²

²⁵ (2017) 10 SCC 1, AIR 2017 SC 4161

²⁶ The Constitution of India, 1949, Art 21

²⁷ The Gazette of India, <https://mib.gov.in/sites/default/files/Notification%20of%209.11.2020.pdf>, Accessed on 24th June, 2023.

²⁸ Indian Penal Code, 1860 (Act No. 45 of 1860), Section 293 states that those who attempt to sell, distribute, or display obscene materials to individuals under the age of twenty are subject to punishment. Section 295 addresses the offense of intentionally damaging or defiling a place of worship or a revered object of a group's religion with the intention of offending that group or with knowledge that such action will be seen as an insult to their religion. Section 499 pertains to defamation, while Section 354 outlines the punishment for anyone who physically assaults a woman or uses force against her with the intention of offending her or knowing that such actions are likely to offend her modesty.

²⁹ The Indecent Representation of Women (Prohibition) Act, 1986 (Act no 60 of 1986)

³⁰ Protection of Children from Sexual Offences Act, 2012 (Act no 32 of 2012)

³¹ Information Technology Act, 2000 (Act no. 21 of 2000), Section 67A states that Anyone who publishes, transmits, or encourages the publication, transmission, or distribution of any content in electronic form that comprises sexually explicit act or conduct will be punished, The publication or electronic transmission of content showing children in sexually explicit acts is punishable under Section 67B, Section 67C states that The intermediary shall safeguard and hold onto the information for the time period stated, in the manner, and in the format specified by the Central Government, Section 69A empowers the Centre to request that any government agency or middleman prohibit public access to any information produced, sent, received, stored, or hosted on any computer resource.

³² Aroon Deep, Summary: IAMAI's Self-Regulation Code For Online Curated Content Platforms, Medianama, (Accessed on 23rd June, 2023, 13:01), <https://www.medianama.com/2020/09/223-iamai-occp-self-regulation-summary/>.

Introduction to IT Act, 2021³³

After the release of Tandav became the center of controversy and several scenes had to be cut from the Amazon Prime series³⁴, the government of India, in February 2021 passed the IT Act, 2021 which became a piece of sensational news as it was the first ever Act which was, in a way directed to regulate and control the content of Social Media and OTT platforms. It was realized by the Government a long time ago that there is a severe need for regulation of these platforms as people have been taking unfair advantage of the lack of regulation on these platforms.

OTT platforms and social media have an immense impact on the citizens of the country and censorship of these is extremely important in order to prevent obscenity, vulgarity, nudity, and other forms of immoral acts. Having artistic freedom is one of the positive traits of these platforms as they were able to come up with fearless content and were loved by the younger audience, however, every freedom has its negative impact.

The introduction to this code is an attempt to bring censorship and accountability to the digital framework. The IT Rules, 2021 defines these media outlets as intermediaries.³⁵ This is an important attempt as India has the second largest internet users in the world³⁶ and with the growing number of internet users and children getting access to mobiles, it is very important that there is some sort of regulation of these platforms.

This Rule aims at establishing a self-regulatory code of ethics and a three-tier grievance redressal mechanism for OTT Platforms. Within 15 days of receiving a complaint, Tier 1 will require the publisher to select a grievance redressal person who will deal with the complaint. Tier 2 mandates that the publisher develop a self-regulatory body and compel himself to register with the Ministry of Information and Broadcasting in order to handle any issues that are not rectified within 15 days of the complaint being submitted. In Tier 3, the government must establish a regulatory body to handle the issues that the self-regulatory bodies were unable to handle.³⁷

³³ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, (Act no. 34 of 2021)

³⁴ Lata Jha, 'Tandav' team agrees to change controversial parts after complaints, I & B intervention, LiveMint, (Accessed on 21st June, 2023, 09:41), <https://www.livemint.com/industry/media/tandav-team-agrees-to-change-controversial-parts-after-complaints-i-b-intervention-11611073061361.html>.

³⁵ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, S 2(i) (Act no. 34 of 2021)

³⁶ Statista, <https://www.statista.com/topics/2157/internet-usage-in-india/#topicOverview>, (last visited 21st October, 2023)

³⁷ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, S 3(2), (Act no. 34 of 2021).

After the notification of the IT Rules, 2021, several positive actions were seen. The owners of various OTT platforms were arrested for making and showcasing soft pornographic films in the name of on-demand content. Some of the famous examples are the arrest of Raj Kundra who was arrested for showcasing soft pornographic videos in his app named, 'Hotshots'³⁸, the arrest of Rowa Khan for the app, 'Hot Hit Movies'³⁹, and Arvind Shrivastava was arrested for 'Nuefliks'.⁴⁰

This change was a much-needed one, but is it enough?

What is the extent of Censorship? Is it interfering with our right as a viewer?

Censorship is undoubtedly one of the most controversial topics in the history of cinema and as much as we deny it, it is a necessary evil which, hate it as much as we want, it is impossible to live without having some sort of censorship in the world of cinema.

An idea that challenges prevailing prejudices and preconceptions can have a powerful and disruptive impact, as it demands acceptance of a new perspective or way of thinking. This can cause deep-seated and unsettling effects, as established beliefs and attitudes are challenged and potentially uprooted.⁴¹ Article 19 of our constitution has always been of a controversial nature and has always been in the grip of controversy since its inauguration.

Artists, writers, playwrights, and filmmakers serve as the eyes and ears of a free society, breathing life into the monotony of everyday life through their powerful mediums. They are essential to the health of a free society, as they provide a breath of fresh air by communicating new ideas and perspectives. Their right to express themselves through their chosen medium is just as fundamental as any other citizen's right to speak freely.⁴²

The idea behind censorship was to restrict the portrayal of certain stuff which was never meant for public view. Governments frequently commit violations of the right to free speech. They may use a range of strategies, including focusing on dissenting voices, screening, and/or censoring content, or even completely cutting off access to technologies. But having censorship laws is not the problem, the problem arises when these laws begin to interfere with our rights as an individual. Digital India Movement was started a long time ago, and now almost

³⁸ The Print, <https://theprint.in/india/raj-kundra-planned-another-app-after-hotshots-was-blocked-says-mumbai-police/700508/>, (Accessed 21st June, 2023).

³⁹ DNA, <https://www.dnaindia.com/bollywood/report-hot-hit-all-about-the-ott-porn-app-through-which-raj-kundra-earned-lakhs-per-day-2901790>, (Accessed 21st June, 2023).

⁴⁰ Indian Express, <https://indianexpress.com/article/cities/mumbai/mumbai-owners-of-two-apps-arrested-police-hint-at-singapore-link-to-portal-streaming-adult-movies-7425417/>, (Accessed 21st June, 2023).

⁴¹ *Terminiello v. Chicago*, 93 L Ed 113I: 337 US I (1949)

⁴² *Ibid* at 11

everything we do is done online, and therefore it is important to have a proper law with everything we do.

We have more than 60% young population in India⁴³ and most of them are huge fans of the series which are put in question. Watching unrestricted content empowers them in a way that they feel like they are able to see some real content, and not some filmy drama or daily soaps, which has become the main reason for the growing craze of these OTT Platforms. It is the era where what people love to watch was spectacularly changed and people are neither afraid to show some unique ideas nor are people afraid to watch them.

However, every freedom comes with a price and India is the second most populated country, which means a country with diversified thoughts and opinions, and everything people watch is going to have a different impact on them. Everything they watch must be moulded into a form that is good enough to be showcased to a country with such a huge population and there comes the role of censorship. The role of censorship was never to restrict the rights of the people but to provide them with the power to watch only the content which is good for them as an individual, and this is what most people fail to understand.

When censorship laws start nagging every detail in series which are totally fictional and work as an eye opener or are meant only for viewer entertainment is where the problem starts. The laws were made to govern the integrity of our nation, and everyone has their own definition of decency and morality, then the content is just showcasing the real world without compromising the security of our nation or causing defamation to any individual, or is straining our friendly relations with fellow countries, or is not showcasing soft pornographic content in the name of the online curated platform, and is still falling prey to the hands of censorship is where the censorship laws start interfering with our rights as an individual.

The laws were made to give rights to the individuals, not take them away from them.

CONCLUSION

Who would have thought that when a century ago, the movie Raja Harishchandra was made and it was a silent movie in black and white in the present world where we are in a constant fight between censorship laws and OTT Platforms. This all happened in a century. We have come so far and should be proud of it. When the constitution of India was drafted in 1949, the

⁴³ Priyanka Deo, Is India's rapidly growing youth population a dividend or disaster?, The Times of India, 2nd Febuary, 2023, 12:41, http://timesofindia.indiatimes.com/articleshow/97545222.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst.

scenario of our country was nowhere similar to the scenario we have now, but somehow we still have to abide by that.

With people's expectations of online content growing, it is very important now that we must consider having a proper law meant only for the regulation of the content of OTT Platforms. IT Act, 2021 is just a sort of secondary Act, it is not meant specially for OTT Platforms and let us be critical, is not very ground-breaking like one would need it to be for a country where the market for OTT Platform has grown so fast that now people don't even prefer going to cinemas anymore. So many famous celebrities have now switched to doing movies only for the OTT Platform, it is a changing world.

It's high time that a law must be passed by the parliament in regards to regulating only and only the content for OTT Platforms keeping in mind the concept of growing artistic freedom and what the people want to see. Leverage must be given to these platforms so that there is no interference with people's rights as a viewer. A proper distinction needs to be drawn between obscene content and the actual intention behind that scene should be determined just like in the Bandit Queen case. This is the start of a new era and it is clear that the public is now at stage where they find OTT to be the best alternative to cinema, and therefore regulation is a must. Even in taking a modern approach towards regulation of OTT, the need to remove obscene scenes and vulgar content is required. Further any provision relating to accountability is still missing and the older laws like IPC, POSCO, etc. were only indirectly regulating and thus, there is a need for a separate regulation, a rather modern legislature which provides for the perfect amount of censorship for the regulation of OTT content in India.