

INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 5 | Issue 2

2022

© 2022 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com/>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in the International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at the **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Over-the-Top Regulation in India: A Dire Need of the Hour

AKANKSHA SAHOO¹ AND AISHANI PATTANAİK²

ABSTRACT

With the advent of internet and digitization in today's modern era, Over-the-top (OTT) audio and video service platforms have become a paramount part of our lives. Through this research article the researcher encapsulates the dire need of OTT regulation in India and the lack of OTT regulation in India has created a havoc in the media industry and if left unchecked shall be detrimental to the public morale and diversity in our country. Furthermore, for the purpose of this paper the author has taken the laws of Singapore as the yardstick of comparison with the Indian laws. Through this research article, the researchers will foreground the adverse and multifaceted pertaining to the unregulated functioning of this digital phenomenon followed by a perusal of the Singaporean Law pertaining to the OTT Platforms which is ipso facto a befitting prototype and yardstick for the nascent media laws pertaining to the OTT Platforms per se. At the cessation of the article the author posts a successful juxtapose of the Singaporean Law with regards to the Indian scenario conclusively elucidates verbose recommendations on the way forward to tailoring a resilient OTT Regulation Mechanism.

Keywords: *Over-the-top platforms, Singapore, Digital media, Regulation.*

I. INTRODUCTION

With increased digitisation of entertainment mediums, online platforms were created to host various audio & video entertainment content created by other production houses & / or artistes. With Internet usage & penetration among masses increasing, consumers started to use these platforms increasingly against traditional entertainment mediums like movie theatre, television, radio etc. With higher viewers, soon these platforms started to produce their own movies, web-series & other entertainment content and that's how they transformed into Over-The-Top platforms, popularly called OTTs. The OTTs became more popular due to ease of usage. In other words, it allowed entertainment on the go by using even their smartphones, tablets, laptops.

¹ Author is a student at Symbiosis Law School, Hyderabad, India.

² Author is a student at Symbiosis Law School, Hyderabad, India.

In the past few years, the popularity of OTT platforms has increased tremendously which can be seen as there are more than 17 crore users of OTT platforms currently in India. These platforms gained significance due to the varied content availability for all age groups.

These platforms' popularity and acceptance has been further aided by Artificial Intelligence which enhances the user-friendliness of these platforms by providing the users with suggestions of similar content based on their past viewership preferences and watch history. In India, a large number of OTT platforms are available and to name some are Netflix, Hotstar Disney+, Prime Video, etc. and all of which in the last few years have observed a significantly huge surge in their viewership.

Albeit!! the services provided by such platforms have been lauded by the masses, but the content streamed on the platforms are many a times either of lascivious nature or might come across as insolent thus assailing the sentiments of the viewers that has very often sparked a furore across the country causing mayhem.

Due to the deficiency of laws regulating OTT platforms and the abysmal state of media regulation in our country, lascivious content of objectionable nature isn't obliterated; and this anomaly has paved way for the need of a resilient OTT Platforms Regulation Mechanism. The current laws in India pertaining to the OTT regulation is vague and lacks a proper regulatory mechanism.

II. COMPLEXITIES OF UNREGULATED OTT SERVICE PLATFORMS: A SOCIAL PERSPECTIVE

Often the process of regulating the unregulated yields outcomes which are construed with a combination of cautiousness and uncertainty both. The dynamics of the entertainment content utilizations and increasing consumption, in this persistently evolving digital world, has seen a substantial change. In these modern times it is evident that OTT video services have substituted the orthodox cable transmission network which existed since the late twentieth century.

Thanks to digitalization and technology, today the services of these OTT platforms can be accessed by anyone, anywhere via any device. Prior to the advent of these advanced technologies of today, people were bound to experience virtual entertainment through traditional ways of televisions or movie theatres which limited to access of content regulation. But today with the ease of technology anyone via any device, as small as a screen of a smartphone can access audio and visual entertainment content via internet through platforms such as Netflix, Amazon Prime, etc. The outreach of the content circulated through this mode is at a global level and often

impart an influential effect upon its audience, thus, having a significant role in the moulding the opinion of public.

These OTT platforms have an exceedingly varied and diverse nature of explicit content which is uncensored in addition to which they have an enormous target audience which makes it a dire need of time to address the numerous sensitivities that pertain in the various vulnerable sections of a heterogeneous society like India – such as, it may fuel to the beliefs of a few while on the other hand would hurt the sentiments of others simultaneously.

While it is necessary that unorthodox and reformative visual and audio work shall be provided with a neutral platform, it is necessary to instil a system of counterpose and checks and balances which will facilitate and aid in segregating such content from the derogatory and abusive category making it unfit for public viewing. In the recent times due to the growing reach of such platforms to anyone and everyone there has been an emphasizes by the government to call for ‘*self-regulatory measures*’ to be taken by these platforms, but unfortunately, these have verified to be ineffective to aid OTT platforms address the peculiar requirements of our nation. As seen in the case of *Justice for rights foundation v. Union of India*³ the hon’ble court has imposed charges for exhibiting contents of ‘soft pornographic’ on an OTT before the Hon’ble Delhi High Court.

It is evident that the platform had reportedly violated its guidelines of self-regulation for the purpose of publishing its content. It is only a matter of time, where these discretionary powers of self-regulation vested with the OTT platforms if remains unchecked will be misused by such platforms for their own commercial gains. These OTT platforms owing to increasing viewership are encashing this benefit to generate investment by way of advertising making it a part of their profit-oriented model, which at often times, results in such OTT platforms to vail away from their priorities of social responsibilities.

III. CONTEMPORARY FRAMEWOEK FOR LEGISLATION: A LEGAL PERSPECTIVE

*Article 19(1)*⁴ of the Constitution of India which protects the freedom of speech and expression is submitted to reasonable appropriate restrictions though *Article 19(2)*⁵. It shall be noted that offensive contents censorship and regulations functions within the ambit of *public order, decency and morality, etc.* However, there arises a crucial quandary w.r.t the inclusion of broadcasting of OTT within the ambit of “public exhibition”

³Justice for rights foundation v. Union of India, 2019 SCC OnLine Del 10962.

⁴INDIA CONST. art. 19, cl.1.

⁵INDIA CONST. art. 19, cl. 2 amended by the Constitution (First Amendment) Act, 1951.

In order to answer the pivotal question that has arisen one can carefully peruse the definition of “Public Exhibition” circumscribed in the *Cinematograph Act, 1957* elucidating that “public exhibition “refers to the action of exhibiting, submitting for inspection, displaying, or holding up to view something that is exhibited.”⁶ Work such as art, short films, plays or movies may be included in exhibited entity. The Hon’ble Supreme Court as in the case of *Laxmi Video Theatres and Ors. v. State of Haryana*⁷ in an attempt to broaden the “public exhibition” arena brought VCRs and DVDs under the Cinematograph Act ambit for the reason of these being satisfactory to the criteria’s of falling under the description of “public exhibition” by aiding as a means for demonstrating digital content such as documentaries and movies to the general public.

Furthermore, deliberating on the context of the phrase “public exhibition” in the Delhi High Court, in the year 2010 observed that streaming of content on audio/visual platforms tantamount to public distribution in the case of *Super Cassettes Ltd. v. Board of Film Certificate & others*⁸. It is interesting to note that a per the Cinematography Act 1952, Section 4, it is given that an individual is needed to acquire endorsement from the CBFC in order to publicly display a film, “public exhibition” in any case is nor in the ambit of law a settled situation or a characterised term. Upon analysing and translating the courts judgement in the case of *Super Cassettes Ltd. v. Board of Film Certification & Ors*⁹, certification under Cinematography Act 1952, is a mandatory requirement to be obtained by the online content makers. The courts through this case have expressed the requirement of certification in events when an individual view or sees the content in the safeguard of their respective personal homes. As a result of these judicial decisions, it can be concluded that content transmitted on OTT platforms meets the conditions for public exhibition and that its circulation constitutes public distribution. As a result, OTT video services must be regulated similarly to how movies and cinemas are regulated under the Cinematograph Act of 1957. However, because OTT services constitute a distinct medium for propagating creative works, these restrictions must be structurally different from traditional ones.

The necessity for OTT legislation also stems from the fact that existing laws have proven ineffective in dealing with issues relating to OTT material. Under Section 2(1)(w) of the IT Act of 2000, OTT platforms are considered intermediaries. In consequence of the same, in

⁶ ILR 1989 KAR 183.

⁷Laxmi Video Theatres and Ors. v. State of Haryana, AIR 1993 SC 2328.

⁸Super Cassettes Ltd. v. Board of Film Certificate & others, (2012) 5 SCC 488.

⁹*Id.* at 8

instances where these platforms are associated and dealing with third parties, in such cases the intermediaries are not held accountable for any content that is published on the platform and are subsequently submitted to the regulations and rules that are set by themselves.

In reality a plethora of OTT platforms indulge in making their own content, thereby escaping liability under this provision. Moreover, publicising obscene electronic content is a punishable offence under Section 67 of the IT Act. Yet, OTT platforms often publish frontal nudity and erotic content in gross violation of the IT rules and yet escape criminal persecution. Recently, there were allegations against Netflix for the sexually obscene and objectionable portrayal of certain female characters in its series ‘Sacred Games’¹⁰

This unfettered and unregulated functioning of OTT platforms has led to dissemination of derogatory and objectionable content objectifying women and children by presenting them in a voyeuristic manner thus encroaching their right to reputation protected under Article 21 of the Constitution. Two prominent examples of representing women voyeuristically are the sexualisation of women in the series “Mirzapur” and that of the pre-teen girls in Netflix’s mignonnes or Cuties which are absolutely lewd content.

This dissemination and derogatory presentation of women is contra to the reputation of societies women and evidently in nature is discriminative, furthermore this derogatory representation of women goes against the Indecent Representation of Women (Prohibition) Act, 1986 statues spirit and under its section is punishable. Section 3 of the act reads out as - “*Prohibition of advertisements containing indecent representation of Women: No person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form*”¹¹ and Section 4 – “*Prohibition of publication or sending by post of books, pamphlets, etc; containing indecent representation of women*”¹² and Section 7- “*Offences by companies In failure to abide by the safeguards given for women under this statute*”¹³

IV. A GLIMPSE AT THE INCUMBENT INDIAN LAW

With the advent of Information Technology rules, 2021 and the lack of self-regulatory mechanism, regulating over-the-top platforms. The Indian law excludes the intermediary’s liability in cases where the intermediary possesses no knowledge of the nature of objectionable content and upon notification removes the objectionable content. Thus, it can be rightly said

¹⁰Justice for Rights Foundation v. Union of India, W.P. (C) No. 11164 of 2018.

¹¹The Indecent Representation of Women (Prohibition) Act, 1986, § 3, No. 60, Act of Parliament, 1986 (India).

¹²The Indecent Representation of Women (Prohibition) Act, 1986, § 4, No. 60, Act of Parliament, 1986 (India).

¹³The Indecent Representation of Women (Prohibition) Act, 1986, § 7, No. 60, Act of Parliament, 1986 (India).

that the intermediaries in India are regulated leaving only the OTT platforms outside the scope of absolute liability.

Hence it is of dire need by the Indian Laws to inculcate a self-regulatory mechanism, keeping its foreign counterparts as a benchmark for inspiration to form an independent statutory body for regulating such platforms at the same time instituting a uniform standard for regulating, classifying and describing content of videos and films released online' on such OTT platforms. Ensuring that it is made a compulsion for the OTT services to abide to facilitating proper control mechanisms towards control of access.¹⁴

It is of significant importance to look at these OTT platforms regulations through global perspective for the Indian laws to take lessons from.

The OTT platforms regulations in most of countries especially the Asian countries are under reform. Comparing the international regulations practices of Saudi Arabia, United Kingdom, Australia, Singapore, Thailand, Turkey, Canada, etc, lie from strict to lenient. In comparison to all the foreign practices, Singapore's OTT regulation is the best to taken into consideration.

OTT regulation in Australia¹⁵, like India is a new evolvment and upon due diligence has brought the OTT platforms regulations under the Broadcasting Service Act of 1992, which regulated the online and offline content at the same level. This system cannot be inculcated in India due to the offline mode of content regulation i.e. films etc are regulated by the Cinematography Act for content regulation of Films telecasted. In United Kingdom¹⁶ prior to 2018 there was no discussion on the OTT regulations. Which upon the publication of a white paper in 2018 by the government listed the risk of leaving such platforms unregulated. This paper introduced to bring about a new regulatory mechanism towards such regulation. The condition of UK at present is similar to India.

Looking at Turkey's OTT platform¹⁷ control, the Radio and Television Supreme Council RTUK is the main regulatory body for the radio, television, on-demand media and media service control and supervision. In Turkey if any content has to be wired via internet, a license shall be obtained upon which the license holder shall grant the RTUK the monitoring access upon all

¹⁴Nidhi Sinha, *Regulating 'Films Released Online': A Critical Analysis of Film Certification and Censorship in the Digital Age*, 8 GNLU L. Rev. 64, 64-72 (2021).

¹⁵Ms. Ezhiloviya S.P et al., *The Legal Provisions that regulated online content before Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021*, 1 IJLRA 12, 12-18 (2021).

¹⁶Bhagavatula Naga Sai Sriram & Sandhiya K, *Censorship in OTT Platforms: The Necessity*, 11 PEN ACCLAIMS, 3, 3-10 (2020).

¹⁷Rahul M & Dr.S. Dinesh Babu, *A Comparative Study on Ott Platform Censorship and Policies in India*, 25 ANNALS OF R.S.C.B, 11161, 11161- 11167 (2021).

the content aired over internet. Here the license holders have to encrypt their audio and video stream along with the same have to share their IP licenses with the RTUK compulsorily.

This mechanism will prove detrimental to India for adopting it as a guideline, as this would risk the free speech and expression vested with the Indian citizens. As this Turkey mechanism causes anticipation that once in function of granting licensing to the RTUK it will cause censorship rather than OTT regulation.

India being a democratic country shall keep in mind the wide diversity of ethnicity and religious diversity. And at the same time shall protect the fundamental rights vested to its citizens by the Indian Constitution. This is why India aims at setting a self-regulatory mechanism which will regulate the OTT platforms and the Self-regulatory Code which can best be inspired by the OTT regulatory code set by Singapore.

As India upon the advent of Information Technology Rules, 2021 under the Media and Ethics Code prescribes to set a system of self-regulatory mechanism for which the IMDA of Singapore is the best example of Independent Statutory body to India. IMDA has a separate regulatory code to regulate the OTT platforms which acts as an ideal benchmark for India. The Singapore code provides clarity and is well-defined, it also ensures that there is no room for mistaken interpretation and has successfully provided for a mechanism which will ensure that the OTT platforms are regulated at the same time are protected, ensuring the safeguard of exercise of Free speech and expression.

V. INDIAN LAWS VIS-À-VIS SINGAPOREAN LAW- A JUXTAPOSE

With rapid advancement in technology further aided by Covid-19 has seen and paradigm shift of entertainment from traditional theatres and movie halls to online streaming via Online Content Curators. The issue arises due to the diverse ethnicity and culture of India and these online platforms being available to anyone and everyone, currently lack proper regulation. Due to lack of regulation and constant controversy that these platforms were dragged into urged the government to demand regulation of the same.

Through the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 coming into force on 25th Feb, 2021 along with various PILs¹⁸ being filed against these OTT platforms brought these platforms under the purview of Ministry of Broadcasting. Here the control of OTT platforms regulation is in the hands of the central government which provides for a self-regulatory mechanism along with government

¹⁸Justice for Rights Foundation vs. Union of India (2018), W.P.(C) 11164/2018, (India).

regulations¹⁹ due to the ambiguity and interpretation gap set about in the current Media and Ethics Code.

Attempts were made prior to the establishment of Media and Ethics Code 2021, to set up a self-regulatory code by Internet and Mobile Association of India, “Code for Best Practices for Online Curated Content Providers (Code)”²⁰ which despite being attested by majority of the online content curator services as a self-regulatory mechanism was rejected and OTT were thus brought under the regulation of MIB on grounds of it being ambiguous and vague in itself due to the lack of consequence and penalty mention for non-abetment to the code.²¹

This code failed to cater the main aim of establishing the basic guiding principles for conducting themselves in a responsible and transparent without curtailing artistic freedom and free speech and ensuring that public moral and sentiments are intact.²²

With the rise of these profit driven online content curators’ usage and dependency in the recent times has stirred the regulation of such platforms as without regulation they would be free to surpass any moral and ethical liabilities of harming public morale and decency.

VI. SINGAPORE OTT REGULATION: AN INSPIRATION FOR INDIAN OTT LAWS

The auditor regulation in India is to a small extent similar to the ones in Singapore. The Infocomm Media Development Authority (IMDA) is the media regulatory agency of Singapore which was set about a code²³ which shall be compulsorily abided by all the OTT and VOD platforms from 1st march 2018 aiding in their regulation.

In contrast to the OTT regulation in Singapore, the OTT regulation in India is a comparatively newer concept. With the advent of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rule, 2021, it is significant to comprehend how the OTT is regulated in India via the Media and Ethics code.

The OTT regulation in India is formed on grounds similar to the ones in Singapore but unlike Singapore, the rules in India are vague and insufficient to allow proper regulation without the intervening of the Ministry of Indian Broadcasting or the central government which would

¹⁹Rahul M & Dr.S.Dinesh Babu, *A Comparative Study on Ott Platform Censorship and Policies in India*, 25 ANNALS R.S.C.B, 11161, 11161- 11167 (2021).

²⁰Code of Best Practices for Online Curated Content Providers, <https://www.medianama.com/wp-content/uploads/Consolidated-Draft-14012019.pdf>.

²¹Himi Singla, *Self-Regulation by Over-the-Top Platforms: A Study in Context of Video Streaming Services in India*, 3 IJLMH, 1631, 1630-1633 (2020).

²²S. Bhagavatula Naga, *Censorship in OTT Platforms: The Necessity*, 11 PEN ACCLAIMS 3, 3-10 (2020).

²³IMDA, Content Code for Over-The-Top, Video-On-Demand and Niche Services, <https://www2.imda.gov.sg/-/media/Imda/Files/Regulations-and-Licensing/Regulations/Codes-of-Practice/Codes-of-Practice-Media/OTT-VOD-Niche-Services-Content-Code-updated-29-April-2019.pdf?la=en>

provide detrimental to free speech and expression. The Infocomm Media Development Authority (IMDA) of Singapore is an independent statutory media regulatory agency, which set about a code,²⁴ that shall be compulsorily abided by all the OTT and VOD platforms since 1st march 2018 aiding in their regulation. The set code provides a detailed insight and understanding aided by guidelines to regulate the OTT, VOD platforms in Singapore.

The code establishes a detailed insight and understanding of the dos and don'ts of the OTT platform and further regulates the functioning of OTT, VOD platforms in Singapore. It will be beneficial to comprehend this code and understand how the various gaps in the Indian self-regulation mechanism for OTT platforms can be addressed and strengthened.

Taking a deeper insight into the code, Firstly the code provides a vivid description of the context which are of national and public interest that must be bored in mind while regulating contents that are displayed on the OTT platforms. For instance, the usage of expressions such as "programs must present references to race and religion accurately and in a dignified and sensitive", programs shall not inside or be likely to inside racial and/or religious intolerance all misunderstanding must not be broadcasted", "racial and religious teacher typing should", etc indicates the clarity put forth by the IMDA, Singapore for regulation.

Secondly, the code also provides for guidelines to regulate content that contains "subliminal messaging", "flashing images" and "hypnotism" which is not even close to being addressed in the self-regulatory codes in India. It can rightly be stated that the self-regulation codes in India lack clarity of expression, failing to provide adequate clarity causing scope for misinterpretation by the Ministry of Indian Broadcasting or the Central Government due to the structure of grievance redressal mechanism set by the New Information Technology Rules, 2021.

In Singapore the contents on such platforms are to be classified as G, PG, PG13, NC16, M18, R21 which are similar to the Indian classification standards.

But unlike in India, in Singapore the content which is rated M18 can only be accessed upon setting a parental lock feature which is a default locking system in which the service providers use a secured age verification method. India too has a parental guidance lock system, but it is at the discretion of the user to set it out and not a compulsion, thus allowing anyone and everyone to access the content.

It is recommended that India too shall establish an OTT regulatory body which shall aid in the

²⁴*Id.* at 23.

regulation of such platforms and issue a centralised self-regulatory code to ensure the content on OTT platforms are in lieu with the society's norms and ethics.²⁵ The OTT regulation in India is a comparatively newer concept. With the New IT Rule, 2021, it is of key significance to comprehend

Furthermore, The IMDA in Singapore also has a separate set of guidelines that provides for well-defined guidelines for content classification. The guidelines provided here are explicit in nature being comprehensible by any common man as the guidelines clearly mention the contents harmful for the young, a list of contents that can incite religious sentiments and racial harmony, contents which are detrimental to public and national interest in Part 7, 8 and 9 of the Infocomm Media Development Authority Film Classification Guidelines.

The code also provides for seven elements classification of theme, violence, nudity, sex, language, drugs, and substance abuse and horror. This helps classify which content concerns regulation. It is perceptible that India shall also frame a code/guideline which are as clear as the Singapore code guidelines as that will help avoid ambiguity and improper interpretation of the framed rules.

The code of Singapore can be appreciated on the grounds of having mentioned a list of glossary which includes “Coarse language”, “Act of intimacy”, “Denigrate”, “Explicit Excessive”, “mature themes”, “Offensive”, “Sexual violence”, etc which aids in the removal of any ambiguity in interpreting these terms. As per the current Indian laws, there remains a lack of clarity on the definition of various terminologies which opens the scope to individual interpretations. India too shall work towards framing such guidelines which are clear and lack any ambiguity and facilitates the regulation of OTT in India.

Another unique aspect set for a rating of content concern regulation guidelines is the classifiable element which provides for the classification of content on the OTT platforms such as G, PG, PG13, NC16, M18, R21 which are similar to the Indian classification rating standards. But in India, the rating standard shall be elaborated as to what content shall be considered for which rating and provide clarity to the same just like the detailed classification of content rating laid down in the Singapore code of content rating and regulation.

²⁵SUMIT SAXENA, NEW RULES ON OTTs SIMILAR TO STRICTURES IN AUSTRALIA, SINGAPORE, EU: CENTRE, BUSINESS STANDARD (MAR. 23, 2021, 2:05 PM) [HTTPS://WWW.BUSINESS-STANDARD.COM/ARTICLE/CURRENT-AFFAIRS/NEW-RULES-ON-OTTS-SIMILAR-TO-STRICTURES-IN-AUSTRALIA-SINGAPORE-EU-CENTRE-121032300592_1.HTML](https://www.business-standard.com/article/current-affairs/new-rules-on-otts-similar-to-strictures-in-australia-singapore-eu-centre-121032300592_1.html).

In this code, the makers of the code have based on the seven heads of the theme of horror, language, nudity, sex, drug and substance abuse, and violence have provided for content rating, by elaborating in a lucid manner as to what content will be considered for each rating of G, PG, PG13, NC16, M18, R21.

To give an instance of the same, for classification of content based on “nudity” those contents that depict “non-exploitative and non-excessive depictions of full-frontal nudity” is rated G, content which depicts “Brief or discreet depictions of full rear nudity in a non-sexual Context” is rated as PG, “Brief or discreet depictions of side profile nudity in a non-sexual Context. Or infrequent or brief depictions of female upper body nudity in a nonsexual context under exceptional circumstances, e.g. historical or dramatized events such as wars, genocides, tribal ways of life, or medical/health programmes” are to be rated as PG13, content which are “Infrequent, brief and discreet depictions of female upper body nudity in a non-sexual context.” are rated as NC16, content which shows “Full frontal nudity with moderate detail (eg. without close-up of genitalia) is acceptable if justified by context, and not excessive” is rated M18 and content which is “non-exploitative and non-excessive depictions of full-frontal nudity.” is rated R21.

Similarly, guidelines are provided for the rest of the head of the classification for each individual ratings as well This shows the attempt the regulatory authorities of Singapore have taken in order to provide it structured and detailed guidelines towards the rating of content that is broadcasted on the OTT platforms.

Additionally, unlike in India, in Singapore, the content which is rated M18 can only be accessed upon setting a parental lock feature which is a default locking system in which the service providers use a secured age verification method. India too shall have a system that is not optional but a compulsion, thus denying access to all content on the OTT content to anyone and everyone, safeguarding the interest of the society, and keeping in mind the accessibility of the content to the right-minded matured individuals.

It is recommended that India too shall establish an OTT regulatory statutory body that shall aid in the regulation of such platforms and issue a centralized self-regulatory code to ensure the content on OTT platforms are in lieu of the society's norms and ethics just like the one established in Singapore by the IMDA.

VII. CONCLUSION

Content regulations of OTT platforms and its amendments are regulated by three major factors which include the judiciary, the media industry and lastly the government. In-order to steer clear of being imposed with regulations and censorship rules various OTT platforms have imbibed self-regulation mechanism. In furtherance of the same, online streaming platforms like Zee5, Netflix, Hotstar etc., have further signed, abiding to the code of ethics and self-regulation which was submitted by India's Internet and Mobile Association. This code has aided in formulating self-guiding rules set up by such online platforms, but regardless of these principles, discrepancies still pertain in the production and distribution of these OTT platforms content. The opinion of all stakeholders and previous media regulations shall be considered while formulating new regulations to regulate these platforms. Moreover, a distinct yet vivid code of conduct governing the framework of OTT platforms should be in place akin to country like Singapore.

The laws of Singapore w.r.t regulation of OTT Platforms is a comprehensive law with an intricate provision for regulation of every individual facet of the OTT platforms, the laws have been privy of the fundamental rights of the citizens and are in consonance with free speech and expression. The Singaporean law strikes a perfect balance between appropriate regulation and the right to free speech.

Also mention how taking Singapore as a benchmark will aid India in forming a self-regulatory mechanism which will not lack clarity or ambiguity and will be a positive step towards ensuring that the OTT is regulated without leaving any scope of misinterpretation of law.

It is predominantly necessary to regulate and monitor the content broadcasted on the OTT platforms because it if left unrestrained and unregulated sans parental control shall be detrimental to the morale of the youth and they will fall prey to age inappropriate and illicit voyeuristic content. In furtherance, of the same the author suggests the creation of an Independent statutory body solely for the regulation of OTT platforms. This Independent body shall not be a puppet or an instrumentality of the state and will be vested with the liberty to formulate its own regulatory mechanism keeping in mind the vital right to free speech.
