



Censorship Requirements for OTT

Content in India: A Comprehensive Overview

With the rise of **Over-The-Top (OTT)** platforms in India like Netflix, Amazon Prime Video, Hotstar, and others, there has been an ongoing debate over the necessity of regulating the content they provide. These platforms have seen explosive growth in India due to their diverse offerings and ease of access. However, this increase in content has led to concerns around obscenity, violence, defamation, and cultural sensitivity. Unlike television and cinema, which have long been subjected to censorship under the **Cinematograph Act of 1952** and the **Cable Television Networks (Regulation) Act of 1995**, OTT platforms operated largely unregulated until recent years.

As more viewers transitioned to streaming platforms, controversies surrounding the content—particularly regarding language, religious sentiments, and graphic depictions of violence—have grown louder. To address these concerns, the Indian government introduced **regulatory measures** to bring OTT platforms under formal oversight.

This article discusses the **censorship requirements for OTT content in India**, the

regulatory changes made in recent years, and the balance between creative freedom and societal sensibilities.

Historical Context: No Formal Censorship for OTT

Before 2020, OTT platforms in India had no **formal censorship**. Unlike television channels, which fall under the regulatory authority of the **Ministry of Information and Broadcasting (MIB)**, OTT platforms were free to operate without centralized oversight. Content creators enjoyed considerable freedom, offering diverse stories, often featuring mature themes and languages that were not feasible on traditional Indian television or cinema.

However, the liberal nature of these platforms soon clashed with Indian societal norms. Shows like **Sacred Games**, **Mirzapur**, **Tandav**, and others sparked outrage for their portrayal of sensitive issues such as politics, religion, and violence. Several legal complaints were filed, accusing these shows of **hurting religious sentiments**, promoting **vulgarity**, or encouraging **anti-social behaviors**. Consequently, the demand for stricter regulations on OTT content started gaining momentum.

The Catalyst: Rising Concerns and Controversies

A series of controversies over OTT content acted as a catalyst for introducing formal regulation. One high-profile incident occurred with the Amazon Prime Video series **Tandav** in January 2021, which faced significant backlash for allegedly mocking Hindu deities. FIRs were filed against the creators, actors, and Amazon executives, and the government stepped in to expedite regulation.

Other shows such as **Mirzapur** and **A Suitable Boy** also drew criticism for their depiction of violence and social relationships. While creators defended the content as **fictional and artistic**, many sections of society, including religious and political groups, called for greater accountability. The lack of a clear regulatory framework meant that OTT platforms often found themselves in legally murky waters, with complaints being filed under various laws such as **Section 295A (offending religious sentiments)** and **Section 67 of the Information Technology Act (transmitting obscene content)**.

The Regulatory Shift: OTT Platforms Brought Under the Ministry of Information and Broadcasting

Recognizing the need for an official regulatory framework, in **November 2020**, the Government of India issued a notification bringing OTT platforms under the purview of the **Ministry of**

Information and Broadcasting (MIB). This move effectively placed streaming platforms on a similar footing as television channels, empowering the government to regulate digital content in a more structured manner.

While this was a significant step toward formal regulation, the real transformation came with the introduction of the **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**. This set of rules aimed to create a balance between creative freedom and responsible content creation while ensuring that user complaints are handled effectively.

The Information Technology Rules, 2021: A Three-Tier Regulatory Framework

The **Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**, introduced a **three-tier regulatory framework** for OTT platforms. This framework outlines the responsibilities of streaming platforms, self-regulatory bodies, and the government in overseeing content.

1. Self-regulation by OTT Platforms:

The rules mandate that all OTT platforms must classify their content based on age suitability, including categories such as U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult). In addition, platforms are required to provide content

descriptors (such as for **nudity, violence, drug use**) and parental locks for certain categories to ensure that viewers can make informed choices.

This is a significant shift in how OTT content is managed, requiring platforms to provide users with more information about the content they are consuming. Furthermore, OTT platforms are required to develop internal grievance redressal mechanisms to handle complaints from users.

2. Self-regulatory Body:

OTT platforms must be a part of or create a **self-regulatory body** headed by a retired Supreme Court or High Court judge or an independent eminent person from the field of media, broadcasting, or entertainment. This body serves as the second layer in the complaint resolution process, and its decisions are binding on the platforms.

The idea behind this tier is to create a system where grievances can be handled transparently and swiftly, without requiring direct government intervention at every step.

3. Government Oversight:

The third and final tier of the framework is government oversight. The **Ministry of Information and Broadcasting (MIB)** has the power to step in if a complaint is not resolved at the first two levels. The MIB can issue directives for content takedown under **Section 69A of the Information Technology Act**, which empowers

the government to block content in the interest of sovereignty, security, public order, or friendly relations with foreign states.

Content Classification and Censorship: What is Permissible?

Under the **IT Rules, 2021**, OTT platforms must adhere to a system of **content classification** similar to the guidelines used by the **Central Board of Film Certification (CBFC)** for movies. The following categories are used for content rating:

- **U (Universal)**: Suitable for all audiences.
- **U/A 7+**: Suitable for children above 7, but with parental guidance.
- **U/A 13+**: Suitable for viewers above 13, with parental guidance.
- **U/A 16+**: Suitable for viewers above 16, with parental guidance.
- **A (Adult)**: Restricted to adult audiences.

Additionally, OTT platforms must provide appropriate **content descriptors**—for instance, specifying whether the content contains **violence, nudity, coarse language, drug use, or other mature themes**. This requirement allows viewers to make more informed decisions about what they wish to watch and provides additional protection for younger audiences.

Major Judgments and Legal Cases Influencing OTT Censorship

Several court cases have shaped the debate over OTT content regulation in India:

- **Tandav Controversy:** One of the pivotal cases that led to regulatory changes was the controversy surrounding the web series "Tandav," which faced multiple FIRs and complaints over scenes that were deemed offensive to religious sentiments. This incident drew attention to the need for a structured grievance mechanism for OTT content.
- **Mirzapur Case:** The popular series "Mirzapur" also faced legal action for its portrayal of violence and its perceived negative portrayal of the city of Mirzapur. The court cases around the show contributed to the push for stricter regulation of OTT platforms.
- **A Suitable Boy:** Netflix found itself in legal trouble when a kissing scene in the series "A Suitable Boy," set in a temple, was considered offensive by certain groups, leading to multiple complaints.

These cases highlighted the lack of a clear, structured approach to managing content complaints, furthering the push for formal regulation.

Balancing Creative Freedom and Social Responsibility

One of the major challenges facing the regulation of OTT content is the **balance between creative freedom and social responsibility**. While it is essential to protect the cultural and religious sentiments of viewers, there is also a need to ensure that creators retain the freedom to express diverse viewpoints and tell stories without excessive censorship.

The **IT Rules, 2021**, represent an attempt to strike this balance. By introducing a **self-regulatory framework**, the government allows platforms to take responsibility for the content they stream while ensuring that complaints are addressed in a structured manner. At the same time, the rules empower the government to step in only when necessary, avoiding heavy-handed censorship that could stifle creative expression.

Future of OTT Censorship in India

The censorship landscape for OTT platforms in India is still evolving. The introduction of the **IT Rules, 2021** has brought some level of formal regulation, but the balance between ensuring **freedom of expression** and **protecting societal sensibilities** remains a work in progress. As streaming platforms continue to grow, both in terms of audience and content, the regulation of OTT content will need to adapt to meet new challenges.

In the future, we are likely to see more clarity on the regulatory framework as courts adjudicate new cases and as platforms develop more robust self-regulatory mechanisms. The challenge for policymakers will be to ensure that the regulatory framework evolves in a way that fosters creativity while addressing legitimate concerns about offensive or harmful content.

Conclusion

OTT platforms have revolutionized the entertainment industry in India, providing viewers with a wide array of content from across the world. However, the rise of these platforms has also led to increased scrutiny over the nature of the content they provide. With the introduction of the **IT Rules, 2021**, the Indian government has taken significant steps to regulate OTT platforms while preserving a degree of creative freedom.

The success of these regulations will depend on how well they balance the competing interests of **free expression** and societal.

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