

**A STUDY OF INDIA'S CENSORSHIP AND OTT PLATFORMS:
A FUTURE OUTLOOK ON WOMEN'S RIGHTS AND GENDER JUSTICE IN THE
DIGITAL ERA**

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Abstract

The rapid growth of Over-The-Top (OTT) platforms has transformed India's media and entertainment landscape by enabling direct-to-consumer dissemination of audio-visual content beyond the traditional regulatory framework governing cinema and television. This shift has raised complex legal, constitutional, and policy questions regarding censorship, freedom of expression, and state regulation in the digital era. This study examines the evolving regime of censorship in India with specific reference to OTT platforms, analyzing the constitutional foundations under Article 19(1)(a) and the permissible restrictions under Article 19(2) of the Constitution of India. It critically evaluates the existing legal framework, including the Information Technology Act, 2000, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, along with recent judicial pronouncements and government interventions. The study further explores the tension between creative autonomy and regulatory oversight, highlighting concerns related to arbitrariness, self-regulation, and content accountability. By adopting a comparative and forward-looking approach, the paper assesses emerging trends, stakeholder responsibilities, and potential reforms to strike a balance between protecting free speech and addressing societal, cultural, and national interests. The study concludes by offering a future outlook on India's OTT censorship regime, emphasizing the need for a transparent, proportionate, and rights-oriented regulatory mechanism suited to the dynamic digital ecosystem.

Keywords:

OTT Platforms, Censorship, Freedom of Expression, Digital Media Regulation, Article 19, IT Rules 2021, Self-Regulation, India

Introduction -

With rapid technological growth, OTT platforms have gained massive popularity in India. These services provide a wide range of web series, films, documentaries, and other content directly to internet users. The increasing availability of smartphones and multimedia services has further fueled the rise of OTT platforms in the country. Popular OTT services include

Netflix, Amazon Prime Video, Zee5, and others. However, the expansion of these platforms has significantly impacted traditional television, and the unrestricted or uncensored content available on OTT services often raises concerns, especially regarding its influence on young people and minors who can access it easily. To address this, a proper censorship framework is needed to regulate the content shown across all screens in the country.

The internet and digital technology have become deeply embedded in daily life. With widespread digitalisation, people now rely heavily on electronic devices for entertainment. Visual content is easily accessible through mobile phones, personal computers, and smart TVs via OTT platforms, which deliver entertainment over the internet. As media and censorship laws evolve, there is a need to adapt them to the digital era. OTT refers to visual content such as movies, videos, and original web series provided to viewers directly through the web.

Literature Review :

1.Indian Constitutional Law by M.P .Jain,8 th Edition, Volume 1,2018 Publisher LexisNexis

It is an authoritative book on Indian Constitutional law. It Contains lucid, comprehensive and systematic explanation about Right to freedom of speech and expression under Art.19 (1)(a) and reasonable restrictions on it. Grounds of reasonable restrictions are discussed in the book with case laws. Decency and morality are one of the ground of reasonable restriction which is related to the proposed research topic. However it is the constitutional obligation of the judiciary to ensure that the restrictions imposed by a law on the media are reasonable and relate to the purposes specified in Article 19(2).

Researcher will further study Article 19(1)(a) with respect to censorship as a medium of restriction on films and OTT platform. Nevertheless, the author's work still provides valuable guidance towards the proposed research topic.

2.Facets of Media Law by Madhavi Goradia Divan ,3 rd Edition,2023, Eastern Book Company.

In this book the author has paid due attention to the digital media age and the legal repercussions that follow. The evolving trends are examined in it. It also examines the impact of social media on the freedom of speech. The book contains emerging trends, media ethics and regulation. The book also contains The Cinematograph Act,1952 and censorship related explanation and case laws.

Researcher will further study Article 19(1)(a) with respect to censorship as a medium of restriction on films and OTT platform on internet. Nevertheless, the author's work still

provides valuable guidance towards the proposed research topic.

3) Mass Media Law by Dr. S. R. Myneni 4 th Edition, 2023, Asia Law House.

In this book author take attention towards Cinematograph Act, 1952. The Certification of cinematograph films for exhibition and for regulating exhibition are examined in it. Detail analysis regarding CBFC (Central Board of Film Certification), Examination of Film(Sec.4), guidelines for Certification of films for public exhibition.

Researcher will study OTT censorship with respect to Cinematograph Act, 1952. The author does not cover this aspect in this book.

Objective :-

- 1) To study censorship laws of India.
- 2) To study the right to freedom of speech and expression and restriction on it.
- 3) To study rules and regulations that can restrict freedom of speech and expression, Bhartiya Nyaya Sahnita 2024, and Information Technology Act, 2000.
- 4) To study different legislation governing censorship directly and indirectly.(i.e. Indecent Representation of Women Act,1986. Press council of India Act, 1978, The Cable Television (Regulation) Act, 1995.
- 5) To study and analyze various judgements on censorship.
- 6) To suggest the appropriate and suitable reform in the existing censorship law in India.
- 7) To study the rights of women through various conventions.

Research methodology-

Researcher has adopted doctrinal research methodology to conduct research work. Books, commentaries, case laws of higher codes, constitutional law and media law of India will be used for conducting research work. Researcher will study the present Indian legal framework for censorship in detail so that I would Suggest reform in censorship laws.

Secondary sources like boobs article journals president of Apex course case controversies and news in magazine or website will be studied on the research title research scholars experts opinion in the related topic will be used for conducting research work.

Hypothesis :-

- 1) Censorship protects the public from harmful or offensive content.
- 2) Existing laws on censorship are outdated.
- 3) There is a need to review and reform the existing censorship law
- 4) Decent representation of women on OTT platforms are needed to protect the rights of women.

Analysis and interpretation:

Censorship traces its origins to the official responsibilities of Roman censors appointed in 443 BC. Its primary objective is to assess and regulate the content made available to the public for entertainment. Different societies adopt varying forms of censorship based on their cultural values and belief systems. Generally, censorship is enforced by governments, taking into account the nature of the audience and the potential impact of the content. Since the media plays a crucial role in shaping public opinion, regulation becomes essential. Consequently, governments assume authority over the distribution of media content to the public. However, many of these traditional rules and regulations do not extend to Over-The-Top (OTT) platforms.

Cinema was introduced in India in 1896 when the Lumière Brothers conducted the first film screening at the Watson Hotel in Bombay. They were among the earliest filmmakers in cinematic history. In 1913, India's first feature film, *Raja Harishchandra*, was produced by Dadasaheb Phalke. Around this period, the Indian Cinematograph Act was enacted and came into force in 1920. Initially, censorship was overseen by police chiefs in different cities, known as regional censors. After independence, these regional bodies were abolished and merged under the Bombay Board of Film Censors. With the enactment of the Cinematograph Act, 1952, the board was reconstituted as the Central Board of Film Censors.

In 1983, the Cinematograph (Certification) Rules were revised, and the body was renamed the Central Board of Film Certification (CBFC). The CBFC functions as India's statutory authority for film regulation and has the power to direct filmmakers to remove content it considers offensive or obscene. However, the Cinematograph Act, 1952, does not contain provisions governing OTT platforms.

Many filmmakers argue that the existing cinematograph regulations are outdated and fail to address digital streaming platforms, emphasizing that viewers themselves act as the ultimate censors.

The Constitution of India guarantees several fundamental rights, including the right to freedom under Article 19. Freedom of speech and expression under Article 19(1)(a) extends to public speech, print media, radio, and television. However, these rights are not absolute. Article 19(2) allows the state to impose reasonable restrictions in the interests of India's sovereignty and integrity, national security, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, or incitement to an offence.

The constitutionality of film censorship was first examined by the Supreme Court in *K.A. Abbas v. Union of India*. In this case, the Court upheld censorship as constitutionally valid within the limits prescribed under Article 19(2). It recognized film censorship, including

age-based classification and conditional exhibition with or without cuts, as a legitimate exercise of power in the interest of public morality and decency.

Similarly, in *S. Rangarajan v. Jagjivan Ram*, the Supreme Court held that films should be judged based on the perspective of an ordinary, reasonable person rather than that of a hypersensitive individual. Given the powerful influence of audiovisual media stronger than that of the written word it is considered necessary to scrutinize media content before public exhibition. This reasoning supports the need for censorship, including for OTT platforms. Depictions of sex and violence in media are often viewed as contributing to declining moral standards, particularly affecting young audiences. Therefore, censorship is seen as a means of safeguarding societal moral values.

OTT platform are of wide reached. The content which is shown in web series and on digital media is easily accessible to all and that is why youth children in the society are at major disadvantages when it exposes the content related to violence, abusive language , sex and obscenity.

The Central board of film reported that OTT platform is definitely attract the audiences because of an abuse of language in web series. Censorship of the OTT platform will surely control these to a very very large extent. OTT censorship becomes necessary because it motivates action and assurance of a high degree of attention. More than 150% of India's population is below the age of 25 and nearly 65% under the age of 35. Near about 100 million internet users in the country with the rapid growth of paying jobs in IT sector software and business outsources processing many young Indians have more income than their parents and have more aspirations for entertainment.

conclusion:-

The Entertainment Industry is responsible for molding people as it is a form of public entertainment that affects the common interest of the people and hence these OTT platforms must be subjected to certain types of Governmental regulations of censorship. So that it controls who saw what and it develops attitudes of people and shapes their views to what they saw. Ultimately, a balanced approach preserving artistic freedom while protecting gender rights, women's rights is essential for ensuring that OTT platforms contribute positively to social transformation.

Suggestions and Recommendations

Need for a Separate and Comprehensive OTT-Specific Legislation. A co-regulatory framework, combining self-regulation by OTT platforms with statutory oversight by the government, should be adopted. While complete state control may threaten creative freedom,

unregulated self-regulation may result in misuse. Instead of imposing pre-censorship similar to cinema, OTT platforms should be governed through a robust content classification system based on age and maturity levels. Clear content descriptors such as violence, sexual content, substance abuse, and strong language should be mandated. Parental Control and User-Based Safeguards are needed. Ensuring Constitutional Compliance Under Article 19(2). An independent appellate authority will be established to hear grievances from content creators and platforms. There is an urgent need to harmonise traditional media laws such as the Cinematograph Act, 1952, Cable Television Networks (Regulation) Act, 1995, and Press Council of India Act, 1978 with digital media laws. A uniform set of guiding principles for content regulation across platforms would ensure consistency and legal certainty. OTT platforms operate in a rapidly evolving digital ecosystem. Therefore, censorship policies and guidelines should be periodically reviewed by expert committees comprising legal scholars, media professionals, sociologists, and child psychologists. Sensitisation and Media Literacy Programs are necessary.

Recommendations: The future of OTT censorship in India lies not in strict pre-censorship but in a transparent, proportionate, rights-based, and participatory regulatory framework. A balanced approach that respects constitutional freedoms while addressing legitimate societal concerns will ensure that India's digital entertainment ecosystem remains vibrant, inclusive, and constitutionally sound.

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