



GOVERNMENT REGULATION OF OTT PLATFORMS

Context

A notification from the Cabinet Secretariat on November 9, said that films and audio-visual programs made available by online content providers and news and current affairs content on online platform will be under the purview of the Ministry of Information and Broadcasting. Ministry feels the order is an enabling mandate to enforce a greater discipline online.

Background

- The Information and Broadcasting Ministry has found a vast swathe of unregulated content, namely news online and Over the top (OTT) platforms which had escaped any architecture of regulation.
- It may also be recalled that the Supreme Court of India last month had issued notice to the Centre and the Internet and Mobile Association of India, on a petition to regulate OTT platforms.
- There was receipt of several complaints from the public underlining the concern and need to regulate online content.
- On OTT platforms with 560 million Internet users, "the pervasiveness of mobile phones and the possible threat to minds of young people that content on OTT platforms may have, there is a felt need for regulating such content".
- Since 2019, more than half-a-dozen cases have been filed in the Supreme Court and various high courts over "unregulated content" on OTT platforms.
- For print media, there is the Press Council of India, which is a statutory, quasi-judicial authority. And for television news, the News Broadcasting Standards Authority is a self-regulatory body.
- There is the Central Board of Film Certification under the I&B Ministry; the Broadcasting Content Complaints Council, which is an independent and self-regulatory for television entertainment; and, the Advertising Standards Council, which is also a self-regulatory body.
- I&B Ministry has a mechanism to penalise TV channels for any violation of the programming and advertising codes under the Cable Television Network (Regulation) Act, 1995. Complaints can be sent directly to the Ministry, or raised through the internal mechanism of the Electronic Media Monitoring Centre.
- Last November, the Government had also brought out a draft Registration of Press and Periodicals (RPP) Bill, which sought to replace the 150-year-old Press & Registration of Books Act, 1867.
- In September, the Government had expressed displeasure at a model suggested by the Internet and Mobile Association of India (IAMAI), and a proposed Digital Curated Content Complaints Council (DCCC). It said that they lacked independent third-party monitoring, didn't have a well-defined code of ethics, and did not clearly enunciate prohibited content.



What are OTT platforms?



- OTT, or over-the-top platforms, are audio and video hosting and streaming services which started out as content hosting platforms, but soon branched out into the production and release of short movies, feature films, documentaries and web-series themselves.
- With a market size of nearly Rs 500 crore at the end of March 2019, the online video streaming platforms may become a Rs 4000-crore revenue market by the end of 2025, according to reports. At the end of 2019, India had as many as 17 crore OTT platform users.
- These platforms offer a range of content and use artificial intelligence to suggest users the content they are likely to view based on their past viewership on the platform.
- Most OTT platforms generally offer some content for free and charge a monthly subscription fee for premium content which is generally unavailable elsewhere.
- The premium content is usually produced and marketed by the OTT platform themselves, in association with established production houses which historically have made feature films.

How does the Ministry propose to regulate news and OTT online?



- No details as of now, but it is learnt that the Programme Code that governs content on TV and which found an outlet in the Cable Television Network Regulation Act, 1995, may serve as a template to frame rules for online content.
- The Programme Code lists several don'ts that channels are required to observe and follow.
- Currently, the Electronic Media Monitoring Centre, which was set up in 2008, is entrusted with the work of monitoring content on TV. It puts out reports on violations of the Programme Code. The findings go to an inter-ministerial committee.
- There is a possibility that the brief of the monitoring service could be extended to include online content.
- However, monitoring content 24x7 has its own challenges. Whether the Ministry will set up a committee involving the public to look into complaints received remains to be seen.

What happens now to the OTT platforms?



- The first challenge before the OTT platforms would be keeping a check on their content.
- This could also mean that these platforms would have to apply for certification and approval of the content they wish to stream. This in itself could give rise to many conflicts as most OTT platforms have content that could otherwise be censored by the certification boards in India.
- OTT platforms are likely to resist any plans to censor the content being provided and streamed by them as these platforms have often chosen to produce movies and documentaries on politically sensitive but relevant topics.