

A Sociolegal Study of Rise of OTT Platform in India, Its Related Regulatory Mechanism And Its Impact Over The Future of Digital Contents.

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Abstract

Now a days the OTT platform is not new for any one it made favourite videos programs streaming very easy and affordable with money and time. As per the Statista website review the country like India 749 Million people are the Internet users and till 2040 it may raise to over 1.5 billion.¹ India is on the second rank of the internet users. The OTT platform and its related software's break the traditional system of television and theater movies where the persons need to watch the show on particular time only if it missed to watch it means it missed forever but because OTT platform such system has been break and with new system of web series and online releasing of movies also made the amazing change for the internet users. But due to some uncontrolled system OTT platform also been exposed nudity, vulgar language and obscene material, extreme violence it made Hugh adverse impact over the youth those who are nearly attracted towards the OTT platform. So such type of issues should be conceded by law and governmental control with in the four corners of the law.

Introduction

OTT denotes as the over the top content have emerged the popularity over the decade.² The repaid development of OTT platform was raised during covid-19 lock down period. During such time number of the people relayed on the world wide web internet was only the medium of the entertainment and people were devote more time on smart phones and its different types of software. Maximum theater were closed during the lockdown, number of the companies and institutions are preferred their employees for work from home and interned used becomes increased. During such time most of the movies were displayed on OTT platform, the television serial and programs also been diverted, new concepts web series also expanded their wings during such time in that way people were also benefited that they wish to watch their program on their own time with such OTT available on any time at any level which will be used on smart TV, tablets, smartphones etc. it also been used on computer and as on various streaming devices, famous OTT platform in India are Netflix, MX Player, disney+Hotstar, SonyLIV, Voot, Amazon Prime Video, Zee5, ALTBalaji, JioCinema which are accessible through the computer, set top boxes, fire sticks, smartphones and smart TV.

Such OTT platform works on the On Demand basis where the users can access it at any time and can choose any content on any electronic form and will be available in advertised free contents.³ Because of these OTT platform many web series and movies released and number of actors, senior, junior actors and number of different artist get opportunity work, to show their talents and to earn money. So now such OTT platform replacing the traditional TV channels in India. When we watching TV for

¹ Number of internet users in India from 2010 to 2020, with estimates until 2040, <https://www.statista.com/statistics/255146/number-of-internet-users-in-india/> Accessed on 22th March..2022 at 09:00pm.

² Marketing on OTT/Over The Top Services, <https://www.adjust.com/glossary/ott-over-the-top/>, Accessed on 07th March. 2022 at 02:09pm.

³ Krishna VeeraVanamali

What is OTT platform? Which regulations govern it? New Delhi

Last Updated at February 15, 2022 09:03 IST, https://www.business-standard.com/podcast/current-affairs/what-is-ott-platform-which-regulations-govern-it-122021500049_1.html, Accessed on 7th March, 2022 at 04:34pm

any movie or any serial or any program that time we need to go with proper time as well as unnecessary advertisements are makes it boring and program gets larger time consuming but through OTT platform we can easily avoid it.

OTT Market and impact on India.

About the OTT market the India may reach to level of \$2.9 billion and possible to continue to raise \$28.6 and it made practical impact over the young generation. As per Indian tradition families are watching TV programs together now everyone have their separate devices to watch as they like. OTT platform where age group of 8 to 15 have unlimited entertainment it's addicted as education, cartoon and other child entertainment videos streaming. Most of the youth addicted such platform and has gone through vulgar and immoral contents. Singapore also control OTT platform as well Australia Broadcasting Service Act, Britain also thinking.

Regulatory Mechanism on OTT Platform

The Information and Broadcasting Ministry now made the code of ethics and it clarified that they are not willing to appoint any member in the self-regulating body. But the government going to established the three tier grievances or disputes Redressal agency in which six members as self-regulatory body will work for solve the consumer grievances about the contents of OTT platform with the consultation of experts and its chairperson become the retired High Court or Supreme Court Judges. The Ministry also explained that the Inter Departmental Committee on self-regulatory level resolve the complaints, also declared that there is no registration required for OTT platform but regulation are only for to disclose information.⁴

Now OTT contents need to take No objection Certificate, grading of movies and web series will be decides as per age criteria and if the government can remove such content from the OTT platform so now such changes will be worked as Censor Board.

Ministry of information and broadcasting latest order will regulate to the OTT platform through Information Technology (Intermediaries Guidelines and Digital Media Ethics Code) are also known as Digital Media Ethics Code Rules, 2011 rules 3 (2) (b), (C), (e) specified by the intermediaries if displaying, hosting, publishing any obscene, pornographic or any unlawful material and it shall not be harmful for minors as well as such intermediary will not be knowingly anything host, initiate and transmit of such contents. So as per The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 created two categories that intermediaries and publishers as per definition the intermediaries are who transmit electronic record in favor of others as like YouTube, Whatsapp and Facebook they must be post the content under the due diligence means to reasonable steps taken by a citizen to avoid committing a tort or offence and Publishers means the publishers of news and current affairs contents.⁵

Such new rules are opposed by the Intermediaries of Social Media challenged rules by Whatsapp and Facebook to identify the first originator about offensive message which will not done because of end to end encryption in India and digital media also opposed and said its over regulations and censorship which are already governed by the Press Council Act and under the Information Technology Act, 2000.⁶

⁴ THE HINDU, Business Line, E-Paper, New Delhi, March 4 | Updated On: Mar 04, 2021, <https://www.thehindubusinessline.com/news/national/ott-players-meet-with-ib-minister-on-code-of-ethics-rules/article33990881.ece>, Accessed on 10th March, 2022 at 07:00pm,

⁵ MALAVIKA RAGHAVAN

Senior Fellow, INDIA'S NEW INTERMEDIARY & DIGITAL MEDIA RULES: EXPANDING THE BOUNDARIES OF EXECUTIVE POWER IN DIGITAL REGULATION, Future of Privacy Forum, JUNE 10, 2021, <https://fpf.org/blog/indias-new-intermediary-digital-media-rules-expanding-the-boundaries-of-executive-power-in-digital-regulation/> Accessed on 12th March, 2022 at 09:00pm.

⁶ Swati Mathur, Explained: Why Centre's new rules for digital media face legal test, TNN / Updated: Jul 14, 2021, 08:48 IST, <https://timesofindia.indiatimes.com/india/why-centres-new-rules-for-digital-media-face-legal-test/articleshow/84396534.cms>, Accessed on 21th March, 2022 at 05:00pm.

Defamation case filed against the Netflix for Bad Boy Billionaires court also passed the injunction. There are many provisions already we have as Defamation, obscene under the Indian Penal Code. The cinemas are made under the censor regulation because 300 and more people watching movies at time and also for television because in India families are watching it together but today most of the people are watching movies and any program on their mobile phones privately and people or person choosing what he wants to watch just by a single tab. If we are bringing more restrictions over the OTT platform than we will break to the creativity, new ideas, arts, whatever some the thing which will not be produced on traditional movies or television will also be lack. NEWS channels are also working under the law and restrictions. Not it's also regulating to the online news contents too. But clear guidelines are not so clear but immediate it not so regulated but regulating gradually. So now a day families can watch together OTT platform contents. Fake news, news websites, digital news without any verification or control it was posted now its will be coming under such Governmental objection.

Impact over the Digital Contents

The Central Government's The Information and Broadcasting Ministry made the code of ethics over the OTT platform and Digital Media. The basic principal and object behind was to prevent the obscene, nudity, pornography, hate speech, defamation, vulgar language, terrorism and contents which are against the place, religion and State, to prevent the fake news, unauthenticated news, social media posts etc. but the question raised over the Governmental regulations is which clearly defined that now the Government is using ultra virus power where under the freedom of speech and expression the media and OTT platform can show some of the contents which they cannot show openly as like in theater and on traditional television. Under the right of privacy no any authority should control what to see and what to watch by the person on that basis only the government need to impose the age restrictions and prior warning about the contents but the government cannot fully take the powers under such regulation. Through such regulations government with their wish and will can prevent and delete any content as they think fit so it may be about their undue benefit also, to prevent the creativity, people will not work over the content if its fully regulated, we will again turn toward the traditional methods of like our OTT platform becomes regular television, factual truth and artistic contents will be prevented.

Conclusion and Suggestion

Firstly such OTT platform and Digital Media controlling mechanism clearly been defied and to avoid the confusion. The Government need to work over such law with the cooperation and support of the OTT platform and online Digital Media to avoid the consumer complaint and to maintain our cultural purity but with the welcome of creativity, truthiness, and artistic performances. Such new technology is based on new concept of the society and it's now a days common to all but bare ban over the content the government should not have to use any arbitrary power where the freedom of speech of persons and right to privacy will be curtail. There should be separated law to deal with such new platform and it should be protecting of the interest of the originators and consumers also.

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