

Comparative Analysis Of Censorship On Ott Platforms

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ABSTRACT

OTT Platforms have become an important way of entertainment and information all over the world, and these platforms offer a range of material and make content recommendations based on prior interactions with the site using artificial intelligence. Most entirely 'for-profit' platforms offer part of their material for free while also charging a monthly membership price for exclusive premium content. Censorship on OTT platforms is a matter of debate as, in India, the market of OTT market has been growing rapidly over the last few years. Although censorship on OTT platforms was introduced in India in 2021, it suffers from several shortcomings. Due to the contents like vulgarity, sex, drugs, nudity, abusive language, etc, the need for improvised censorship are being suggested. India doesn't have an independent regulatory body for the censorship of OTT platforms. The self-regulation on the OTT platforms needs to be readdressed which includes self-classification based on content and age, parental locks, rating display, etc. Under the present system, a major part of OTT content goes undetected by the gatekeepers and impacts the audience. The content disclaimer doesn't serve the purpose because, looking at a piece of information about the genres or content, the audience will be attracted to watch the web series, movies, and documentaries on OTT platforms. The study deals with the criteria and scope of censorship of OTT platforms in other countries like Singapore, Australia, the USA, etc, and on the basis, suggests the necessary amendments in the censorship rules in India for the future...

1. INTRODUCTION

The emergence of television a few decades ago altered the landscape of the media and entertainment sector. With a few additions and changes, the television themes remained mostly the same. The development of technology in the television business made it more accessible through the use of VHS, DVDs, Blu-rays, and disc rental services, among other tools. With the advent of Direct-to-Home (DTH) services, consumers could now access high-quality broadcast and on-demand material straight from their satellite and dish connections.

The evolving nature of entertainment is altering not just how material is distributed but also necessitating a shift in the way it is produced. With a few tweaks and changes, television programming stayed mostly the same for over 20 years. Digital disruption has not only altered the way that material is delivered, but it has also altered the content itself. (Kumari 2020)

McAdams (2019) explains Over-the-Top (OTT) services as a term that refers to any online content supplier who sells streaming media independently. As long as a person has an internet connection, he/she can watch the streaming content very easily on their PC, laptop, or on smartphone. OTT media users get access to material in a variety of methods for subscription and consumption. Some of the services include OTT phone calling, OTT texting, and OTT television. The OTT platforms provide a facility to pay money for only the content one may want to watch. For online streaming, one doesn't need to deal with cable operators, satellite connections, and other broadcast mediums. (Khurana and Mehta, 2021)



Online streaming and Videos on Demand (VoD) services have elevated the way people see material due to the internet boom (Ganuza and Vicens, 2014). Sundaravel, E., and Elangovan, N. (2020) state that in order for customers of subscription-based Video on Demand (SVoD) services to access their collection of video material, they must pay a specific amount on a regular basis, often once a month. The bulk of visitors prefer free services, and just a small portion are prepared to pay for a subscription. Advertisement-based Video on Demand (AVoD) services, such as Viu and Hotstar, allow users to view their library for free. AVOD services continue to be the main driver of the market. All of the other video streaming services, with the exception of Netflix and Amazon Prime Video, offer ad-supported content. Many websites also provide Transaction-based Video on Demand (TVOD) services, where customers pay for the material they watch or listen to. Examples of these websites are YouTube and iTunes.

OVER-THE-TOP (OTT) PLATFORMS IN INDIA

The conventional media distribution routes, such as cable television providers and telecommunications networks, are bypassed by OTT services. One can access the entire service whenever they want as long as they have a local or mobile internet connection. Additionally, it is highly liked for the variety of unique and different genre material it provides to customers, as well as for its affordability and compatibility with a variety of platforms (such as smartphones, tablets, game consoles, and smart TVs).

Reliance Entertainment launched the first OTT platform named BIGFlix in the year 2008, after then, Digivive, a group of Media Matrix Worldwide, started an app called NexGTV in 2010 to provide entertainment to their audience through all the devices such as mobiles, tablets, and laptops, etc, (Laghate, 2016).

In 2013 and 2014, NexGTV was the first application to broadcast live Indian Premier League games on portable devices. Since securing the rights to stream the IPL live in 2015, Hotstar has experienced substantial development in India.

Around 2013, OTT became increasingly popular in India with the launches of DittoTV (Zee) and SonyLiv. Due to the simultaneous launch of Sony Liv and DittoTV (Zee), OTT gained significant traction in India in 2013. DittoTV offered content from all media outlets, including Sony, Star, Viacom, Colors, Zee, and others. (Sundaravel & Elangovan, 2020).

In India, cord-cutting and online streaming—once considered luxury—are gaining popularity. However, the market for VoD is still quite young. The enormous potential of the market is demonstrated by the fact that around 40 VoD companies have emerged in only three years. At least four out of five smartphone owners in India use at least one OTT entertainment app to consume material from various genres. (2019, INSA).

In 2020, 803 million Indians watched videos on the internet, including those who used streaming services and saw free websites like YouTube. There were 356 million mobile video viewers in 2020, mostly as a result of users' growing inclination for video content in recent years.

India is the second-largest subscription TV market in the Asia Pacific region in terms of the number of subscriptions in TV households, which reached 154.3 million in 2016. This is expected to expand at 1.6% CAGR to reach 166.9 million by 2021. (Kakkar, 2019).

OVER-THE-TOP (OTT) USERS IN INDIA

COVID-19 has changed the way the Indian audience consumes the media. Audiences have easily adopted the shift from television to OTT during the pandemic as it provides convenience, productivity, and entertainment at a very low cost.

According to the reports published by MICA in their fourth edition of the '**Indian Over-the-Top (OTT platform) 2021 Post Pandemic consumption, the Indian OTT (video and audio)**' industry is presently valued at USD 1.8 billion (INR 13,500 crores), and it is anticipated that this market would increase to USD 4.2 billion by 2025 and USD 12.5 billion by 2030. This expansion will be supported by rising daily internet usage, the adoption of smartphones, and a further decline in data prices. 'International media consumption report 2021' by YouGov stated that more than 60% of Indians are ready to watch free content even if they have watched ads in exchange for it.

Objectives

- To study the control of OTT platforms around the world and in India
- To compare the regulatory law on OTT platforms in India and other countries

2. REVIEW OF LITERATURE

In Research on the **“Relationship between the Growth of OTT Service Market and the Change in the Structure of the Pay-TV Market,”** Park and Kwon (2019) examined how OTT platforms have altered the relationships and structure of the broadcast industry and market. OTT providers employed a number of tactics to stay afloat in the cutthroat industry, including partnerships, localization, content differentiation, revenue enhancement, and service optimization. The US, UK, France, and Germany were the only nations on which this study attempted to perform a case study.

Sundaravel E. and Elangovan N.(2020) in his study **“Methodology for the Regulation of Over-the-Top (OTT) Services: The Need of a Multi-Dimensional Perspective”** found that the multidimensional approach needs to adopt for regulating the challenges like privacy, data protection, price control, effective competition and appropriate taxes. Industry professionals can have open discussions with regulators and many stakeholders as part of a multi-dimensional regulatory strategy to develop initiatives that would involve both existing and potential new market participants in the formulation of policy.

Parnami and Jain (2021) in their study **“A Study on Increase in the Usage of OTT Streaming Services”** examined that the number of OTT streaming subscribers has increased their usage during the COVID-19 to remove the boredom and availability of content at a low cost. This surge in consumption is tremendously motivating for new market entrants to begin offering streaming services, as well as for overseas OTT platforms aiming to enter the Indian market (for ex. Hulu and HBO Max). It indicates that there is a demand in India for these services. This study surveys a sample population of 200 respondents and aims to ascertain whether their usage of OTT platforms has increased or not, by how much time, and the perceived reasons behind this increase.

Nisla (2021) in his study **“The Convergence Model and Content Regulation of OTT Platforms in India: An analytical Study”** stated that there are three major factors that will help in the regulation of the content on OTT Platforms i.e. Government, media industry, and the Judiciary. Self Regulation has been adopted by many OTT platform providers like NetFlix, Sony Liv, Hotstar, Zee 5, Aree, Alt Balaji, and Reliance Jio. The Convergence model of media will be helpful to formulate regulations in different mediums of content dissemination.

3. CENSORSHIP OF OTT PLATFORMS IN THE UNITED KINGDOM

According to Bhagavatula and Sandhiya (2020), the United Kingdom maintains a robust and stable pay television market that accommodates both traditional broadcasters and Over-the-Top (OTT) service providers. The UK is internationally recognized for its leadership in copyright enforcement and anti-piracy measures. All domestic pay television services operate under the regulatory supervision of the Office of Communications (Ofcom), an independent statutory body. While the regulatory framework does not differentiate between traditional television services and local OTT platforms, distinct regulatory provisions apply to linear (scheduled) and non-linear (on-demand) television services.

As the national communications regulator, Ofcom exercises authority over broadcasting, telecommunications, and postal services. Its responsibilities were significantly expanded with the introduction of the Online Safety Act 2023, which conferred upon Ofcom the mandate to oversee digital and online platforms. This legislation empowers the regulator to enforce content standards and impose sanctions on platforms that fail to comply with safety and transparency requirements. Ofcom operates autonomously, free from direct governmental or commercial influence.

In response to the British Broadcasting Corporation’s (BBC) September 2018 proposal for regulating online video streaming services, the British Board of Film Classification (BBFC) initiated a collaboration with Netflix. Subsequently, a government working paper was published outlining the conceptual framework for establishing a regulatory body specifically for online streaming services (Department for Digital, Culture, Media and Sport & Home Office, 2020).

Although OTT platforms in the UK benefit from substantial creative freedom, they are situated within a regulatory ecosystem that prioritizes consumer protection and responsible content governance. The ongoing evolution of this landscape, particularly with the enactment of the Online Safety Act 2023, reflects a broader policy shift toward proactive regulation and compliance enforcement in the digital content domain.

CENSORSHIP OF OTT PLATFORMS IN SINGAPORE

In 2019, the Infocomm Media Development Authority (IMDA), a statutory board under the Government of the Republic of Singapore, introduced a Code of Practice for Over-the-Top (OTT) content services. This regulatory framework mandates that OTT service providers classify their content in alignment with the nation’s existing film classification system. The prescribed categories include: (a) G – suitable for general audiences; (b) PG – parental guidance advised; (c) PG13 – parental guidance for viewers under 13; (d) NC16 – restricted to viewers aged 16 and above; (e) M18 – suitable for mature

audiences aged 18 and above; and (f) R21 – restricted to viewers aged 21 and above. Importantly, content rated NC16 or higher may only be distributed on platforms equipped with a verified parental lock feature, thereby ensuring that age-inappropriate material is not accessible to underage viewers (Infocomm Media Development Authority, 2019).

Furthermore, only if the supplier has a trustworthy age verification system in place and the material is protected by default can they offer R21. The code also mandates that before a viewer decides to watch the content, the ratings and the content's components—such as theme, violence, nudity, sex, language, drug use, and horror—that earned the rating must be shown to them clearly and conspicuously. Additionally, the code specifies dos and don'ts for service providers. Among other things, they have to make sure that the programs they offer respect Singapore's current laws, don't jeopardize national or public security or interest, and don't erode racial or religious harmony.

CENSORSHIP OF OTT PLATFORMS IN TURKEY

OTT VOD services that operated in Turkey were not subject to direct regulation, therefore, the local audience could watch content without any restrictions. On March 21, 2018, however, the government enacted a bill that changed everything, allowing the Turkish Radio and TV Watchdog Authority (RTÜK) to regulate and oversee OTT services starting on August 1, 2019. The regulation covers not only over-the-top (OTT) video-on-demand (VOD) services but also Internet Protocol television (IPTV) and radio that function through certain telecommunications networks.

Netflix and Amazon Prime are among the impacted services that must now seek a license from RTÜK and pay a licensing fee in order to operate lawfully in Turkey. Licenses are granted for a duration of 10 years at a price of 100,000 Turkish Liras (\$14,000 USD) for video services.

This law was construed as an expansion of earlier regulatory procedures to cover over-the-top services. Following a 2007 law that gave the government the power to censor the internet and even temporarily block websites like Wikipedia and Twitter, regulatory precedents include censorship policies (which include banning nudity and sex scenes, blurring cigarette and alcohol use, and beeping strong language) put into effect in 2008.

In 2011, a contentious draft law was presented that required ISPs to use the family, child, domestic, and standard filters. This law went into force in 2014, giving the Ministry of Transportation, Maritime Affairs, and Communication, and the Telecommunications Communications Presidency the authority to take down websites within 24 hours without a court ruling. These rules led to a surge of pirated content in Turkey as well as the widespread usage of VPN, DNS, and proxy services. (Vitrinel.E and Iidir.A (2021).

CENSORSHIP OF OTT PLATFORMS IN AUSTRALIA

The Enhancing Online Safety Act of 2015 and the Broadcasting Services Act of 1992 provide the legislative foundation for Australia, which regulates online media content. For matters concerning internet safety, the regulating body is the Office of the e-Safety Commissioner. Certain sections have been enlisted under the Broadcasting Services Act of 1992 that discuss the classification of material according to general (G), parental guidance (PG), and mature (M) parameters. These rules include banning access to specific types of content, industry regulations and standards, complaint mechanisms, and more. Additionally, the framework mandates that content be classified as X 18+, R 18+, or MA 15+ and limits hosting access to RC content. However, the categorization guidelines are advisory in nature, therefore, there are no legal prohibitions on watching or playing these categories. Both offline and online items have so far been classed by the Australian Classification Board. In contrast, Netflix recently obtained permission from authorities to use its own technologies to self-classify its content after a two-year trial. (Ikigai Law, 2019)

CENSORSHIP OF OTT PLATFORMS IN CHINA

The National Radio and Television Administration (NRTA) and the Cyberspace Administration of China (CAC) are two of the sovereign organizations in China that regulate over-the-top (OTT) material. The Chinese government regulates media material directly and strictly to make sure that it complies with social stability, cultural norms, and official priorities. As a result, the government keeps an extensive system of content filtering in place that keeps an eye on and regulates what may be streamed or aired. Censorship applies to content that is seen to be violent, sexually explicit, politically sensitive, or to be breaking social norms. Additionally, it is anticipated that the OTT platforms would get licenses from the NRTA in order to lawfully operate and transmit audio-visual material within Chinese territory (Wang and Lobato 2021).

In addition to defining the types of material and the extent of activities, these licenses may also include certain limitations. Platforms are licensed and registered using real-name registration systems, which are used to confirm users' identities. This step aids government agencies in monitoring and controlling internet activity and holding offenders accountable.

Furthermore, because the platforms must utilize internal procedures to evaluate and filter information before making it available to users, they are also accountable for self-censorship and content moderation. Additionally, in order to verify regulatory compliance, the NRTA and CAC have the authority to regularly investigate and audit OTT platforms. The consequences of any apparent infractions may include fines, penalties, content removals, or even license suspension or revocation. Therefore, a number of opponents contend that China's regulatory strategy is extremely centralized and centered on upholding social stability and the Communist Party of China's tenets (Picke, 2012).

CENSORSHIP OF OTT PLATFORMS IN SAUDI ARAB

The Communications, Space, and Technology Commission (CST) serves as the principal regulatory authority for internet governance in the Kingdom of Saudi Arabia. The Commission's board of directors is chaired by the Minister of Communications, a position appointed by royal decree, consistent with the appointment process for all cabinet members. Notably, the CST lacks explicit safeguards against commercial or political influence, raising concerns regarding its institutional independence. Oversight of Over-the-Top (OTT) platforms is further exercised by the Communication and Media Authority, which operates under the Government of Saudi Arabia. This authority enforces a licensing and content regulation framework, mandating compliance with its directives as well as systematic record maintenance by service providers.

Article (4) prohibits any service provider that oversees digital content platforms covered by these regulations from offering any services to the general public in the Kingdom, whether for free or at a cost, until the regulatory tool has been fully and satisfactorily completed. Depending on the type of services being offered, both domestic and international digital content platforms that serve consumers in the Kingdom are subject to regulatory tools (notice, registration, or licensing). Multiple regulatory tools may also apply to digital content platforms that offer a variety of services. (Anonymous, 2021)

CENSORSHIP OF OTT PLATFORMS IN THE UNITED STATES OF AMERICA

Television broadcasters, cable operators, and even satellite providers are subject to particular laws in the United States, where many aspects of the video business are highly controlled. Nevertheless, since the content offered on these platforms is unregulated, they have not created legislation about the OTT sector. Additionally, issues like cost and licensing are not addressed. In the United States, this system works well because it prevents monopolies from forming and promotes the development of new platforms that enter the market, which helps consumers by offering competitive prices. The fact that cable networks like NBC and the BBC are developing OTT platforms in order to get into the market makes this clear.

In 2019, a proposal was put forward in the US for a new regulatory framework to understand and control harmful unregulated internet content. In May 2019, the Online Harms White Paper proposed this framework. Along with this, an 'Online Safety Bill' was introduced with an independent regulator. Despite the US Federal Communications Commission (FCC) comments that the proposed regulations were "unnecessary and heavy-handed," the same regulations were sought to be introduced to encourage investment. (Goyal, 2022)

CENSORSHIP OF OTT PLATFORMS IN IRAN

In the Arab world, video streaming services and over-the-top (OTT) media services are important advancements in the distribution, consumption, and transmission of different motion picture productions. Improvements in the sharing of movie material across gaming consoles, televisions, cellphones, and computer displays have resulted from the entry of new players and technical developments by current ones (Bouraqia et al., 2020). Zaid et al. (2023) investigate how Gulf consumers adapt Netflix to their daily routines and cultural needs: The fact that viewers use Netflix's features to filter out content that they find culturally sensitive despite the lack of local content suggests that the introduction of subscription video-on-demand (SVoD) services like Netflix has significantly changed the media landscape in the Arab Gulf countries. Additionally, there is a need for more Arabic content on Netflix in order to better serve Gulf audiences.

The demand for high-quality material has increased in the Arab world, and consumers are prepared to pay to access it, particularly in the rich GCC states (Elsafty and Boghdady, 2022). In contrast to the somewhat erratic nature of traditional movie theater releases, this strategy may enable media businesses to estimate their revenue with accuracy. Production businesses and content producers may then invest in high-quality material and arrange their budgets. For example, new business models, including Pay-Per-View (PPV), licensing, and revenue sharing have been developed by online streaming platforms. Traditional movie and DVD rentals have been supplanted by digital rentals and PPV choices. Through revenue sharing, studios and content owners may bargain for license rates that are based on exclusivity, performance, and viewership. According to Elsafty and Boghdady (2022), this strategy gives platforms and studios additional sources of income while giving customers more choices. By promoting advertising income and making investments in original

material, online streaming services have also completely transformed the motion picture business. They allow filmmakers to engage certain audiences and maximize revenue streams through more data-driven and targeted advertising. Additionally, streaming services purchase the exclusive rights to movies, TV shows, and documentaries, which might allow producers to bargain for better terms and make money directly (Colbjørnsen, 2021).

CENSORSHIP OF OTT PLATFORMS IN CANADA

Canada has taken steps to integrate its regulations governing OTT services and conventional broadcasters. The government proposed changes to the Broadcasting Act in 2021 with the intention of expanding its application to OTT platforms. These changes included clauses requiring these platforms to make monetary contributions to the creation of Canadian content. The Canadian Radio-television and Telecommunications Commission (CRTC) would have the authority to impose these regulations, which include minimum content investments and platform visibility for local content. Canada's strategy for upholding fair competition in the media sector while defending cultural values is reflected in this integration.

CRTC requires streaming services to make Canadian material more discoverable. Although the CRTC has not yet decided on the precise standards for what constitutes "Canadian content," talks are still in progress and should be finished by the spring of 2025. The CRTC requires online streaming providers that operate in Canada and generate CAD 10 million or more in revenue annually to register. In order to guarantee openness and adherence to Canadian laws, this registration requires them to submit details about their operations, including content offers and subscriber information.

CENSORSHIP OF OTT PLATFORMS IN INDIA

The new Information Technology (Guidelines for Intermediates, Digital Media Ethics Code) regulations, 2021, are the governing legislation in India. A three-tiered regulatory system for OTT platform regulation was implemented by the new law.

- (A) Level I denotes the publishers' self-regulation
- (B) Level II denotes self-regulation by the publishers' self-regulating organizations.
- (C) Level III is the Central Government's oversight mechanism.

Level I- Self Regulation by the Publishers

Publishers must set up a grievance redressal system and designate an Indian-based Grievance Officer who will handle grievances they receive. They must also prominently display the contact information for their grievance redressal system, as well as the name and contact information of their Grievance Officer, on their website or interface. All grievances must be decided by the grievances officer within fifteen days, and the complainant must receive a response after that period.

In addition to acting as the primary liaison between the Ministry, the self-regulatory body, and the complainant, the Grievance Officer is the point of contact for any complaints against the Code of Ethics. The publisher is responsible for classifying online curated content into the Schedule's categories, considering the content's context, subject, tone, impact, and target audience. An analysis of the relevant content descriptors determines the appropriate rating for those categories.

Every publisher of online curated content is required to prominently display to users the rating of any such material as well as an explanation of the pertinent content descriptors in a location that is suitable, as the case may be, in a way that ensures that users are aware of this information prior to accessing the content.

Level II Self-Regulating Body

As envisioned, the self-regulatory organization should have no more than six members with acknowledged experience in fields like entertainment, kid rights, human rights, media, broadcasting, or other related fields. A former Supreme Court or High Court judge will serve as the body's chair, or an independent, distinguished person with significant experience in media, broadcasting, entertainment, or a similar profession may do so. Additionally, one or more independent, self-policing organizations may be established by individual publishers or their associations with the aim of guaranteeing compliance with professional standards and ethical guidelines.

The Ministry must be informed of the self-regulating body's establishment within 30 days of the regulations' announcement, or within 30 days of the body's creation if it is created after that date. In situations where it is decided that action to remove or alter the content is required to prevent incitement to commit a cognizable offense related to public order or in relation to the reasons listed in section 69A of the Act, such content should be referred to the Ministry for consideration by the Oversight Mechanism mentioned in rule 13 for appropriate action.

If the self-regulating body's suggestions or advisories are rejected by a publication within the timeframe specified in those recommendations or advisories, the self-regulating body needs to notify the Oversight Mechanism outlined in rule 13 within fifteen days after the deadline has past.

Level III - Oversight mechanism by the Central Government

The Ministry is accountable for overseeing and supporting publishers' and self-regulating bodies' adherence to the Code of Ethics, developing an oversight mechanism, and carrying out the following tasks, such as publishing a charter for self-regulating bodies that includes their respective Codes of Practice. The self-regulating body will establish an interdepartmental committee to hear complaints that relate to complaints about decisions made under rule 12 or where the self-regulating body has not made a decision within the allotted time frame, as well as any other complaints or references it deems necessary about violations of the Code of Ethics.

Regarding the maintenance and compliance with the Code of Ethics, it will provide guidance, support, and suggestions to publishers. For the purpose of issuing directives, the Ministry should choose a Ministry official who holds at least the position of Joint Secretary to the Government of India as the "Authorized Officer."

The Ministry will create an interdepartmental committee called the Committee, which will be made up of representatives from the Ministries of Women and Child Development, Law and Justice, Home Affairs, Electronics and Information Technology, Ministry of External Affairs, Ministry of Defense, and Information and Broadcasting. The Committee will also include subject experts, including domain specialists, as the Ministry may choose to include. However, the Chairperson of the Committee will be the Authorized Officer chosen in accordance with Rule 13 Subrule (2).

Any complaint referred to the Committee, it is necessary for the committee to refer the complaint to the ministry must be in writing and sent through mail, fax, or email, together with the electronic signature of the authorised representative of the entity submitting the complaint. The grievance should be assigned by a number in records along with the date and time of the receipt

The Ministry is required to use all commercially reasonable efforts to locate any content that has been produced, disseminated, or hosted. It must identify the entity in question and send a properly executed notice requesting that the entity appear before the Committee to present a response and any necessary clarifications.

Content Classification:

(i) All content transmitted or published or exhibited by a publisher of online curated content shall be classified, based on the nature and type of content, into the following rating categories, which are Universal rating (U); suitable for persons aged 7 years and above (U/A 7+); suitable for persons aged 13 years and above (U/A 13+); suitable for persons aged 16 years and above (U/A 16+); restricted to adults (A)

(ii) The Content may be classified on the basis of.

- i) Themes and messages;
- ii) Violence;
- iii) Nudity;
- iv) Sex;
- v) Language;
- vi) Drug and substance abuse;
- (vii) Horror

It is as described in the Schedule, as may be modified from time to time by the Ministry of Information & Broadcasting.

COMPARATIVE ANALYSIS OF CENSORSHIP ON OTT PLATFORMS

Over-the-Top (OTT) platform regulation differs greatly between jurisdictions, reflecting different legal, cultural, and sociopolitical contexts. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, established a three-tier regulatory structure in India. Other nations have taken different tacks, ranging from permissive monitoring to stringent state control.

In **India**, the regulatory mechanism comprises self-regulation by publishers, review by industry-led bodies, and final oversight by the central government. The framework mandates content classification, grievance redressal mechanisms, and interdepartmental government monitoring, aiming to strike a balance between creative freedom and societal sensitivities. However, the absence of an independent regulatory authority and increasing governmental involvement raise concerns over the autonomy of digital content creators.

By contrast, Singapore employs a clear and structured regulatory framework through the Infocomm Media Development Authority (IMDA), which imposes age-based classifications and mandates technical safeguards such as parental locks and age verification for mature content. Singapore's approach reflects a blend of technological enforcement and cultural conservatism.

Australia follows a primarily self-regulatory model, supported by institutions like the Australian Classification Board and the eSafety Commissioner. While classification standards are advisory, recent regulatory developments have granted platforms like Netflix autonomy to self-classify content using approved internal systems.

In China, OTT censorship is centralized and preemptive. Regulatory authorities like the National Radio and Television Administration (NRTA) and the Cyberspace Administration of China (CAC) enforce stringent content monitoring, licensing requirements, and ideological compliance. Platforms are mandated to implement real-name registration and internal censorship protocols, reflecting the government's broader strategy of media control and political oversight.

Turkey and Saudi Arabia have adopted interventionist regulatory models. In Turkey, the Radio and Television Supreme Council (RTÜK) licenses and monitors OTT content, often curtailing politically or morally sensitive material. Similarly, in Saudi Arabia, content regulation is closely tied to cultural and religious norms, with licensing and compliance enforced by the Communications, Space, and Technology Commission (CST).

In contrast, the United States remains largely deregulated in the OTT sector. Protected by the First Amendment, content on digital platforms is governed by self-regulatory practices, with minimal governmental interference. However, recent proposals such as the Online Harms framework suggest a growing awareness of the need for accountability in digital content moderation.

Canada's regulatory approach, under the Online Streaming Act (2023), emphasizes cultural promotion rather than censorship. The Canadian Radio-television and Telecommunications Commission (CRTC) mandates financial contributions from platforms towards Canadian content production and visibility, reflecting a cultural protectionist rather than restrictive stance.

Lastly, Iran demonstrates one of the most restrictive censorship models, characterized by direct state control, mandatory licensing, and ideological filtering of content. OTT platforms operate under constant surveillance and are required to adhere to stringent religious and political norms.

In summary, while India's regulatory framework seeks to balance innovation and accountability, it contrasts sharply with the freedom-centric model of the United States, the culture-focused approach of Canada, and the state-controlled frameworks of China and Iran. This diversity underscores the complex interplay between digital freedom, state interest, and cultural identity in the global regulation of OTT platforms.

4. CONCLUSION

The evolving digital media landscape has propelled Over-the-Top (OTT) platforms to the forefront of global entertainment and information dissemination. However, this rise has been accompanied by divergent approaches to content regulation and censorship, shaped by each nation's legal, political, and cultural fabric.

The rapid expansion of OTT platforms has fundamentally transformed the landscape of media consumption, enabling users across the globe to access a diverse array of content at their convenience. This transformation has prompted countries to re-evaluate and restructure their content regulation frameworks to address concerns related to vulgarity, obscenity, violence, and sociocultural sensitivities.

India's regulatory approach, introduced through the IT Rules of 2021, reflects a layered system of self-regulation and government oversight. While it is a notable step toward establishing accountability in digital content dissemination, the absence of an autonomous regulatory body and growing state involvement have raised legitimate concerns about creative freedom and editorial independence.

When compared globally, it becomes evident that censorship on OTT platforms is approached in vastly different ways. Liberal democracies such as the United States emphasize free expression and platform autonomy, while countries like China and Iran adopt rigid, state-centric models of censorship that prioritize ideological conformity. Nations such as Singapore, Turkey, and Saudi Arabia enforce cultural and moral codes through licensing and classification mandates, whereas countries like Canada and Australia strike a more balanced approach, focusing on promoting indigenous content and ensuring user protection.

This comparative analysis underscores the importance of a nuanced regulatory model that upholds constitutional freedoms while addressing content-related risks. For India, the path forward lies in adopting best practices from global frameworks that encourage self-regulation within a well-defined statutory boundary, supported by transparency, accountability, and minimal state interference. The development of an independent regulatory authority, stakeholder engagement, and continuous policy evaluation will be essential in shaping a fair and future-ready content ecosystem in the country.

REFERENCES

- [1] Anonymous (2021) “Digital Content Platform Regulations” https://www.cst.gov.sa/ar/new/publicConsultation/Documents/PublicConsultationon_EN_144304.pdf
- [2] Bhagavatula, N. S. S., & Sandhiya, K. (2020). Censorship in OTT platforms: The necessity. School of Law, SASTRA University. <https://penacclaims.com/wp-content/uploads/2020/07/Sriram.pdf>
- [3] Bouraqlia K, Sabir E, Sadik M, Ladid L (2020) Quality of experience for streaming services: Measurements, challenges and insights. IEEE 8:13341–13361
- [4] Department for Digital, Culture, Media & Sport, Online Harms, Government of the United Kingdom, White Paper, 8 April 2019, <https://www.gov.uk/government/consultations/online-harms-white-paper>
- [5] Vitrinel.E and Iidir.A (2021) https://www.researchgate.net/publication/350152364_Netflix_Turkey_Dossier
- [6] Ganuza, J. J. and Fernanda Vicens, M. (2014) Over-the-top (OTT) content: implications and best response strategies of traditional telecom operators. Evidence from Latin America. Info, 16(5), 59–69. <https://doi.org/10.1108/info-05-2014-0022>
- [7] Goyal, I. (2022) Censorship of OTT platforms: The conundrum in the regulation and the way forward. International Journal of Advanced Legal Research. <https://ijalr.in/volume-2/issue-3-2/censorship-of-ott-platforms-the-conundrum-in-the-regulation-and-the-way-forward-by-ishita-goyal/>
- [8] IANS (2019) Four Out of Five Smartphone Owners in India Use At Least One OTT Entertainment App. <https://www.news18.com/news/tech/four-out-of-five-smartphone-owners-in-india-use-at-least-one-ott-entertainment-app-2236955.html>
- [9] Infocom Media Development Authority, Government of Republic of Singapore, CONTENT CODE FOR OVER-THE-TOP, VIDEO-ON-DEMAND AND NICHE, <https://www.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>
- [10] Ikigai Law, Online content regulation: how is it done in other parts of the world? <https://www.ikigailaw.com/online-content-regulation-how-is-it-done-in-other-parts-of-the-world/#acceptLicense>
- [11] Joseph Burstyn Inc. v. Wilson, 343 US 495 (1952).
- [12] Kakkar, A. & Nayak, K. (2019) Analysis of Product Placement in Web Series and its Influence on Consumer Buying Behaviour Retrieved from <https://journalofbusiness.org/index.php/GJMBR/article/download/2755/2656/>
- [13] Khurana, U. and Mehta, R. (2021) OTT Platforms: A Boon or Bane <https://drive.google.com/drive/folders/1Ugb0siZvfUJia1Jv7VzUNtByrIFvukl> Pg 1-6
- [14] Kumari, T. (2020) A Study on Growth of Over the Top (OTT) Video Services in India <http://www.ijlrhss.com/paper/volume-3-issue-9/11-HSS-747.pdf>
- [15] Laghete, G. (2022) Netflix’s lack of success in India ‘frustrating’, https://economictimes.indiatimes.com/tech/technology/netflixs-lack-of-success-in-india-frustrating-cofounder-reed-hastings-says/articleshow/89044470.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst
- [16] McAdams, M. (2019) What Is Ott? – Understanding The Modern Media Streaming Landscape <https://linkit360.com/what-is-ott-the-modern-media-streaming-landscape/>

-
- [17] MICA (2021) Indian OTT Platforms Report 2021 <https://www.mica.ac.in/indian-ott-platforms/indian-ott-platforms>
- [18] Ministry of Electronics and Information Technology (2021) Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 <https://mib.gov.in/sites/default/files/IT%28Intermediary%20Guidelines%20and%20Digital%20Media%20Ethics%20Code%29%20Rules%2C%202021%20English.pdf>
- [19] Nisla, K. (2021). The Convergence Model and Content Regulation of OTT Platforms in India: An analytical Study. National Level Annual Peer Reviewed Research journal, 10(1), PP-36-42, Retrieved from <http://ischolar.info/index.php/sansh/article/download/208930/194261>
- [20] Park, Sungwook; Kwon, Youngsun (2019) : Research on the Relationship between the Growth of OTT Service Market and the Change in the Structure of the Pay-TV Market, 30th European Conference of the International Telecommunications Society (ITS): "Towards a Connected and Automated Society", Helsinki, Finland, 16th-19th June, 2019, International Telecommunications Society (ITS), Calgary
- [21] Pieke, Frank N. 2012. "The Communist Party and Social Management in China". China Information 26 (2): 149-165., DOI: <https://doi.org/10.1177/0920203X12442864>
- [22] S. Parnami and T. Jain, "A Study on Increase in the Usage of OTT Streaming Services", IJRESM, vol. 4, no. 8, pp. 142–145. Available: <https://journal.ijresm.com/index.php/ijresm/article/view/1202>
- [23] Sundaravel, E. and Elangovan, N. (2020). Emergence and future of over-the-top (OTT) video services in India: An analytical research. International Journal of Business, Management and Social Research, 08(02), 489-499. Crossref: <https://doi.org/10.18801/ijbmsr.080220.50>
- [24] Wang, Wilfred Yang, and Ramon Lobato. 2019. "Chinese video streaming services in the context of global platform studies". Chinese Journal of Communication 12 (3): 356-371, DOI: <https://doi.org/10.1080/17544750.2019.1584119>
- [25] Zaid B, Benmoussa M, Ayyad K, Ibahrine M, El Kadoussi A (2023) The domestication of Netflix in the Gulf. Int J Commun 17:6613–6632 .
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