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# Towards transparency in OTT regulation

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**Why is in news?** It has been two years since the government issued the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules through which the Ministry of Information and Broadcasting (I&B) was given the task of regulating content on OTT and online platforms.

## A Brief about 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.

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.

## Regulation OTT platforms

In India, there are no laws regulating OTT platforms as it is a relatively new medium of entertainment until 2020

Following pressure to regulate the content being made available on these streaming platforms, the Internet and Mobile Association of India (IAMAI), a representative body of the OTT platforms had proposed a self-regulatory model.

The government has further brought OTT platforms under the [ambit of the Ministry of Information and Broadcasting](#).

Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, brought in detailed guidelines for digital content on both digital media and Over The Top (OTT) platforms

The rules includes following provisions in the regulation of OTT Platform in India

For OTT service providers such as YouTube, Netflix, etc., the government has prescribed self-classification of content into five categories based on age suitability.

Online curated content that is suitable for children and for people of all ages shall be classified as “U”, and content that is suitable for persons aged 7 years and older, and which can be viewed by a person under the age of 7 years with parental guidance, shall be classified as “U/A 7+” rating.

Content that is suitable for persons aged 13 years and above, and can be viewed by a person under the age of 13 years with parental guidance, shall be classified as “U/A 13+” rating; content which is suitable for persons aged 16

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years and above, and can be viewed by a person under the age of 16 years with parental guidance, shall be classified as “U/A 16+” rating.

Online curated content which is restricted to adults shall be classified as “A” rating. Platforms would be required to implement parental locks for content classified as U/A 13+ or higher, and reliable age verification mechanisms for content that is classified as “A”.

India’s approach can be termed as a light-touch ‘co-regulation’ model where there is ‘self-regulation’ at the industry level and final ‘oversight mechanism’ at the Ministry level.

The Rules provide for a grievance redressal mechanism and a code of ethics

### **Limitations of the rules**

Though the OTT Rules were notified in 2021, there is little awareness about them among the general public.

The Rules mandate the display of contact details relating to grievance redressal mechanisms and grievance officers on OTT websites/interface. However, compliance is very low.

In many cases, either the complaint redressal information is not published or published in a manner that makes it difficult for a user to notice easily. In some cases, the details are not included as part of the OTT app interface.

While the Rules require disclosure of grievance details by publishers and self-regulating bodies, the reporting formats only capture the number of complaints received and decided.

The current Rules provide for the third/final tier as the Inter-Departmental Committee (IDC) comprising officer-nominees from various ministries of Central government, and domain experts. The Supreme Court and High Courts have underlined the need for establishing a statutory body for regulating broadcast content to take the final decision in competent manner

There is no provision for the disclosure or publication of an apology/warning/censure on the platform or website.

### **The way ahead**

Ensuring uniformity in the way OTT publishers display key information relating to their obligations, timelines for complaint redressal, contact details of grievance officers, etc would aid in better media literacy among the people

The interpretation of age rating (UA 13+, for example) and the content descriptors ( ‘violence’, for instance) could be in the respective languages of the video (apart from English).

Further, age ratings and content descriptors could be shown prominently in full-screen mode for a mandatory minimum duration instead of a few seconds on screen.

The Ministry could consider facilitating a dedicated umbrella website wherein the details of applicable Rules, content codes, advisories, contact details for complaints/appeals, etc. are published.

OTT providers and appellate/self-regulatory bodies can be made to upload the details of grievances and redressal decisions, which will be visible for the public and government authorities. This approach will aid in enhancing transparency.

IDC’s membership may be made more broad-based and representative and with security of tenure for speedy decision making

Financial penalties on erring entities may also be provided.

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## **Conclusion**

In the present era of media convergence, it is high time we evolve a common set of guidelines for content, classification, age ratings, violations, etc. so that content across platforms is governed uniformly. India's OTT regulatory model seeks to be an efficacious combination of self-regulation and legal backing.