

The Discretion of OTT Platform- Impact on Youth In The Light Of Censorship

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Abstract:

With its huge population India is one of the lucrative markets for the entertainment industry globally. Indian consumer market not only helps these entertainment platforms to generate huge amount of revenue but also enables them to create variety of contents for their viewers to entertain them. With new age and internet accessibility almost everywhere across the nation people are now able to watch different OTT platforms such as Netflix, Prime, Hotstar, Altbalaji, etc., online without any hassles of set top box or cable connectivity. In the present paper we will try to examine different censorship laws with its necessity to be imposed on the OTT platforms. We will also study the effects of the content broadcasted through these OTT platforms and online mediums on tender minds and health of the children and what changes can be brought in the society by implementation of an unbiased statutory body and how bringing OTT platforms under censorship board is not about dispossessing the creators of their right to express but it is to save the future generations from consuming something that is not meant for their consumption at all. To reach up to the intended conclusion the researchers have adopted secondary research method and referred various news articles, books, published research papers and websites.

Keywords: Censorship, Impact, OTT platform, Younger Generation, broadcasted.

Introduction

Media encompasses all communications that transmit facts or information to citizens and it also includes the mass media in print i.e. newspapers, radio, television and internet. From the ancient times, media has remained an integral part of human civilisation. From the days of Vedas and Upanishads to the era of kings and emperors like Chandragupta and Asoka to the modern day's audio video and print, media has always played an important role in shaping our society on whole. During the days of freedom struggle newspapers like Lokmanya Tilak's Maratha and Kesari, Mahatma Gandhi's Young India acted as a platform to place the demands of common Indians against the oppressive British Government. (Divan, 2018)

The media is used as a prime tool these days to influence people's behaviour. Apart from being an influence it also acts as a watchdog and forces those in power to take responsibility for their actions, which affects common people.

An over-the-top (OTT) is a media service offered directly to viewers through the Internet. Currently, apart from the YouTube, OTT platforms are the second largest platform supplying videos and audio content in India. India has the second largest online video-viewing audience, with some 500 million people viewing videos online of which, approximately over 355 million people watch OTT video services.

With such large audience that it caters the OTT Medium very well has the potential to influence its patrons through the content they broadcast. With cheap internet cost and easy access to the mobile phones, OTT media content has become accessible to almost everyone. These include platforms like Netflix, Amazon Prime, Zee5, Sony Live, Disney+ Hotstar, AltBalaji etc. which are doing business in

India. To control the OTT platform's explicit content and its effects on the youth can be in command by way of censorship on their unlimited video streaming. The present study highlights the effects of explicit content of OTT platform on youth and strong justification to cover OTT platform under the preview of censorship, which can positively support in fulfilling the aim of media.

Objectives of research

The study is undertaken to gain insight on the present situation of society and uncontrolled, unconditional way of streaming without any legal binding. After commencement of OTT platform under the preview of censorship, will come up with various positive effects on youth and can restrict the unwanted online streaming.

To find out the effects of explicit content of OTT platform on the youth.

To understand the future changes in OTT platform after censorship.

Research methodology

To reach up to the intended conclusion the researcher have adopted secondary research method and referred various news articles, books, published research papers and websites.

Impact of OTT Platforms on the youth and entire society:-

The main reason OTT platforms have become so popular is that viewers can directly access these platforms with help of their computers, laptops, televisions and mobile phones through the internet, as there is no need for cable connections or broadcasting channels. OTT platforms have helped people overcome boredom during the months of lockdown period of COVID-19 Pandemic.

There were times when everyone in a family used to gather and sit together in front of the television to watch whatever was shown on the cable channel. But today, one can choose his own show and stream content on his personal laptop or tablet or mobile phone.

Now a days, the younger generation spend most of their time watching video content while eating and before sleeping. According to a survey report an Indian youngster spends more than 11 hours a week watching videos online. Children between the ages of 8-15 like these apps more. The reason is the OTT platforms serve unlimited entertainment from various genres that at times may not even be children-friendly. According to a report on crime against women in year 2021 it is found that there has been a drastic rise in such activities and that the youngsters in their late teens are involved in these activities as a result of showing such cases in the OTT series such as Sacred Games, Mirzapur and Pataal Lok, etc. As the trend can be seen in the Indian society there is an immense need for some regulating authorities or some sort of censorship board to regulate the content broadcasted on these OTT platforms as the majority of the consumers of these contents belong to the pre and mid teen age group who have least knowledge and realisation of consequences of the actions committed by them.

Further, the content and language used in the of OTT (over the top) platforms such as Netflix, Disney Hotstar, Amazon Prime, Voot, MX Player, Zee5, Alt Balaji etc. are of great cause of worry in today's times causing negative impacts, especially on the youth of the country. On the cost of our Indian values these OTT platforms are making huge and enormous profits, the content shown on these platforms are usually flooded with the offensive and abusive language and obscene scenes. India has gone through a drastic technological revolution recently which promoted the new entertainment platforms, as a result of which an average Indian youth spends approximately 11 hours watching these OTT content, which is way more than the time spent by an average youth globally on such platforms, which is 6 hours and 45 minutes.

Generally, it is observed that youths are more likely to follow one's behaviour as they can easily relate to such characters displayed on these OTT platforms. Also, it is the main cause of behavioural

changes found in the youth recently. Apart from such developments in the behavioural patterns within the youth it also has following reverberations:

- Lack of socialisation in youth.
- Cases of insomnia, depression, obesity, and ailments related to eyes have increased amongst the younger generations.
- Youth have been lacking in their academic career as a result of lack of attention towards their studies.
- These web shows are also known to promote drinking alcohol, doing drugs and weed without mentioning their long term effects on one's health.

Recently, a B.Com third year student was murdered while she was returning home after the exam, a boy named, Tausif, had shot her. Tausif had one sided love with Nikita and he had planned the killing after he had watched the web series Mirzapur wherein a character named Munna Bhaiya kills a character, Sweetie, in a case of one-sided love story, which he confessed in the police custody. Hence, Tausif got influenced by this story, he waited for Nikita outside the college. As soon as Nikita came out of the college, Tausif began to force her into a car but she refused and protested against these actions of Tausif. As a result of which Tausif got agitated and shot her. This information about Tausif's confession is available on the digital platform of the reputed news channel. (Nikita Tomar murder accused was inspired by Munna from 'Mirzapur' web series: Report)

Legislative Parameters:-

After realising the after effects of these Social Media and OTT Media platforms the Legislature has come up with set of new rules to curtail the problematic content and help the viewers to make more informed choices about the content broadcasted on such media platforms, these rules are as follows; Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021:

The new rules were notified by the Ministry of Information and Technology in February, 2021 and every social media platform including the OTT platforms were told to comply by the new rules by 26th May, 2021 and as per Rule 3(2)(b), (c), (e), of Information Technology (Intermediaries guidelines) Rules, 2021, no media platform will display, host, publish any obscene, pornographic or unlawful content that may harm minors. As per Rule 3(3) the publisher shall not knowingly host, initiate the transmission of such content on their website or mobile application. If so displayed it will be with a due warning for the consumer.

Apart from these rules, certain grievance cells were created which include:

- Appointment of a Chief Compliance Officer who will be responsible for ensuring the compliance with the Act.
- Apart from a Chief Compliance Officer a Nodal Officer is appointed who will be available 24x7 to coordinate and assist with the law enforcement officers and to ensure the compliance.
- Appointment of a Resident Grievance Officer who will be a resident of India and look after the Grievance redressal mechanism.
- Contact details of the Resident Grievance Officer should be mentioned at an appropriate place on the website or interface any such OTT platform.
- To publish a monthly report mentioning the details of complaints received and action taken regarding those complaints and also regarding the removal of the content from the platform through the proactive monitoring conducted by such media platforms.
- Resident Grievance Officer must issue an acknowledgement of the grievance filed by the complainant within twenty-four hours of it being furnished for information.
- The Resident Grievance Officer must take a decision on every grievance received by him within fifteen days of such receipt, and must communicate the same to the complainant. (Notification dated, the 25th February, 2021 G.S.R. 139(E): the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021)

Apart from these new rules laid down by the Ministry, the content showcased on the OTT platforms are being continuously siphoned with help of other laws such as;

- Section 4 of Cinematograph Act, 1952
- Sections 3, 4 and 7 of Indecent Representation of Women (Prohibition) Act 1986
- Sections 67, 67A, 67B, 67C and 69A Information Technology Act, 2000
- Sections 292-294 Indian Penal Code, 1860

Judicial Contribution:

Besides the Legislature, Judiciary has also played an important role by warning these OTT platforms about the content broadcasted on these platforms and also about the consequences these contents have on our rather conservative society. There are few case-laws which show the dedication of the Judiciary to impart justice and reform our society with help of the Judgements passed by them in the cases cited below.

1. The Tandav Controversy Case:

A web series named Tandav was released on the Amazon Prime on 15th January, 2021. Immediately after the release, the series was criticised by different sects of our society for hurting religious sentiments of Hindus. Numerous complaints were lodged and the Ministry of Information & Broadcasting had to intervene and the makers of the series were made to issue an unconditional apology and also edit certain parts and dialogues that were found to be objectionable. Also, as there were numerous FIRs lodged across the country against the actors, producers, directors and also the India head of Amazon Prime Video's original content Ms. Aparna Purohit. However, on 5th March, 2021 the Supreme Court granted protection from arrest to everyone associated with the series and as a result of this controversy the series was shelved and never got released again. (Tandav Web Series पर कानूनी फंदा, माफी के बाद भी थमा विवाद ? | Tandav Controversy)

Gurdeepinder Singh Dhillon v. Union of India (CWP 8089/2020):

A writ petition of Mandamus was filed by the petitioner under Article 226 of Constitution of India in the High Court of Punjab & Haryana to direct the Central Government to regulate the abusive and anti national content shown in a Amazon Prime Web Series named Pataal Lok.

Charges were framed against the makers of the Web Series Pataal Lok under following Acts;

- Sections 67, 67A and 67B of The Information Technology Act, 2000
- Sections 4 and 6 of The Indecent Representation of Women (Prohibition) Act, 1986
- Section 295A of The Indian Penal Code, 1860

The Honourable High Court held that there is a requirement for a regulatory body to supervise the content broadcasted on these OTT Mediums so that sentiments of the citizens were not hurt by such contents and demanded a reply from the centre and state over this plea. (GURDEEPINDER SINGH DHILLON)

Effects of censorship on OTT Platforms:

Although many would argue that if the content broadcasted on these OTT platforms are regulated or censored then that would eventually restrict the creative freedom of the creators. However, one must also consider that one's freedom of creativity should not be borne by a child's innocence or our society's values, there are few positive changes that our society might notice once these OTT Platforms get regulated, which are as follows:

Reduction of hate speech and crime against the minorities and the women:

As we already know that due to lack of exposure the minorities and the women of our society are already constrained in field of education, commerce, sports, etc.. Recently, it was observed that there was rise in crime against minorities and women in which most of the times the accused gained inspiration from a character shown in the web series. If the content is regulated and the content consumed by the viewer is not drenched in crime such as murder or rape then we might experience downfall in the crime of such nature.

Children will get protected from consuming the harmful content:

As mentioned earlier in the research paper majority of the consumers of these OTT content are teenagers who are either in their early, mid or late teens. Children of this age group are considered as future of our society and we won't want future to lose all its innocence to something that was never meant for them to consume. Just by appointment of watch dog over the content broadcasted on these OTT platforms we can save a child's innocence by safeguarding the children from negative influences and thus saving the future of our society.

Lowering of the growing impact of foreign culture on Indian Society:

The content broadcasted on these OTT Mediums, many times are not region specific as a result of which a person in India can view the content that portrays a different lifestyle as a result of causing certain amount of friction between such person and our society. However, censorship might help in regulating this to some level.

Reduction in complaints made by the people against such content:

Recently, there have been instances where people have lodged legal complaints against the harsh language and obscenity shown in the web series. It can be said that, once a censorship body is appointed, it might help in lowering the numbers of such complaints thus reducing the pressure on our law enforcement agencies and Judiciary, who are already under immense pressure.

Conclusion

Over the top platforms got overestimated and admired in the year 2016 and the content of media has changed drastically. Many entertainment industries launched their OTT platforms in the Indian market. Any profit-making firm may benefit from India's large population as India is one of the topmost country in consumption of online material globally. However, one must bear in mind that every right comes with some restrictions, which must not be regarded as an obstacle in the way of freedom of expression and to showcase an art. The makers of the content must be aware of what influence their work has on a child's minds, hence they must be held liable for their acts. Censorship of the content broadcasted on these OTT Mediums can be seen a tool for bringing out the truth in a dignified manner, rather than a stumbling block.

Suggestion:

On the basis of present study done by the researcher, following are few suggestions to reduced the negative impact of OTT platform on youth.

- 1) censorship of the content shown on the OTT platforms is must as the censorship will reduce antisocial, hateful and explicit content from reaching the audience especially the children, there by maintaining the social order.
- 2) Also, the censorship of such content can help in prevention of hurtful content towards certain communities.
- 3) However, as we can observe that self regulation of the content is not as easy as it appears hence an unbiased regulating body is much required to regulate the content broadcasted on these OTT Mediums.

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