

4. Blocking Of Ott - Governance

Govt blocks five OTT platforms for streaming obscene content. The recent blocking of five OTT platforms (MoodXVIP, Koyal Playpro, Digi Movieplex, Feel, and Jugnu) by the Ministry of Information and Broadcasting (I&B) highlights the intensifying regulatory scrutiny over digital content. This move underscores the ongoing debate over where "artistic freedom" ends and "obscenity" begins in the digital age.

1. Defining Obscenity- The Legal and Social Lens

Definition- Material that is lascivious, sexually explicit, or appeals to "prurient interests" with the tendency to deprave or corrupt the minds of viewers.

The Subjectivity Challenge- Obscenity is not defined in absolute terms. In India, it is interpreted through-

1. Judicial Precedents- Tests like the Hicklin Test (evaluating the tendency to deprave) and the more modern Community Standards Test (judging content based on contemporary societal values).
2. Statutory Laws- Primarily Sections 292-294 of the IPC and Sections 67/67A of the IT Act.

2. Regulatory Evolution- From Vacuum to Oversight

Phase	Regulatory Mechanism	Key Features
Pre-2021	Regulatory Vacuum	OTT platforms operated with minimal oversight, unlike films which require CBFC certification.
IT Rules, 2021	Three-Tier Mechanism	Introduced self-regulation by publishers, self-regulating bodies, and an Inter-Departmental Committee (IDC) by the Centre.
	Content Classification	Mandated 5 categories- U, U/A 7+, U/A 13+, U/A 16+, and A.
Proposed Rules (2026)	Digital Code Rules	Drafts propose stricter age-gating, robust age verification, and clearer definitions for "incitement" or "religious attacks."

3. Constitutional and Legal Foundations

The regulation of OTT content is a delicate balancing act between fundamental rights and the state's duty to maintain morality.

Constitutional Balance-

1. Article 19(1)(a)- Guarantees Freedom of Speech and Expression, protecting digital and artistic creativity.
2. Article 19(2)- Permits "Reasonable Restrictions" on specific grounds, including decency or morality, public order, and the sovereignty of India.

Information Technology Act, 2000-

1. Section 69A- The primary tool used for current blocking orders. It allows the government to restrict access to content in the interest of national security, public order, or decency.
2. Section 67 & 67A- Direct criminal penalties for publishing obscene or sexually explicit material in electronic form.

Indecent Representation of Women (Prohibition) Act, 1986- Prohibits the depiction of women in a manner that is derogatory or likely to deprave public morality.

4. Institutional and Social Dimensions

NCPCR's Role- The National Commission for Protection of Child Rights has been a vocal advocate for blocking these platforms, citing the ease with which minors can access "softcore" content without robust age-gating.

Judicial Review- The Supreme Court has repeatedly invoked the "Doctrine of Proportionality," ensuring that state censorship does not result in "chilling effects" on legitimate artistic expression.

Ethics of Self-Regulation- OTT platforms are encouraged to adopt a "best-practices" code to minimize state intervention, but the failure of self-regulation often leads to executive "strikes" like the one seen recently.

5. Key Challenges in Digital Governance

Transparency- Blocking orders under Section 69A are often criticized for lacking public transparency.

Global Reach- Platforms blocked in India may still be accessible via VPNs (Virtual Private Networks) or mirror sites, making enforcement difficult.

Changing Morality- Digital standards of "decency" are rapidly evolving, making it difficult for law enforcement to maintain a consistent standard.

6. Way Forward

1. Independent Oversight- Moving away from purely executive blocking orders toward a body that includes members of the judiciary and civil society.
2. Robust Age-Verification- Moving beyond simple "Yes/No" age prompts to more secure digital ID-based verification for 'A' rated content.
3. Digital Literacy- Educating parents and users about parental control tools provided within the IT Rules framework.
4. Uniform Standards- Creating a clearer "Digital Code" that harmonizes the definitions of obscenity across various laws (IPC, IT Act, and Indecent Representation Act).

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