

Censorship, freedom of expression, and self-regulation on OTT platforms In India

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ABSTRACT

Over the last few years, the fast-paced expansion of Over-the-Top (OTT) platforms has completely reshaped the landscape of digital entertainment within India, offering users an unprecedented openness to a wide range of and on-demand audio-visual content. Platforms such as Instagram and TikTok have offered people new ways to be creative and connect with an audience, but there has also been plenty of debate about the platforms and their policies on censorship, freedom of expression and the efficacy of self-regulatory. With a doctrinal/thematic content analysis method, the study examines the constitutional aspects of freedom of expression under the Constitution of India, 1949, explores the potential of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and looks at the implications of the concept of self-regulation in ensuring the responsibility of content governance. The findings show that the co regulatory framework in India is an attempt at the balance between creativity and public interest by trying to classify content, have mechanisms for grievances and making platforms accountable. But problems like the lack of clarity in regulations, uneven application of self-regulation and doubts about indirect self-censorship persist in undermining the existing system's effectiveness. Overall, the study suggests that in India, the deployment of a transparent, balanced, and adaptive regulatory framework is crucial to safeguard the constitutional rights of citizens and ensure responsible digital content governance in the rapidly changing OTT ecosystem...

Keywords: Over-the-Top (OTT) platforms, censorship, freedom of expression, self-regulation, digital media governance, content regulation, etc...

INTRODUCTION:

Over-the-Top (OTT) has revolutionized the Indian media and entertainment sector by allowing viewers to watch TV content online without the need to subscribe to a cable or satellite TV package. Platforms have revolutionized how media is consumed, providing options for content that is diverse, culturally rich, multilingual and delivered on demand to different preferences and audiences. Smart has come to be more affordable, internet access had increased, mobile data cost has tapping down and expanding digital infrastructure have hugely contributed in accelerating OTT adoption in urban and rural India. It has also allowed small creators and independent filmmakers to go further with more ideas that are not usually found in traditional films and television series because they would be considered too expensive to produce or come under government regulations and restrictions.

Even though these developments offer opportunities, some legal, ethical, and constitutional concerns around censorship, freedom of expression, and the effectiveness of the existing self-regulation system have arisen. There was no formal OTT content certification system initially when compared with the Cinematograph Act, 1952 for theatrical movies. This loophole in regulation also contributed to increased artistic freedom, while increasing concerns over explicit violence, nudity, religious sensitivity, hate speech, obscenity, and everything that could impact children and vulnerable groups. This

prompted the filing of multiple PAs, state governments responding to them and debates on policies to hold the digital streaming services accountable.

The basic rules and parameters around this discussion are delineated through Article 19(1)(a) of the Constitution of India that gives every individual the life blood of the fundamental rights the freedom of expression. Article 19(2), however, provides a justification for reasonable restrictions for sovereignty, for the purposes of integrity, public order, decency and morality, security of the State, friendly relations with foreign States, contempt of the Court, defamation, and incitement to offence. There lies balancing UP the artistic liberty and the legal protection of legitimate interests of the society before the policy makers. Too much government regulation can stifle creativity and democratic discussion, while lack of oversight can mean that audiences are vulnerable to exposure to harmful or objectionable content. Hence there is a remaining policy challenge in the identification of an appropriate governance model.

The concerns in India were addressed through the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which mandated on classification of contents based on 'age appropriateness' in addition to 'parental control' and self-regulatory mechanisms of the publishers; and introduced a three-tier framework for grievance redress. The regulation does not adopt the same approach as in films and does not require pre-certification, but instead it brings

attention to good self-governance with the proviso for governmental intervention in exceptional cases. This model aims to balance the preservation of constitutional freedoms with broadband media in such a way as to not to censor everything. However, the suggestions about how to provide a better balance of creative autonomy with protection are not without controversy among legal experts.

The second major element is self-regulation as suggested by the OTT platforms. Voluntary community standards, content descriptors for content, advisories to viewers, Age Ratings and self-regulation systems have been adopted by most major streaming providers. Self-regulation aims to encourage responsible dissemination of content, with a reduction in governmental regulation. However, critics have stated that commercial pressures, reputational concerns, political pressures and social media campaigns can lead platforms to delete or edit controversial material without the explicit orders from the Government. These voluntary restrictions can lead to the creation of a chilling effect in which creators are deterred from creating works that might provoke controversy with regard to a sensitive political, religious, or social subject. So debates on censorship are growing to include both self-censorship and censorship by the state due to market pressures.

With the advent of OTTs, the nature of the technology–law–media governance–constitutional rights nexus has changed in India. The interplay between censorship, freedom of expression and self-regulation in this new digital landscape is crucial whether it involves the growth of new technology, its mechanics, or the content creation and dissemination process. It is vital to comprehend the nuances of this new digital landscape, especially how it balances the nuances of censorship, freedom of expression and self-regulation, while shaping policies that champion these democratic values in the distribution of content. This study therefore analyzes the adversarial views on the issue of OTT regulation and whether self-regulation can be a more viable alternative to the formalistic censorship in India.

Literature Review

The rise in regulatory research in India after the launch of the Information Technology Rules, 2021 has significantly grown. The academic literature is skewed towards issues relating to the constitutional aspects of freedom of expression, the usefulness of self-regulation, the need for content regulation, and the changing nature of government regulation.

Two recent studies by Chawla and Buch (2023) analysed and discussed the regulatory issues that arise with OTT platforms in India and suggested that because of the different modes of content consumption, censorship can be moved from theatrical cinema to Internet-based streaming services. The authors separated the concepts of certification and censorship, and stressed that voluntary choice by the viewer and consumer choice greatly diminishes the need for prior government censorship. They found self-regulation a more dynamic approach to safeguarding artistic freedom, and public interest, in alignment with constitutional principles of freedom of expression.

Bhutia and Shaji (2022) contributed to the discourse on the battle between creative freedom and content control in the India's OTT warfar. Their investigation also pointed out the danger posed by high levels of government involvement decreasing innovative art, and that social issues can not be discussed by artists if the government gets in the way. The writers said the censorship must not become a common practice and urged the reinforcement of transparent and self-regulatory institutions to handle the public grievances without affecting constitutional freedoms.

The authors Deo and Suthar (2025) did study and understand the different legality which regulates OTT platforms especially focusing on Article-19 of Indian constitution, and the Korean Information Technology Rules 2021. Their study found that India's regulatory strategy seeks to balance constitutional freedom with accountability of the publishers to the public by introducing the concept of content classification, grievance redressals and publisher responsibility. The authors found, however, that the current legal ambiguities on the powers of the government, how they are enforced, and the reach of digital media rules, are yet to be clarified by judiciary decisions.

Recently, Nagda and Maheshwari (2025) did a study on the effectiveness of the present OTT regulatory regime in India. While they identified a number of key protective features in the Information Technology Rules (age classification, parental control, and self-regulatory control), the study left a number of implementation issues unresolved. The authors pointed out that lack of an overall statutory regime and the superposition of institutional jurisdictions are still raising uncertainties for the digital content providers, and are resulting in the exposure of the audience to unpredictable regulations.

Internet censorship research offers also some theoretical understandings pertinent to OTT governance. Singh, Grover, and Bansal (2019) showed that the implementation of government directives in the online space in India is a decentralized process which results in varied online censoring practices by ISPs. Their research reflects the complexities of digital governance in a technologically mixed society and their implications for freedom of expression more widely.

Likewise, Yadav et al. (2018) analysed the technical processes of internet censorship in India, and found that the infrastructure of internet censorship is quite different with each internet service provider. While their findings were centred on website blocking and not on OTT platforms specifically, it highlighted the general issues around the effective and uniform regulation of digital content, whilst safeguarding citizens' constitutional rights to freedom of expression.

Combined, previous publications show a general consensus that government broadcasting or the lack thereof can both have negative impacts on creativity, innovation and democracy. There is a general consensus among scholars in favour of a balanced governance which must be founded on the principles of responsible self-regulation, grievance redressal process in a transparent manner and audience empowerment through avoiding

governmental intervention. However, while there is some empirical evidence regarding stakeholders' perceptions (that of the viewer, the creator, the legal expert, etc.), the evidence remains relatively limited. Further, little is known about the effectiveness of current self-regulations to strike a balance between freedom of expression and the public accountability in the fast-evolving Indian OTT environment. This study aims to fill these gaps by critically exploring the concept of Censorship, Freedom of expression and Self-regulation in the current digital streaming era of India.

Objectives:

This research study seeks to analyse the regulatory landscape for OTT platforms in India, and the implications it has for the link between media censorship and freedom of expression, the effectiveness of voluntary self-regulation in terms of content control, and the potential challenges that arise in the context of balancing creative freedom, constitutional safeguards, public interest, and the responsible dissemination of digital content.

Methodology:

This research is descriptive research with a secondary data approach. The information has therefore been gathered from peer reviewed journals, books, Government Publications, legal documents, policy papers, judicial decisions, and publications of the regulatory bodies relating to OTT platforms, censorship, freedom of expression, and self-regulation aspects, in India. A qualitative approach with doctrinal and thematic content analysis is used to analyse the collected data to further examine the existing regulatory framework, the constitutional provisions, the judicial interpretations and scholarly views. The findings of the analytical process are discussed to detect themes, ambiguities in the laws governing digital content and potentials for policies to improve a coordination of digital content governance in relation to the regulation and preservation of creative freedom.

Regulatory Framework Governing OTT Platforms in India

Over-the-Top (OTT) platforms are the newest revolution in the Indian digital entertainment landscape, offering viewers unbundled and unhindered access to on-demand audiovisual content, via internet-connected devices. Unlike the conventional broadcast and theatrical exhibitions, the OTTs are in a technologically fluid environment in which content is distributed around the world, consumed one-by-one and updated constantly. This has improved the consumer choice and fostered the progressive exploring of new ideas, but it has also stimulated some complicated legal and regulatory issues with regards to freedom of expression, content moderation, public morals, child protection and platform accountability. This has led gradually to a gradual change from the unregulated to the regulated and regulated part of the digital realm in India with the implementation of a responsible governance of digital content, balancing freedom of expression and fundamental rights with the responsibility and accountability of content providers

(Das et al. 2024).

Article 19(1)(a) of the Constitution which gives every citizen the freedom of speech and expression forms the basis of content regulation in India. This protection under the constitution is as applicable to art, movies, documentaries, web series and other creative content delivered via digital channels. This freedom, however, has, in its turn, reasonable restrictions as to the integrity and sovereignty of India, national security, public order, decency and morality, contempt of court and defamation and incitement to offences as provided by Article 19(2). Article 21 of the constitution thus affirms that there must be freedom of creativity within a democratic society, but obliges the institutions of a democratic state to balance that freedom with legitimate values of society. However, the regulations regulating OTT platforms have since become about preserving this constitutional balance between market and government, rather than government's dominance without restriction (Kapoor 2024).

The Information Technology Act, 2000 was also passed prior to the advent of streaming services but continues to be the main law related to digital communication and online intermediaries. The Act includes several features that allot the Government with the powers to respond to the nature of content that may be illegal on the internet, to cyber crimes and intermediary duties. Meanwhile, as OTTs turned into major publishers of audiovisual materials, the necessity of the sector specific regulation started to emerge due to the lack of attention paid by the existing law in the field of age classification, content standards, viewer protection and grievance redressal. Inevitably, given this regulatory vacuum, there has been a push by policymakers to create a specialized set of rules targeting how digital media publishers can operate (Das et al. 2024).

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, were a major step towards the digital media governance in India. The first regulations applicable to OTT platforms and digital news publishers in a comprehensive way have been laid down in these Rules. Whereas theatrical movies have a compulsory pre-certification, the Rules' focus has been on a governance model of publisher responsibility, transparency and self-regulation. OTT platforms must assign age classifications for content; offer detailed content descriptors; include mechanisms for parental control of restricted programming and promote content warnings to viewers. These provisions have been designed to give viewers the power to choose to ignore material (through informed choice) without forcing them to be the subject of the government's censorship (Chawla et al. 2023).

The 2021 Rules also added a three-stage grievance redressal system that amounts to a co-regulatory way of governing digital content. On the first level, each OTT platform will have complaint representatives who will respond to consumer complaints according to prescribed timelines. The second level is the self-regulatory organisations set up by publishers or industry organisations to examine unresolved complaints and

reduce the breach of the Code of Ethics. The third stage is governmental control through the Ministry of Information and Broadcasting (MIB) that can probe a complaint over major public interest and suggest corrective action if needed. This is an institutional arrangement designed to reduce direct government involvement while assuring publishers' accountability for the material they provide (Chawla et al. 2023).

One of India's unique regulations is that OTT content continues to have no obligation to mandatory certification from the Central Board of Film Certification (CBFC). While films in theatres still need to be certified for screening under the Cinematograph Act, films that are now streaming digitally are regulated mainly by self-classification with the Information Technology Rules. The separation recognizes that OTT isn't naturally like traditional cinema, in which people are pushed toward content while viewing it together in a shared public environment. The Government has thus taken the view that self-regulation, with oversight backstopped by legislation, is more suitable than trying to broaden the existing framework of censorship to digital streaming platforms.

Self-regulation has thus been a major tenet of the OTT governance in India. Almost all streaming platforms have already implemented in-house editorial codes, rating systems, parental locks, content warnings, awareness mechanisms, etc. prior to publishing content. Industry associations are also developing codes of practice that are self-governing and aim to further develop consistency, transparency and consumer confidence. The mechanisms promote publishers' editorial accountability and creative independence. However, there is a debate about the ability to maintain uniformity of self-regulation on the platforms; when this happens it is typically because of commercial decision-making, public pressure, reputation risk and changing political sensitivities. However, in a few cases, platforms have changed or deleted controversial content after it has been identified by consumers, sparking concern about indirect self-censorship and its impact on artistic freedom (Adhikari, 2024).

The policy dialogue on the proposed Broadcasting Services (Regulation) Bill, aimed at modernising India's broadcasting policies and consolidation of various digital technologies under a single regulatory framework, has also shaped the regulatory landscape. The proposal attracted considerable interest and comment over its potential to be applied to online speech and creative independence, but also drew attention to the government's efforts to create "convergence"-friendly regulations, which would affect online broadcasting as well as traditional television and radio. The draft law's withdrawal and reconsideration further indicates that OTT regulation is a policy field that is still dynamic, that needs to be constantly reconsidered through consultation and further revision with stakeholders, and that will have to await additional constitutional analysis.

The overall position of government regulation on OTT services in India is a shift from little intervention to a co-regulatory system of constitutional protection, regulatory duties, self-regulation and occasional adjudication.

Additionally to the existing tools of censorship, classification of content in a responsible way, empowering consumers, holding platforms accountable and redressing complaints transparently and effectively is emphasized. But soaring technology, shifting audience demands and new legal issues challenge the efficacy of the existing regulatory framework. Preserving balance between freedom of expression, responsible content governance and public interest is thus one of the core issues in digital media regulation in modern-day India (Deo 2024).

Thematic Analysis and Discussion

Evolution of OTT Platforms and Digital Content Governance

OTT players have changed the face of the Indian media business by making viewing media content personalized and on-demand in the face of the time-bound and fixed schedule of scheduled TV broadcasts. For many years there was little government regulation of digital streaming services as the current laws governing broadcasting and film-making were made for traditional media platforms. Although this allowed innovation and creative experimentation, it also raised concerns about explicit content and misinformation, hate speech, cultural sensitivity, and child protection.

While the rise in OTT popularity over the coronavirus pandemic increased the government's concern in this matter, media content providers also have a stake in the issue. Increased inclusion of OTT platforms in the pandemic is also gaining the governments attention in the matter, but content providers also have the stake in this one. In response, India launched the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which created a clear and responsible guide set with special focus on the obligations of the publishers instead of an advance censorship mechanism. This transition highlights India's efforts to adapt a regulatory framework to accommodate the constant changes taking place in digital technologies while maintaining constitutional freedoms (Chawla & Buch, 2023; Das & Sharma, 2024).

As OTT governance has evolved, it's becoming clear that the regulation of digital media has to depend on collaborative governance featuring government institutions, digital platforms, industry associations and consumers not just state censorship.

Freedom of Expression versus Content Regulation

Free expression is one of the fundamental pillars of the Indian constitutional democratic system. With OTT platforms offering an opportunity to tell narratives that may be impossible in traditional cinema and television due to commercial or regulatory constraints, OTT has created a greater playground for film-makers, independent creators and minority voices.

But as justified by Article 19(1) under the article 19(2), there are reasonable restrictions in place. Not any digital content that expresses obscenity, communal hatred, threats to national security or incitement to violence is therefore a target that can be met and regulated.

The literature always raises the question that regulation does not need to be abolished but rather is to be determined at the right level. While overt governmental interference can stifle innovation and artistic freedom, under-regulated jurisdictions may present dangerous content and communication to children who might be left without protection. Over regulation by the government can inhibit innovation and artistic freedom, and insufficient regulation can be a source of toxic content and communication for vulnerable audiences, including children, who may be unable to receive protection.

Such an equilibrium has become much more important in the era in which the OTT content is producing controversial documentaries, crime dramas and other social-political content which is getting politic attention and judging.

Censorship Challenges on OTT Platforms

As for theatrical releases, they are usually vetted before release and then certified by a government body before playing in theaters, OTT is not subjected to governmental scrutiny beforehand. The accountability problem has caused the continuation of the debate about exemption from pre-censorship of digital platforms.

There are a number of common concerns about censorship that have been recurring in literature:

Violence and nudity are shown and described in detail.

Fit for religious and cultural sensitivity

Political criticism

Hate speech

Child safety

National security

A number of web-series have drawn criticism from the public for offending religious views or offensive language, leading to complaints to the law enforcement and requesting deleting of the content. Those who oppose the expansion of traditional media censorship to digital media fear that it would stifle creativity and democracy. On the other hand, those who want to increase the regulations argue that free internet can negatively impact public morals and social stability.

Based on the reviewed literature, it is suggested that censorship should be proportionate and transparent and constitutionally acceptable rather than politically-driven (Adhikari, 2024).

Effectiveness of Self-Regulation

Self contained regulation is the key core of India's OTT governance model. Overnight, the publishers will be expected to apply responsible editorial practices in the form of content classification, viewer advisories, parental controls, grievance officer and internal compliance processes, rather than governments getting on the case and imposing mandatory certification.

A good chunk of the major OTT providers provide age-related categorization for content voluntarily, and warnings regarding violence, language, sex-related and drugs related content. These steps promote conscious

consumer preferences while, at the same time, do not hinder artistic innovation.

Self-regulation has also been shown to have some drawbacks in the literature, however:

Irregular use of platforms.

Lack of common editorial standards.

External influences on editing that may come from commerce.

Voluntary content removal due to political/social pressure.

Lack of effective grievance-processing.

It is therefore strongly argued by several scholars that achieving accountability through self-regulation is not enough without proper institutional oversight and due to legal accountability provisions (Das & Sharma, 2024; Chawla & Buch, 2023).

Judicial Interpretation and Policy Challenges

Freedom of expression has consistently been shown to be guaranteed by the Constitution (Art. 19) and yet the State's power to impose reasonable restrictions on expression is also guaranteed by the same provision (Art. 19(2)).

Before prohibiting digital expression, a multitude of judicial rulings on Internet speech have previously examined the laws, proportion, and process. Instead, courts have largely discouraged outright censorship and promoted judicious measures for regulating speech upholding constitutional freedoms.

A number of open issues remain to shape how OTT is governed at the policy level:

Lack of legislation covering OTTs which is comprehensive enough to ensure regulation.

Multiple regulatory authorities with overlapping jurisdiction.

Ambiguity in relation to governmental intervention.

Fast pace of technological developments that cannot be covered under current laws.

Activity by foreign streaming platforms that is subject to cross-border jurisdiction.

All these queries suggest that India's regulatory environment is continually evolving and evolving.

International Perspectives and Lessons for India

Regulatory frameworks to regulate OTT platforms vary widely across countries. Co-regulatory means statutory control with some degree of industry control and is the approach adopted predominantly in countries like the United Kingdom and Australia. Singapore, however, has more stringent government regulations, including licensing and content classification.

India has taken a centre stage position, with its IT Rules, 2021, including provisions for publishers to accept responsibility for any such media content, without requiring pre-certification of same.

There is comparative evidence that good OTT governance should comprise:

Transparent regulatory standards,

Independent grievance mechanisms,

Age-based content classification,

Protection of constitutional freedoms,

Some degree of control over accountability.

The experience in these other countries shows that there are ways for countries to regulate digital content in a balanced fashion, encouraging creative innovation and responsible digital content governance.

Discussion

The thematic analysis exhibits that OTT regulatory framework in India is a constantly harmonizing regime between freedom of expression enshrined in the Constitution and responsible content governance. The notion of full censorship by the government has been a consistent feature of the existing literature and is not desired nor feasible in the fast-growing digital space. At the same time, however, not all platforms are autonomous enough to protect audiences from content harmful or not appropriate and diminish public accountability.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 is a major policy shift towards co-regulation of information technology products, which has merged statutorily mandated policy provisions with industry self-regulation. However, if this framework is to be effective, it is much dependent on transparency in implementation and institutional independence, judicial oversight and uniformity in editorial standards across platforms. Another recurring theme in the literature is indirect censorship, uncertainty over regulation, and uncertainty about enforcement, indicating that there is a need for ongoing refinement of current policies. Overall, a sustainable governance of OTT platforms is thus a matter of achieving a balance between effective protection of constitutionally guaranteed freedoms, and robust accountability, consumer protection and responsible governance of digital content being distributed.

Conclusion

Over-the-Top (OTT) platforms have become a game-changer in the digital entertainment landscape by breaking down these barriers, making a wide variety of on-demand, multilingual, and diverse content accessible to Indian audiences and freedom of expression a different kind of freedom in the digital era. Unlike conventional television and movie broadcasting, OTT allows creators to have more editorial freedom that fosters creative storytelling and the portrayal of current social, political and cultural matters. The problem with this creative liberty, however, has been that it has also raised concerns regarding obscenity, hate speech, misinformation, minors, religious sensitivity, and public morality and therefore requires an appropriate regulation.

The present paper endeavoured to address the dynamic nature of the relationship amongst censorship, freedom of expression and self-regulation on OTT, using a qualitative

approach of examining the constitutional provisions, statutory regulations, judicial interpretations, government policies as well as scholarly literature and research works. The findings show that the Indian regulatory landscape has continuously moved from being unregulated to co-regulatory in recent years in favour of primarily the Information Technology (Intermediaries Guidelines and Digital Media Ethics Code) Rules, 2021. The framework gives greater emphasis to pre-censoring through age classification, holding website publishers accountable, providing grievance redressal and industry self-regulation rather than pre-censorship of electronic materials, and provides for government action in exceptional circumstances.

However, self-regulation has also created some problems in terms of implementation, and the thematic treatment in this report also shows that this accountability has led to certain changes in platform's consumer awareness of the platforms in the form of content descriptors and parental controls, but still several problems in terms of implementation exist. These include differences in how self-regulatory standards are applied between platforms, legal and political ambiguities in how self-regulatory standards are interpreted, the entanglement of regulatory roles, greater numbers of cases of indirect self-censorship due to legal or political circumstances, and a lack of a broad statutory framework that regulates OTT services. It leaves content creators uncertain and puts to question the sustainability of the governance model.

The study also highlights the importance of not viewing the freedom of expression and law of the regulation of contents as a competition of goals, but as complementary constitutional principles to be sensibly balanced. Uncontrolled government censorship can stifle creativity, innovation and democratic dialogue, while poorly managed government oversight can have negative consequences for consumer protection and social welfare. Sustainability of India's OTT business is linked to the need to create a regulatory balance that uphold each individual's constitutional rights, whilst nurturing responsible, ethical and rule of law compliant (public accountability) digital media industries.

In summary, the study presents that the current co-regulatory regime offers a viable platform for regulating digital streaming services in India. But ongoing policy evolution, institutional openness, technological versatility, and stakeholder cooperation are still crucial to meet future policy challenges in the constantly evolving media landscape.

Policy Recommendations

The following policy recommendations are proposed, highlighting from the findings of the study, the improvements needed to strengthen the governance of OTT platforms in India, while ensuring a constitutional freedom of expression:

Adopt a comprehensive statutory framework for the regulation of OTT platforms: The Government should have a separate statutory framework which would regulate the OTT platforms, rather than only the regulations framed through the Information Technology Act, 2000, mostly. ~~A dedicated legislative approach would offer~~

greater legal certainty to publishers, regulators and consumers.

Increase Independent Self-Regulatory Bodies:

Independent self-regulatory organisations should be established to operate in a more institutional independent, transparent and accountable manner. They should clearly be accessible, for stakeholders to have easy visibility of their decisions, as well as of grievance handling mechanisms and compliance reports in order to encourage understanding and trust among stakeholders and foster the credibility of the regulatory process attached to them.

Standardize Content Classification Practices:

Establish uniform age rating system and language/content rules to provide consistency to inform viewers about violence, language, nudity, substance abuse, and other items of sensitive content across all OTT platforms. Consumer choice will be informed with the use of standardized classification, and there will be better parental supervision.

Promote Digital Public Education: Public awareness campaigns and educating viewers on content classification, parental controls, DIGICITIZED rights, and grievance redressal. With enhanced "digital literacy", a viewer shall be able to simply and assuredly make their own choice in the viewing process, cutting down on unnecessary demands for censorship.

Establish transparency in content moderation: OTT platforms should provide transparency reports from time to time about decisions made in content moderation, number of complaints received, timeframe to handle grievances, and the rationale behind changing or removing content. This will help build public confidence and show good governance of the platform.

Keep Proportionate Governmental Intervention:

Government involvement ought to stick to legal, necessary, proportionate and procedural fairness, following the Constitution's principles. The scope of intervention by the management body as well as the police force should be restricted to cases of actual offense against any law, order or public safety or any of the other fundamental rights of the constitution under Article 19(2).

Involve Multi-Stakeholders in the Design:

Policymaking should include serious engagement with policy-making content creators, legal scholars, civil society organizations, digital platforms, children's rights experts, consumers' associations, and technology experts. The chances of having a more balanced and flexible regulatory solution succeeds better with collaborative governance.

Enhance Child Protection Measures: Explicit compliance with age-restricted content and the need to enhance parents' ability to control access to age-inappropriate material via OTT should be addressed.

Implement Periodic Regulatory Review Mechanisms:

However, with rates of innovation of digital technologies and media consumption that are evolving rapidly, there is a need for periodic review of the regulatory framework for new issues with emerging features, including artificial intelligence generated content, immersive media forms,

algorithmic recommendations of content, cross-border streaming and evolving international regulatory trends.

Drive International Regulatory Cooperation:

India should seek involvement within international regulatory bodies and international digital governance frameworks to implement global best practices on content moderation, platform accountability, cross-border enforcement and protection of digital rights, while maintaining national constitutional values.

To summarize, key attributes of a sound governance structure for OTT platforms are the consciousness to respect constitutional freedom of expression, self-regulated compliance, consumer protection, transparency and proportional response from the government. When all these principles are appropriately balanced, it will create an ecosystem of digital media that is resilient, facilitates creative innovation and protects public interest in the growing digital society of India.

Limitations of the Study

The approach adopted for this study is limited to a secondary data analysis of a qualitative nature obtained from peer-reviewed journal articles, laws, policies and government reports and judicial decisions. It cannot rely on primary-source input from stakeholders like OTT platform users, content producers, policy makers, etc., or legal professionals. Furthermore, due to the exclusive nature of the Indian context, the study might not be applicable in other contexts that have varied legal and cultural contexts. The findings may also be affected by changes in the OTT regulatory environment over time as aspects of the current situation may change in the future.

Scope for Future Research

Primary data from OTT customers, content providers, the legal community, regulators, and policy bodies could be included in future research to better understand perceptions of self-regulation and censorship. Cross-national comparisons of regulatory regimes in OTT can also advance learning on the global best practices. In addition, future research could investigate how other relevant technologies, like artificial intelligence, algorithmic content moderation and personalised content suggestions, or generative artificial intelligence affect digital content governance. Over time, evaluation of the impact of the changing regulatory framework and self-regulatory approaches which could strike an optimal balance between free expression and public accountability would make a valuable addition to the literature.

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