

Bill No. 254 of 2022

THE SOCIAL MEDIA AND OVER-THE-TOP PLATFORM
REGULATORY BOARD BILL, 2022

By

SHRI KUNWAR PUSHPENDRA SINGH CHANDEL, M.P.

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BILL

to establish a Social Media and Over-The-Top Platform Regulatory Board to regulate the content shown by individuals, art, cultural organizations in social media in the name of creativity through art, music, films, cinema, OTT cinema, advertisement, standup comedy, poetry, social media, cultural staging, theatrical staging and for matters connected therewith.

BE it enacted by Parliament in the Seventy-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Social Media and Over-The-Top Platform Regulatory Board Act, 2022.

Short title, extent and commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “anarchy” means promotion of social and cultural malpractices in the country in the name of creativity, distortion of Indian culture, attack on the unity and integrity of the country, nurturing and support of terrorist and jihadi ideology, depiction and support of anti-national ideologies, staging mundanity against any particular religion out of prejudice, support and any other kind of creative activity which is against Indian culture, life values, spirit of public welfare, philanthropy, coexistence, harmony, the spirit of Vasudhaiva Kutumbakam and world peace;

(b) “creativity” means arts, literature, films, cinema, visual and audio poetry programmes presented through Over-the-Top media platform;

(c) “Over-The-Top platform” means a media service that offer access to the film and television content provided over the internet connection at the request and to suit the requirement of individual consumer;

(d) “media” means any data, text, sound, image, graphics, music, photography, advertisements, video, website and podcasts;

(e) “Board” means the Social Media and OTT Regulation Board established under section 3; and

(f) “prescribed” means prescribed by rules made under this Act.

The Social Media and Over-The-Top Platform Regulatory Board.

3. (1) **The Central Government shall, by notification in the Official gazette, constitute a Board to be known as the Social Media and Over-The-Top Platform Regulatory Board for regulation of anarchy in the fields of film, cinema and Over-The-Top platform.**

(2) The headquarters of the Board shall be at Mahoba in the State of Uttar Pradesh.

(3) **The Board shall consist of not less than seven members to be appointed by Central Government in such manner as may be prescribed:**

Provided that the Board shall consist of,—

(a) **one member each from North, South, East, West and Central India who have at least fifteen years of experience in the field of art and culture; and**

(b) **two other members who have at least twenty years of experience in classical Indian literature or its staging.**

(4) The Chairperson of the Board shall be selected by consensus of the members of the Board.

(5) The meeting of the Board shall be compulsorily held at least once every month and the Central Government may make such provisions as may be necessary for review of the work and coordination amongst the various Ministries.

(6) **The salary and allowances payable to, and other terms and conditions of services of members appointed under this section shall be such as may be prescribed.**

Functions of Board.

4. The Board shall,—

(a) inspect all cinema, art, cultural and communication mediums;

(b) organize seminars, workshops, counselling sessions from time to time to understand the creation of cinema, motion picture in which persons and organizations who create anarchy in the name of creativity may also be invited;

(c) from time to time, issue guidelines for regulation of anarchy;

(d) motivate person and group of persons and institutions for creative development in accordance with Indian values;

5 (e) work as complementary arrangement with other commissions and boards of other art, culture, cinema under the Board for film certification constituted under the Cinematography Act, 1952; and

(f) such other function as may be prescribed.

10 **5.** If any person publishes any social media content on the OTT or such other platform harming the unity and integrity of the country, hurting social harmony, acting with prejudice against a particular religion, supporting terrorist and jihadi ideology, he shall be liable for imprisonment for a term which shall not be less than twenty years and fine of rupees two crore. Penalty.

6. The Central Government shall after due appropriation made by the Parliament in this regard provide the requisite funds from time to time for carrying out the purposes of this Act. Central Government to provide funds.

15 **7.** The Central Government, for the purpose of carrying out any of the provisions of this Act or the rules made thereunder, within the territorial jurisdiction of any State included under this Act, may give such directions to the Government of that State as may appear to it to be necessary. Power to give directions..

20 **8. (1)** The Central Government may, by notification, make rules to carry out the provisions of this Act. Power to make rules.

25 (2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both the Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

STATEMENT OF OBJECTS AND REASONS

Indians have not only done subtle and extensive research on all the possible dimensions of life, but also created science and highly specialized techniques for this, based on the fundamental understanding of philosophy and towards this understanding, it has also been proved that there is no proven end of learning. The proof of this is obtained from the declaration “Ekam Sadvipra Bahudha Vadanti”, in which instead of curbing creative freedom, it was encouraged, but on this basis harmful freedom was also regulated, the basis of which was practical understanding with Indian cultural values.

In the tradition of Indian thought, the first thinkers were called poets and the expression made by them was called poetry. And the Upanishads were revealed and the original thinkers were called Kavikritu, but with time they were called poets who depicted literature and art, which is a common word for this in our language today. But in the development of literature and art, spirituality never lost its control over creativity, although morality, intellectualism and materialism were present in more and less form in many periods, but the controlling spirituality of all of them remained intact. Maharishi Valmiki ji created many classical works like moral oriented Ramayana, Ved Vyas ji intellectually oriented Mahabharata and Kalidas created many classical compositions like Abhijnanshakuntalam etc., after which the tradition of this type of creativity continued for a long time in India, which deviated in the medieval period and came till the British period. There were concerted state efforts to erase this tradition from public mind. But in the nineteenth century, at the individual level, creativity according to Indian values re-appeared in the society and this was possible only through the life force of the never-ending Indian culture. This change in the field of creation was so extensive that it not only influenced the genres of literature, art, poetry and drama but also jolted the political awareness and set patterns of leaders and legendary personalities etc.

However, in the last few decades and especially in the last few years, there is again a deviation in the values of this creativity due to certain reasons. The main reason of the disinterest as well as ignorance from the excellent values of Indian poetry, art etc. of the creative workers engaged in the field of creativity is due to some specific reasons. While the creativity in respect of Indian values, the intimacy of human relations and the high materiality is also practiced by converting the same into spirituality, the proofs of which are found in abundance in crafts, architecture, scriptures, books, etc., these days the movies, OTT platforms, music albums, bring forth uncontrolled display of body and language which is definitely against artistic harmony and Indian values. It denotes ignorance about the creativity of art etc. This deviation can be checked by establishing constant communication slowly.

The second major reason is very serious and that is due to anti-national ideology and religious frenzy. Presently, in the name of creativity, efforts are being made to nurture anarchy and hysteria in the society and the country, and support for terrorist and jihadi ideology whereas ridicule and hatred towards a particular religion are also being promoted. This is a big threat to the country and there is an urgent and imperative need to curb it rationally.

Through this bill, the development of creative sense with lofty, rational, continuously active and spiritually controlled values of Indian culture in cinema, art etc. can be rapidly ensured.

Hence this Bill.

NEW DELHI;
November 21, 2022

KUNWAR PUSHPENDRA SINGH CHANDEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of the Media and Over-The-Top Platform Regulatory Board. It further provides for appointment of members of the Board. Clause 6 provides for the Central Government to provide funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees ten crore per annum is likely to be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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