

Bill No. 62 of 2021

THE OVER-THE-TOP PLATFORMS REGULATORY AUTHORITY
BILL, 2021

By

SHRI MANOJ KOTAK, M.P.

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BILL

*to establish an Over-the-Top (OTT) Platforms Regulatory Authority to
ensure complete ban on showing violent, abusive and vulgar web
series, films or such other similar content on Over-the-Top
Platforms in the country and for matters
connected therewith.*

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

1. (1) This Act may be called the Over-the-Top Platforms Regulatory Authority
Act, 2021.

Short title
and
commencement.

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

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

Definitions.

(a) “Authority” means the Over-the-Top Platforms Regulatory Authority
established under section 4;

(b) “Over-the-Top” 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;

(c) “Over-the-Top platform” means such online platform, other than a cable or satellite, where the Over-the-Top contents are made available to the intended consumers; and 5

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

Ban on violent, abusive and vulgar web series, films or such other contents on the Over-the-Top platforms in the country.

3. Notwithstanding anything contained in any other law for the time being in force, there shall be ban on violent, abusive and vulgar web series, films or such other contents on Over-the-Top platforms in the country. 10

Establishment of Over-the-Top Platforms Regulatory Authority.

4. (1) The Central Government shall, by notification in the Official Gazette, establish an Authority to be known as the Over-the-Top Platforms Regulatory Authority for carrying out the purposes of this Act.

(2) The Authority shall consist of :—

(a) the Union Minister of Information and Broadcasting— *ex-officio* Chairperson; 15

(b) two Members of Parliament one each from the House of the People and the Council of States to be nominated by the respective Presiding Officer of each House – member;

(c) **two persons representing the web series and the film sector to be appointed by the Central Government in such manner as may be prescribed—member;** 20

(d) two officials from amongst the Indian Administrative Service or its equivalent thereto – member:

Provided that an officer from the Indian Administrative Service or its equivalent shall be the Secretary of the Authority. 25

(3) The meetings of the Authority shall be held twice a month:

Provided that the Chairperson may, in consultation with the Secretary, call the meeting of the Committee as and when required.

(4) The Union Ministry of Information and Broadcasting shall provide secretarial and financial assistance to the Authority. 30

(5) The Salary and allowances payable to, and other terms and conditions of services of members appointed under clause (c) of sub-section (2) shall be such as may be prescribed.

Functions of Authority.

5. The Authority shall— 35

(a) ban any content including web series or films shown on Over-the-Top platform, if such content, web series or film—

(i) is obscene;

(ii) contains abusive language;

(iii) shows disrespect to *sanatan* symbols; 40

(iv) contains anti-woman content or insults woman or outrage their modesty;

(v) promotes superstitions; and

(vi) contains such other contents which it deems necessary to ban for carrying out the purposes of this Act; and

(b) grant certificate to the Over-the-Top platforms for telecasting any web series, film or such other contents. 45

	6. It shall be the responsibility of every Over-the-Top platform to—	Responsibility of Over-the-Top Platform.
	(a) undertake research and authenticate the contents of web-series or films being telecast on Over-the-Top platform; and	
5	(b) obtain requisite certificate prior to the telecast any web series or film on the Over-the-Top platform from the Authority.	
	7. (1) Any person dissatisfied with the contents being shown in web series or films being telecast on Over-the-Top platform may file a complaint with the Authority in such manner as may be prescribed.	Right of person to Complaint to the Authority.
10	(2) The Authority shall, on receipt of a complaint under sub-section (1), consider and examine such complaint in such manner as may be prescribed.	
	(3) Where on examination of a complaint under sub-section (2), the Authority is of the opinion that the content being shown in web series or films being telecasted on Over-the-Top platform is violent, abusive or vulgar, it shall order stopping the telecast of such content with immediate effect:	
15	Provided that the Authority shall, prior to stopping the telecast of such content, give reasonable opportunity of being heard to such Over-the-Top platform.	
20	8. If any Over-the-Top platform telecast any web series, film or such other content in contravention to the provisions of this Act such Over-the-Top platform shall be punished with an imprisonment for a term which may extend upto seven years and with fine which may extend upto rupees ten lakh.	Penalty.
	9. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the implementation of the provisions of the Act.	Central Government to provide Fund.
25	10. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:	Power to remove difficulties.
	Provided that no such orders shall be made after expiry of the period of three years from the date of commencement of this Act.	
30	11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.	Power to make rules.
35	(2) Every rule made under this Act by the Central Government 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 Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule 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	
40	be without prejudice to the validity of anything previously done under that rule.	

STATEMENT OF OBJECTS AND REASONS

Over-the-Top (OTT) facilitates viewing of television and film contents at high speed internet without cable or satellite provider. There are a lot of OTT platforms in India that are broadcasting a variety of programmes. According to a survey, the Hot Star on the OTT platform is the most watched in India right now.

Over-the-Top (OTT) media are flourishing in this COVID-19 pandemic era. A large section of audience has been attracted to them due to closure of cinemas. OTT is continuously bringing new material in order to cash in on the inclination of viewers towards it. There has been a rapid increase in such web series and films. It is glaring that there is glorification of socio-economic aberrations and ideological agenda in them instead of healthy entertainment. Web series are devoid of spirit of Indianness and are disconnected with ground reality. As one takes a comprehensive view of Indian web series, one finds that these producers of web series do not seem to have come out of the influence of sacred games on web series of the year 2018. This is the reason why most of the Indian web series are based on crime stories because they contain abusive language and violent scenes regarding *sanatan* symbols has become part of such crime stories.

Nowadays, OTT platforms in India are crossing the limit of obscenity with abusive language which is becoming a challenge to the civilization and culture of Indian society. The producers and directors of the web series over OTT platform argue that they are showing reality with abusive speech. For once, even if we consider it to be true, it is worth-underlining the fact that Indian society, which is known for its civilization and culture, has an artistic medium of film or television. Its success lies in the fact of presenting harsh and cruel reality in such an artistic manner that the scene is presented with its full sense and the person who watches the same does not feel anything uncomfortable in presence of their family members.

Old films are an example of restraint which used to show intimate scenes of heroes and heroines under the cover of symbolic gestures closing of doors, lantern getting dimmed, showing rivers, running fans, open door, etc. Scenes of murder, etc. were also filmed in such a way that they did not appear gory. With advances in technology, some symbolic methods can be created for such uncomfortable scenes but the producers of these web series are unbridled what can one expect from them now. These web series lack variety as no creative work has been done so far in these web series.

Therefore, there is an urgent need for working in the direction of bringing web series after carrying out complete research and authentication and without any prejudice to the matters of science, history, religion, philosophy, literature, etc. of the country. Web series on the story of a scientist or a literature figure or untold and forgotten history can be produced. Such possibilities are not much but they require well power and good intention.

According to a survey conducted by App Distribution Platform Mo-Magic across the country, 55% of people in India are watching TV shows, movies, sports and other content on OTT platforms. OTT platforms are becoming increasingly popular due to the easy access of internet, net speed, increasing number of smart phones. The convenience of watching video contents on a journey through mobile or anywhere outside the house has greatly increased its use. The OTT market in India will reach rupees 3.60 lakh crore by the year 2023.

According to the Boston Consulting Group Report, this market was of rupees thirty-five thousand crore till 2018. With the increasing internet speed and smart phone user growth, the OTT market in India is growing at a faster pace of 15% by the

year 2025, its global market will grow at a speed of 17% to reach at rupees 240 lakh crore. Most Indian web series are based on crime stories, as such stories have the full possibility to create scenes of obscenity, abusive speech and violence. At the same time, the humiliation of *Sanatan* symbols has also become a part of such crime stories. Free from the curbs of regulation, web series producers who have assumed that the chaos of expression is the only art, it is meaningless to expect from them to produce a web series or film in line with Indian civilization and tradition.

OTT service providers do not fall under system of strict regulatory or license system like Telecom companies. OTT services provide applications and services that are used through the Internet and use the operator's network. Therefore, it is an appropriate time to set up Over-the-Top (OTT) Platform Regulatory Authority to maintain a comprehensive regulatory regime for various aspects related to the OTT (Over-the-Top) services outside the purview of law and rules to ensure telecast of web series, etc. in accordance with Indian culture and society.

Hence this Bill.

NEW DELHI;
February 11, 2021.

MANOJ KOTAK

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to provide for establishment of Over-the-Top (OTT) Platform Regulatory Authority. It also provides for appointment of representatives of web series and film sector to the Authority. Clause 9 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees Two thousand crore is also likely to involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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