

Regulating Digital Platforms in India

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Regulating Digital Platforms in India: The Need for a New Legal Framework

Context

With the rise of **OTT platforms, social media, and digital streaming**, concerns over **violent, obscene, and misleading content** have increased. While **freedom of expression** is a fundamental right, it is subject to **reasonable restrictions** under **Article 19(2)** of the Indian Constitution to ensure **public morality, security, and law and order**.

- The government is reviewing **existing laws** to see if they effectively regulate digital content.
- **Judiciary, policymakers, and statutory bodies** have raised concerns over **unregulated and harmful content**.
- The **Ranveer Allahbadia controversy**, where the Supreme Court **criticized his remarks while granting him protection from arrest**, has highlighted the issue.

The Ministry of Information and Broadcasting (I&B) is now considering **amendments or a new legal framework** for better regulation.

Concerns Over Digital Content Regulation

Various institutions, including the **Supreme Court (SC), High Courts (HCs), Parliament, and the National Commission for Women (NCW)**, have raised concerns:

- The NCW has objected to the **indecent portrayal of women** on digital platforms.
- The **Standing Committee on Communications and Information Technology** has asked the government to **clarify amendments** needed in existing laws.
- **Public demand is growing for stricter content regulations**, especially for OTT and social media platforms.

Example: Ranveer Allahbadia Case

- The **Supreme Court granted him protection from arrest but strongly criticized his remarks**.
 - This case has increased discussions on **free speech vs. responsible digital content**.
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Existing Laws Regulating Digital Content

Several laws already regulate digital platforms:

1. **IT Rules, 2021** - Requires **self-regulation** and **content classification**.
 2. **Indecent Representation of Women Act, 1986** - Prohibits **obscene or derogatory portrayal of women**.
 3. **Bhartiya Nyaya Sanhita (BNS), 2023** - Penalizes **publication of obscene content**.
 4. **POCSO Act, 2012** - Protects **children from harmful digital content**.
 5. **IT Act, 2000** - Regulates **online publication of obscene material**.
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Recent Government Directives

To address growing concerns, the **I&B Ministry** has issued **new guidelines**:

- **OTT and social media platforms must:**
 - **Follow IT Rules, 2021** and implement **age-based content classification**.
 - **Restrict access to A-rated content** for children.
 - **Remove prohibited content** to comply with regulations.

These measures aim to balance **free expression with responsible content management**.

Challenges in Regulating Digital Content

Despite existing laws, several **challenges remain**:

1. Lack of a Clear Regulatory Body

- **OTT platforms operate without strict legal oversight.**
- **YouTube and social media platforms are intermediaries**, limiting their accountability for user-generated content.

2. Legal Challenges to IT Rules, 2021

- The rules require a **three-tier grievance system**:
 - **Level 1:** Self-regulation by platforms.
 - **Level 2:** Industry-wide self-regulation.
 - **Level 3:** Government oversight.
 - Multiple High Courts have **stayed enforcement** of parts of the IT Rules:
 - **Bombay and Madras HCs** have blocked certain provisions.
 - **Kerala HC** has **restricted coercive action** against non-compliance.
 - **15+ petitions** challenging these rules are now consolidated in the **Delhi HC**.
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Conclusion

The government is working to **strengthen digital content regulations** while ensuring **freedom of expression is not unfairly restricted**.

- **Laws are being reviewed** to create a **balanced framework** for digital content.
- **Concerns about censorship and creative freedom remain**, making **judicial and public discussions crucial** in shaping regulations.
- A well-structured policy is essential to **protect users from harmful content while allowing responsible digital expression**.



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