

Content Regulation in India: Case Studies from Cinema, Television and Digital Platforms

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ABSTRACT

This research paper examines content regulation in India, focusing on cinema, television, and digital platforms. It explores how regulatory frameworks, including the Cinematograph Act, Cable Television Networks (Regulation) Act, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, shape media content while balancing freedom of expression and public interests. Through landmark case studies—such as *Uda Punjab*, *Padmaavat*, and *Tandav*—the paper highlights the regulatory challenges faced by Indian media. The judiciary's role in interpreting Article 19 of the Indian Constitution, which guarantees freedom of speech subject to reasonable restrictions, is also discussed. The paper further contrasts India's content regulation with approaches in the USA, UK, and Singapore, identifying areas where reforms could enhance consistency and respect for artistic freedom. Recommendations include redefining the CBFC's role, encouraging self-regulation, and promoting transparent regulatory processes. This analysis emphasizes the need for a balanced, sustainable regulatory framework that respects both societal values and individual freedoms in India's rapidly evolving media environment.

Keywords: Content Regulation, Freedom of Expression, Digital Media, Censorship, Central Board of Film Certification (CBFC), OTT Platforms, Judicial Interpretation.

1. Introduction

The landscape of content regulation in India is deeply embedded in the nation's socio-political fabric and has evolved in response to changing societal norms, technological advancements, and cultural sensibilities. Content regulation primarily aims to balance the constitutional right to freedom of expression with the need to safeguard societal norms, public order, and national security. In the context of Indian cinema, television, and digital platforms, the regulatory framework has been influenced by historical precedents and legislative mechanisms designed to monitor, censor, or otherwise regulate content deemed potentially harmful, offensive, or disruptive to social harmony. In cinema, the Central Board of Film Certification (CBFC) has long acted as a gatekeeper, controlling the release of films based on moral, ethical, and national security considerations. Television, too, is regulated under the Cable Television Networks (Regulation) Act of 1995, which imposes guidelines on program content, advertisements, and decency standards to ensure public welfare¹. With the rise of digital platforms such as OTT (Over-The-Top) streaming services and social media, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, mark a new regulatory frontier, reflecting the

¹ Cable Television Networks (Regulation) Act, 1995, Ministry of Information and Broadcasting, Government of India.

government's intent to maintain oversight over digital content in a manner comparable to traditional media². This regulatory landscape reflects India's complex balance between allowing creative expression and protecting public interests and moral sensibilities.

The Indian Constitution provides the foundation for content regulation through Article 19(1)(a), which grants citizens the right to freedom of speech and expression³, a fundamental right that underscores the democratic ethos of the nation. However, this right is not absolute and is subject to reasonable restrictions under Article 19(2). This provision empowers the state to impose restrictions on the grounds of the sovereignty and integrity of India, security of the state, public order, decency, morality, contempt of court, defamation, and incitement to an offense⁴. The Supreme Court of India has played a critical role in defining the boundaries of this right through various landmark judgments that have shaped content regulation policies and practices. In *Bennett Coleman & Co. v. Union of India* (1973), the Supreme Court emphasized the importance of free speech in a democratic society but also acknowledged that reasonable restrictions were permissible under certain conditions⁵. Similarly, in *Ramesh v. Union of India* (1988), the court upheld restrictions on content that could potentially incite violence or communal discord, underscoring the need to balance freedom of expression with public order considerations⁶. These cases illustrate the judiciary's role in interpreting constitutional rights in the context of evolving social and political realities, thereby influencing content regulation in India.

Content regulation in India has been a subject of ongoing debate, particularly in light of rapid advancements in digital technology and the proliferation of online platforms that allow for an unprecedented degree of content dissemination. Traditional media, including cinema and television, operate within established regulatory frameworks that have undergone periodic revisions to adapt to changing social and cultural norms. For instance, the Cinematograph Act, 1952, and the subsequent establishment of the CBFC empowered the government to monitor and censor films to prevent the spread of content deemed detrimental to public morality or national security⁷. This regulatory mechanism has faced criticism for its perceived restrictions on artistic freedom, with notable controversies surrounding films such as *Uda Punjab* (2016) and *Padmaavat* (2018), where filmmakers clashed with the CBFC and state authorities over content perceived as offensive or politically sensitive⁸.

Television content, regulated by the Ministry of Information and Broadcasting, is subject to the Cable Television Networks (Regulation) Act, 1995, which mandates adherence to programming codes to avoid content that might harm public morality or disturb communal harmony⁹. The Act's guidelines have led to instances of intervention in news broadcasts and entertainment shows, underscoring the government's regulatory role over televised content.

With the advent of the internet and the subsequent rise of digital platforms, regulatory challenges have intensified, necessitating new legal frameworks to address content dissemination across digital mediums. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, represent the Indian government's efforts to impose a regulatory framework on digital platforms comparable to that governing traditional media¹⁰. These rules establish a code of ethics for publishers of digital content and mandate the establishment of grievance redressal mechanisms. The rules were introduced amidst concerns over the spread of fake news, hate speech, and obscenity on digital platforms, and have been met with both support and opposition¹¹. Proponents argue that these regulations are essential for maintaining societal order and protecting vulnerable

² Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Ministry of Electronics and Information Technology, Government of India.

³ Constitution of India, Article 19(1)(a).

⁴ Constitution of India, Article 19(2).

⁵ *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

⁶ *Ramesh v. Union of India*, AIR 1988 SC 775.

⁷ The Cinematograph Act, 1952, Ministry of Information and Broadcasting, Government of India.

⁸ See *Uda Punjab* (2016) and *Padmaavat* (2018) controversies surrounding film censorship.

⁹ Cable Television Networks (Regulation) Act, 1995, Section 5 and Programme Code, Ministry of Information and Broadcasting, Government of India.

¹⁰ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

¹¹ Criticisms regarding IT Rules, 2021, as raised by civil society groups and digital rights organizations.

groups from harmful content, while critics contend that they represent an infringement on freedom of expression and an attempt to control online discourse¹². The controversy surrounding the *Tandav* web series, which faced legal scrutiny and calls for censorship over its portrayal of religious figures, exemplifies the complexities of content regulation in the digital era¹³.

Content regulation in India is characterized by an intricate balance between preserving freedom of expression, as enshrined in the Constitution, and upholding societal values, public order, and national security. This balance is maintained through a multi-tiered regulatory framework that governs cinema, television, and digital media, with the judiciary playing a vital role in interpreting and enforcing these laws. The evolving nature of media and technology continues to pose challenges to regulators, as they strive to address new forms of content dissemination while respecting constitutional freedoms. This research paper will examine the regulatory mechanisms governing content in India, focusing on cinema, television, and digital platforms, and will analyze key case studies to illustrate the challenges and implications of content regulation in a rapidly evolving media landscape.

2. Legal Framework Governing Content Regulation in India

2.1 Constitutional Provisions and Landmark Cases

The Indian Constitution guarantees the right to freedom of speech and expression under Article 19(1)(a), a cornerstone of democratic principles in the country. This provision upholds the fundamental right of individuals to express their opinions, ideas, and creativity without unwarranted interference. However, recognizing that unrestricted expression can lead to societal discord, harm to public order, or other threats to national stability, Article 19(2) allows for "reasonable restrictions" on this freedom. The scope of these restrictions includes considerations of sovereignty, the security of the state, friendly relations with foreign states, public order, decency, morality, contempt of court, defamation, and incitement to an offense¹⁴. These restrictions empower the Indian state to legislate against content that may harm public welfare or pose a threat to societal stability. The balance between freedom of expression and reasonable restrictions has been a subject of significant judicial interpretation, particularly in cases that involve media and content regulation, where courts have often been tasked with determining the limits of permissible speech.

A landmark case that significantly influenced the understanding of Article 19 was *Bennett Coleman & Co. v. Union of India* (1973), which centered on government restrictions imposed on the publication of newspapers. In this case, the Supreme Court recognized freedom of the press as an integral aspect of the right to freedom of speech and expression. The case arose after the government sought to impose a ceiling on the page count of newspapers, which was viewed by the petitioners as an indirect attempt to limit circulation and stifle free speech. The Supreme Court ruled that the freedom of speech includes the right to disseminate information, thereby emphasizing that content regulation, if excessively restrictive, could violate Article 19(1)(a). The Court, however, noted that reasonable restrictions were acceptable under Article 19(2) to prevent actions that could disturb public order or harm the broader societal interest¹⁵.

Another pivotal judgment in content regulation came in the case of *Ramesh v. Union of India* (1988), which examined the issue of potential communal discord arising from televised content. The case concerned the broadcasting of the television series *Tamas*, which depicted sensitive issues related to communal violence. Petitioners argued that the content could incite communal hatred and disturb public peace. However, the Supreme Court held that while the content depicted violent events, it did so to convey a message against communal violence rather than to incite it. This case underscored the principle that intent plays a crucial role in determining whether content infringes on reasonable restrictions. The Court highlighted the importance of context, noting that certain expressions, even if provocative, may still serve a public interest by fostering awareness and discouraging harmful

¹² Debates on freedom of expression versus content regulation in the digital space.

¹³ *Tandav* controversy (2021), legal challenges over religious representation in OTT content.

¹⁴ Constitution of India, Article 19(1)(a) and 19(2).

¹⁵ *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106.

societal behaviors¹⁶. This case set a precedent by showing that content regulation must consider not only the nature of the content but also its intended impact on viewers.

Together, these cases illustrate the judiciary's nuanced approach to content regulation, wherein freedom of expression is given broad protection, but not absolute immunity. The courts have repeatedly emphasized that any restriction must be carefully balanced against the public interest and must satisfy the test of reasonableness as stipulated by Article 19(2). Additionally, these rulings demonstrate the judiciary's acknowledgment of the unique nature of media as a medium of mass communication with the potential to influence public opinion and behavior. Consequently, while content that poses a clear threat to public order, morality, or security may be curtailed, courts have underscored that regulatory measures must be narrowly tailored to avoid infringing upon legitimate expression.

These principles have had a profound impact on content regulation policies in India, including cinema, television, and digital platforms. Regulatory bodies such as the Central Board of Film Certification (CBFC) and the Ministry of Information and Broadcasting must adhere to these constitutional parameters when imposing content restrictions. As digital platforms have expanded, so has the need for regulation aligned with constitutional principles, particularly with regard to maintaining public order and moral standards without stifling creativity and expression¹⁷. Judicial interpretations of Articles 19(1)(a) and 19(2) continue to shape content regulation, as they serve as guiding standards that regulatory bodies must follow, striking a balance between protecting society and allowing freedom of expression within the bounds of reasonableness.

2.2 The Cinematograph Act, 1952 (Film Regulation)

The Cinematograph Act, 1952, forms the primary legal framework for film regulation in India, establishing a system to evaluate, certify, and, if necessary, censor films before public exhibition. This legislation mandates the establishment of the Central Board of Film Certification (CBFC), the body responsible for reviewing films and assigning appropriate certifications based on content, themes, and suitability for different audiences¹⁸. The CBFC categorizes films into four major classifications: "U" (Universal), "UA" (Parental guidance for children below age 12), "A" (Adult), and "S" (Restricted to specialized audiences, such as professionals or doctors). Through these certifications, the CBFC aims to prevent the exhibition of content that could disrupt public order, harm moral standards, or endanger national security.

The Cinematograph Act empowers the CBFC to demand cuts, modifications, or even prohibit the release of films that do not comply with the guidelines. The Act specifies that films must avoid themes that are obscene, offensive, or disrespectful toward any community, religion, or section of society. Films depicting scenes that may provoke violence or threaten communal harmony are also scrutinized under the Act. Moreover, the CBFC operates under the oversight of the Ministry of Information and Broadcasting, which can intervene in matters deemed sensitive or potentially inflammatory. Over the years, the Act has undergone several amendments to adapt to evolving social norms, yet it remains a subject of debate, with critics arguing that it restricts artistic expression and limits filmmakers' creative freedom¹⁹.

One of the most significant controversies under the Cinematograph Act involved the film *Uda Punjab* (2016), which portrayed the rampant drug problem in the state of Punjab. The CBFC initially demanded extensive cuts, citing concerns that the film could damage Punjab's image and incite public discord. Filmmakers argued that the film depicted a real social issue and refused to comply with the demanded cuts. The matter was eventually taken to court, where the Bombay High Court ruled in favor of the filmmakers, allowing the release with minimal

¹⁶ *Ramesh v. Union of India*, AIR 1988 SC 775.

¹⁷ Central Board of Film Certification guidelines and regulatory standards as influenced by Articles 19(1)(a) and 19(2).

¹⁸ The Cinematograph Act, 1952, Ministry of Information and Broadcasting, Government of India.

¹⁹ Overview of CBFC guidelines as influenced by amendments to the Cinematograph Act, 1952.

modifications and emphasizing the need for the CBFC to respect artistic freedom²⁰. The *Uda Punjab* case spotlighted the tension between content regulation and creative expression, prompting widespread public debate over the extent of the CBFC's censorship powers.

Another high-profile case was *Padmaavat* (2018), a film that faced strong opposition from certain community groups who argued that it misrepresented historical events and disrespected cultural values. The CBFC initially withheld certification due to concerns about potential backlash and violence. Amid threats and protests, the film's release was delayed, and modifications were demanded, including a title change from *Padmavati* to *Padmaavat* and the alteration of scenes perceived as objectionable. Eventually, the CBFC certified the film with several modifications; however, protests continued even after its release, revealing the extent to which film content could provoke public reaction and influence regulatory decisions²¹. This case highlighted the challenges faced by the CBFC in balancing cultural sensitivities with freedom of expression, especially when films touch upon historical or cultural subjects.

The controversies surrounding *Uda Punjab* and *Padmaavat* underscore the complexities of the Cinematograph Act in a pluralistic society like India, where diverse communities hold varying cultural, religious, and moral standards. These cases also illustrate how content regulation is often influenced by societal pressures, prompting debates over the boundaries of censorship and the need for reform within the Cinematograph Act. Advocates of free speech argue that the Act should be revised to limit CBFC's censorship authority, transforming it into a classification body rather than a censorship board. Conversely, proponents of stringent regulation argue that some level of censorship is necessary to preserve public harmony and moral standards in a country as diverse as India. The ongoing discourse around the Cinematograph Act reflects broader tensions within content regulation in India, balancing artistic freedom against societal and cultural sensibilities²².

2.3 Cable Television Networks (Regulation) Act, 1995

The Cable Television Networks (Regulation) Act, 1995, was introduced to regulate content broadcasted on cable television networks in India. At a time when cable TV was rapidly proliferating across the country, the Act sought to bring order and oversight to a medium that allowed foreign and unregulated content to reach Indian households. The primary objective of the Act is to ensure that cable television content adheres to standards of decency, promotes national interest, and respects India's cultural diversity. The Act provides the Ministry of Information and Broadcasting with the authority to oversee and enforce programming codes, which include restrictions on obscene, defamatory, or offensive content²³.

Under this regulatory framework, cable operators and broadcasters must comply with guidelines that restrict content based on themes of decency, morality, and public order. These guidelines are detailed in the Programme Code, which mandates that content broadcasted should not offend religious sentiments, provoke violence, or disrupt public harmony. Advertisements are also regulated under the Advertising Code, which prohibits content that is misleading, obscene, or exploitative²⁴. The Ministry has issued several advisories over the years to reinforce these standards, directing broadcasters to exercise caution in programming that could negatively influence public perception or create societal discord.

One of the key aspects of the Cable Television Networks (Regulation) Act is its approach toward news channels, particularly concerning content that could provoke divisive sentiments. News programs are required to maintain factual accuracy, avoid sensationalism, and refrain from content that might create communal or racial tensions. For instance, in 2020, a prominent news channel was penalized and faced a temporary ban for broadcasting content

²⁰ *Phantom Films Pvt Ltd. v. The Central Board of Film Certification (Uda Punjab case)*, Bombay High Court, 2016.

²¹ Controversy surrounding *Padmaavat* (2018) and related CBFC modifications.

²² Debates on reforming the CBFC's role from censorship to classification amid public and legal discourse.

²³ Cable Television Networks (Regulation) Act, 1995, Ministry of Information and Broadcasting, Government of India.

²⁴ Programme and Advertising Codes under Cable Television Networks (Regulation) Act, 1995.

that was considered inflammatory and likely to promote communal disharmony²⁵. The Ministry of Information and Broadcasting issued warnings to other channels as well, urging them to adhere to the ethical standards set by the Programme Code. Such cases underscore the Act's emphasis on responsible broadcasting, especially in the context of news and public affairs programming where factual integrity is critical.

Another prominent controversy under this Act involved the broadcast of reality television programs and the depiction of content deemed as vulgar or indecent. Shows like *Bigg Boss*, an adaptation of the global reality show *Big Brother*, have faced multiple complaints for airing content perceived as indecent and unsuitable for family audiences. In response, the Ministry has issued show-cause notices to broadcasters and occasionally directed them to modify or limit the broadcast of certain segments. The broadcasting of adult-themed or violent content during prime time has led to public debates about the responsibility of broadcasters to uphold societal values while catering to diverse viewer interests²⁶. This controversy demonstrates the tensions inherent in regulating entertainment content, especially when balancing viewer demand with community standards of decency and morality.

While the Cable Television Networks (Regulation) Act has helped bring structure to television broadcasting in India, it has faced criticism for its potential to over-regulate and stifle media freedom. Critics argue that the Act's provisions are sometimes invoked to suppress critical views or news that challenge political narratives, thus potentially curtailing freedom of the press. The Act's ambiguous language, particularly regarding decency and public order, allows for broad interpretation, which some argue can lead to selective enforcement. Furthermore, with the rise of digital streaming platforms, the Act's relevance and effectiveness are increasingly questioned, as audiences shift towards unregulated online content where regulatory standards differ.

The Cable Television Networks (Regulation) Act, 1995, has played an essential role in shaping content standards for Indian television. It serves as a tool for promoting responsible broadcasting and protecting public interest, particularly in the context of sensitive or divisive content. However, controversies surrounding news programming and entertainment shows reflect the complexities of content regulation in a pluralistic society. As media consumption habits continue to evolve, the Act's impact and the role of the Ministry of Information and Broadcasting in content regulation will likely face ongoing scrutiny and calls for reform²⁷.

2.4 Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, represent a significant regulatory shift in India's approach to managing digital content, particularly in the burgeoning fields of Over-The-Top (OTT) streaming platforms and social media. These rules, introduced by the Ministry of Electronics and Information Technology (MeitY), aim to address growing concerns over the spread of misinformation, hate speech, obscene content, and other potentially harmful materials on digital platforms. The rules impose specific responsibilities on intermediaries—entities like social media platforms and OTT service providers—requiring them to exercise accountability, adhere to established standards, and implement mechanisms for resolving user grievances²⁸.

Under the IT Rules, 2021, digital media platforms are categorized into two types: intermediaries and publishers of news and current affairs or online curated content providers. Intermediaries include platforms like Facebook, Twitter, and Instagram, while OTT platforms such as Netflix, Amazon Prime Video, and Disney+ Hotstar fall under online curated content providers. The rules establish a three-tier regulatory framework for digital media content, with the first two tiers being self-regulatory and the third involving governmental oversight. In this

²⁵ Case involving penalty on news channel for inflammatory content, Ministry of Information and Broadcasting, 2020.

²⁶ Public controversies regarding *Bigg Boss* and advisories from the Ministry concerning family suitability.

²⁷ Criticisms and discussions on the scope of the Cable Television Networks (Regulation) Act, 1995, in modern media contexts.

²⁸ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Ministry of Electronics and Information Technology, Government of India.

framework, OTT platforms are expected to classify their content into five age-based categories—U (Universal), U/A 7+, U/A 13+, U/A 16+, and A (Adult)—to assist viewers in making informed choices about content consumption. Platforms must also implement parental control mechanisms and age verification for adult content²⁹.

The IT Rules mandate that intermediaries establish grievance redressal mechanisms to address user complaints and prevent the spread of objectionable content. Platforms are required to appoint a grievance officer responsible for responding to complaints within 15 days. Additionally, significant social media intermediaries, defined by a threshold of registered users, must appoint a chief compliance officer and a nodal contact person based in India to ensure adherence to the rules. This obligation is intended to make these platforms more accountable to Indian regulatory authorities. In cases where content is flagged as violating Indian laws or the platform's own policies, the intermediary must take steps to remove or restrict access to such content within a stipulated time frame³⁰.

Self-regulatory mechanisms play a crucial role in the IT Rules, 2021. At the first level, digital media platforms are required to develop and enforce their own content guidelines in line with the IT Rules and implement measures to monitor and moderate content that may violate these standards. For the second level of oversight, platforms must join a self-regulatory body headed by a retired Supreme Court or High Court judge or an eminent individual from the media or entertainment industry. This body has the authority to address unresolved grievances from the first level and can issue guidance or advisory orders to the concerned platform. The third level of oversight, involving government intervention, is activated when grievances remain unresolved after the first two levels or when content is deemed a threat to public order, decency, or sovereignty of the state. At this level, an inter-ministerial committee has the authority to review complaints and issue binding directives to the platforms³¹.

One of the most notable cases under the IT Rules, 2021, is the controversy surrounding the OTT series *Tandav* (2021), streamed on Amazon Prime Video. *Tandav* featured scenes that some viewers perceived as disrespectful toward religious sentiments, leading to public outrage and numerous complaints. In response, law enforcement officials filed cases against the creators, and the government issued warnings to Amazon Prime to remove or modify the contentious scenes. The creators ultimately edited portions of the series to comply with these demands, highlighting the government's influence over digital content and its willingness to enforce content regulations under the IT Rules³². This case was widely publicized and demonstrated how the government could compel OTT platforms to alter their content, sparking debates over censorship and creative freedom in the digital age. Proponents of the IT Rules argue that they are necessary to curb harmful content and prevent social unrest, while critics contend that the rules are overly restrictive and infringe upon freedom of expression.

The IT Rules, 2021, have received mixed reactions, particularly from civil society organizations and digital rights advocates who argue that they grant excessive power to the government over digital content. Critics assert that the rules lack sufficient safeguards against government overreach, creating an environment where political considerations could potentially influence content regulation decisions. Organizations like the Internet Freedom Foundation have raised concerns that the vague language in the rules—particularly terms like “public order” and “decency”—could lead to arbitrary enforcement and have a chilling effect on free speech³³. Furthermore, the requirement for significant social media intermediaries to trace the origin of certain types of messages has been viewed as a potential threat to user privacy, especially with regard to encrypted messaging platforms like WhatsApp.

The IT Rules have also been challenged in court, with various stakeholders contending that the regulations violate the principles of free expression and privacy enshrined in the Indian Constitution. For instance, the Delhi High Court is currently reviewing petitions challenging the constitutionality of the IT Rules, specifically with respect

²⁹ Content classification requirements under IT Rules, 2021, as per Ministry guidelines.

³⁰ Requirements for grievance redressal mechanisms and compliance officers under the IT Rules, 2021.

³¹ Three-tier regulatory framework for digital media, as outlined in the IT Rules, 2021.

³² *Tandav* controversy (2021), public reactions, and government intervention in OTT content.

³³ Internet Freedom Foundation's critique of IT Rules and concerns about government overreach.

to their impact on digital freedom and privacy³⁴. This ongoing judicial review highlights the contentious nature of the IT Rules, as the courts evaluate whether the government's regulatory framework aligns with constitutional rights.

The IT Rules, 2021, represent a pivotal step in India's regulation of digital content, encompassing both social media and OTT platforms under a structured regulatory framework. While they address pressing issues like grievance redressal and content moderation, the rules also bring significant challenges, including concerns over government overreach and the impact on freedom of expression. The *Tandav* case exemplifies the government's approach to regulating OTT content and underscores the evolving dynamic between digital platforms and regulatory authorities in India. As the IT Rules continue to be debated in the legal and public spheres, their implementation will shape the future of digital media regulation in India, testing the balance between content oversight and the preservation of individual freedoms in the digital age³⁵.

3. Case Studies from Cinema, Television, and Digital Platforms

3.1 Cinema Case Studies

India's film industry has often been at the center of conflicts between artistic freedom and societal norms, with notable cases illustrating the complex and, at times, contentious relationship between filmmakers, the Central Board of Film Certification (CBFC), and state authorities. Movies like *Uda Punjab* (2016), *Padmaavat* (2018), and *Lipstick Under My Burkha* (2017) serve as prominent examples where cinematic expression clashed with regulatory standards, sparking debates on censorship, freedom of expression, and the role of the state in regulating cultural narratives.

Uda Punjab (2016)

Uda Punjab is a bold depiction of the drug crisis in the state of Punjab, following a storyline that explores the lives of individuals affected by addiction and the socioeconomic issues fueling the epidemic. The film's realistic portrayal and explicit content quickly drew the CBFC's attention, with the board initially recommending nearly 89 cuts, including the removal of explicit language, drug use scenes, and any direct references to the state of Punjab³⁶. The CBFC argued that such content would portray Punjab negatively and could potentially incite public disorder. This stance, however, faced widespread criticism, with opponents arguing that the board's approach infringed upon the filmmakers' right to depict a genuine social issue and effectively suppressed free expression.

The controversy culminated in a legal battle, with the producers taking the matter to the Bombay High Court. In a landmark judgment, the court ruled in favor of the filmmakers, reducing the number of cuts significantly and asserting that the CBFC's role should be one of certification, not censorship³⁷. This judgment was hailed as a victory for artistic freedom and raised questions about the extent of CBFC's authority, setting a legal precedent that reinforced the autonomy of filmmakers in addressing social issues. *Uda Punjab* underscored the tension between censorship and creative expression, illustrating how regulatory bodies may sometimes overstep their mandate, especially when a film's themes challenge cultural or political sensitivities.

Padmaavat (2018)

Padmaavat, a historical drama directed by Sanjay Leela Bhansali, faced unprecedented challenges stemming from accusations that it misrepresented the story of Queen Padmavati, a revered figure in certain Rajput communities. Before the film's release, groups such as the Karni Sena alleged that the film distorted historical facts,

³⁴ Judicial review of the IT Rules, 2021, by Delhi High Court.

³⁵ Ongoing debates and potential reforms in the IT Rules, 2021, and their implications for digital media in India.

³⁶ CBFC's decision on *Uda Punjab* and initial demands for extensive cuts, Ministry of Information and Broadcasting, Government of India, 2016.

³⁷ *Phantom Films Pvt Ltd. v. The Central Board of Film Certification (Uda Punjab case)*, Bombay High Court, 2016.

disrespecting Rajput pride and promoting values that clashed with cultural sentiments³⁸. These allegations, although unfounded and denied by the filmmakers, led to violent protests and threats against the filmmakers and actors. The situation escalated to the extent that some Indian states banned the film preemptively to avoid civil unrest, even before it had been cleared by the CBFC.

After extensive discussions and pressure from community groups, the CBFC eventually granted certification with several modifications, including a title change from *Padmavati* to *Padmaavat* and edits to specific scenes deemed sensitive. Despite the modifications, the film's release was marked by continuing protests and security concerns. The *Padmaavat* case highlighted the vulnerabilities of filmmakers in the face of extrajudicial pressures and questioned the adequacy of the CBFC's role as a gatekeeper of public sentiment³⁹. The controversy revealed how cultural sensitivities, when politicized, can override artistic expression, forcing filmmakers to alter content even if it has been legally cleared for release. This case became emblematic of the limits of creative freedom in India, as it showed how societal norms and identity politics can exert pressure on the regulatory framework governing cinema.

***Lipstick Under My Burkha* (2017)**

Lipstick Under My Burkha presents the lives of four women in a small town as they navigate the pressures of societal norms, restrictions on personal freedom, and the pursuit of their desires. This film faced intense scrutiny from the CBFC, which initially refused certification, labeling it "lady-oriented" and claiming that its sexual scenes, language, and bold themes were inappropriate for Indian audiences⁴⁰. The CBFC's rationale was criticized widely, as many argued that the film's portrayal of female agency challenged traditional views on women's roles in society, exposing the board's conservative biases in content regulation.

Following public backlash, appeals from women's rights advocates, and significant media attention, the Film Certification Appellate Tribunal (FCAT) intervened and overturned the CBFC's decision, allowing the film's release with minimal cuts. The tribunal's decision marked a pivotal moment for Indian cinema, emphasizing the importance of diverse narratives and questioning the subjective interpretations of "appropriateness" often applied by regulatory bodies⁴¹. The case of *Lipstick Under My Burkha* illustrated the role of cinema as a medium for social commentary, while also exposing the inherent gender biases that can influence content regulation in India.

The cases of *Uda Punjab*, *Padmaavat*, and *Lipstick Under My Burkha* underscore the challenges faced by filmmakers in India as they navigate a complex regulatory landscape where content is often scrutinized based on societal norms, political sensitivities, and cultural expectations. These case studies reveal how content regulation can sometimes extend beyond objective legal standards, influenced by the subjective perspectives of regulatory bodies and community pressures. Each case represents a clash between artistic freedom and societal standards, illustrating the broader debate over the role of censorship in a democratic society. These controversies have spurred public discourse on reforming content regulation in India, with many advocates calling for the CBFC to evolve from a censorship body into a certification agency that respects the autonomy of filmmakers while balancing societal interests⁴².

3.2 Television Case Studies

In India, television content regulation has been largely guided by the Cable Television Networks (Regulation) Act, 1995, which empowers the Ministry of Information and Broadcasting (MIB) to issue directives and advisories to ensure that programming adheres to standards of decency, public order, and national interest. While television

³⁸ Public protests and Karni Sena's opposition to *Padmaavat*, Ministry of Information and Broadcasting, 2018.

³⁹ CBFC modifications and certification of *Padmaavat* with changes, Ministry of Information and Broadcasting, Government of India, 2018.

⁴⁰ CBFC's initial refusal to certify *Lipstick Under My Burkha*, citing "lady-oriented" themes, Ministry of Information and Broadcasting, 2017.

⁴¹ Film Certification Appellate Tribunal's intervention and final certification of *Lipstick Under My Burkha*, 2017.

⁴² Discussions on CBFC reform and the debate over censorship versus certification in Indian cinema.

has traditionally enjoyed broader latitude than cinema in terms of creative expression, several high-profile cases reveal instances where regulatory authorities intervened, often in response to content deemed inappropriate or divisive. These interventions highlight the challenges of balancing freedom of expression with regulatory oversight, especially in an era of 24-hour news cycles and popular reality shows.

Sudarshan TV's *Bindas Bol* Controversy

One of the most prominent cases of regulatory intervention occurred in 2020 when Sudarshan TV aired a program called *Bindas Bol*, which claimed to investigate an alleged “infiltration” of Muslims in the civil services. The show was met with widespread criticism for promoting communal discord and was accused of spreading misinformation likely to incite hostility between communities. Responding to public outcry, the Ministry of Information and Broadcasting issued a show-cause notice to the channel, questioning its adherence to the Programme Code under the Cable Television Networks (Regulation) Act⁴³. The Supreme Court of India also intervened, temporarily restraining the broadcast of further episodes and observing that the program appeared to be promoting divisive content, thereby violating broadcast standards for public harmony. This case underscored the government's authority to act against potentially inflammatory content on television and highlighted the judiciary's role in overseeing media accountability.

***Bigg Boss* and Decency Standards**

The popular reality show *Bigg Boss*, an adaptation of the international format *Big Brother*, has also been subject to regulatory scrutiny on several occasions due to complaints about indecent language, adult themes, and behavior displayed by contestants. In 2019, *Bigg Boss* season 13 faced public backlash for allegedly promoting content unsuitable for family audiences, with objections raised over segments that depicted suggestive acts or explicit conversations among contestants. The MIB received numerous complaints, prompting it to issue advisories to the channel, urging the broadcaster to moderate content and adhere to decency standards⁴⁴. *Bigg Boss* has been warned multiple times throughout its seasons, reflecting the regulatory challenges posed by reality TV shows that push the boundaries of conventional programming. This case exemplifies the MIB's ongoing efforts to uphold societal standards on prime-time television, particularly in programs with high viewership and potential influence on younger audiences.

Zee News and Allegations of Biased Reporting

News channels, which play a critical role in shaping public opinion, have also been subject to regulatory intervention. In 2016, Zee News faced backlash over its coverage of a student protest at Jawaharlal Nehru University (JNU) in New Delhi. The channel aired footage purporting to show students chanting anti-national slogans, which later appeared to be doctored or misrepresented. The broadcast triggered nationwide debates on freedom of speech, nationalism, and media responsibility. While Zee News did not face an outright ban, the MIB issued an advisory urging news channels to practice caution in their reporting and avoid content that could incite public disorder or communal tension⁴⁵. This incident underscored the sensitivity required in news reporting and highlighted the role of the MIB in guiding media outlets on ethical journalism standards, especially in high-stakes, politically charged situations.

***India's Daughter* Ban**

A significant instance of regulatory intervention in television broadcasting involved the BBC documentary *India's Daughter*, which examined the infamous 2012 Delhi gang rape case. The documentary included interviews with one of the convicts, who made statements deemed inflammatory and insensitive. Fearing the potential for public

⁴³ Show-cause notice and Supreme Court intervention in Sudarshan TV *Bindas Bol* controversy, Ministry of Information and Broadcasting, Government of India, 2020.

⁴⁴ Advisory issued by the MIB to *Bigg Boss* for maintaining decency standards, Ministry of Information and Broadcasting, 2019.

⁴⁵ MIB advisory to Zee News regarding JNU protests coverage, Ministry of Information and Broadcasting, 2016.

unrest, the Indian government preemptively banned the broadcast of the documentary in India, citing concerns over public order and decency⁴⁶. The ban drew mixed reactions, with some arguing that the government's actions protected public sentiment, while others viewed it as an infringement on the media's role in highlighting social issues. This case illustrates the complexities in regulating international content aired on Indian television and the government's prerogative to restrict material it perceives as a threat to societal stability.

These case studies from Indian television demonstrate how regulatory intervention often occurs in response to content that either crosses perceived boundaries of decency or risks inciting divisive sentiments among the public. While the MIB's role in issuing advisories or temporary restrictions reflects the government's intent to maintain standards of public order, these cases also reveal the ongoing debate over freedom of expression in broadcast media. Reality shows like *Bigg Boss* test the limits of family-friendly programming, while news channels and documentaries confront the thin line between public interest and provocative content. Collectively, these incidents underscore the need for a balanced regulatory approach that respects both creative freedom and social responsibility on television.

3.3 Digital Platforms Case Studies (OTT and Social Media)

The rapid expansion of digital platforms in India, particularly Over-The-Top (OTT) streaming services and social media, has revolutionized content creation and dissemination. This growth, however, has presented new regulatory challenges, as content that might bypass traditional censorship standards reaches wide audiences instantly. The introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, marked the government's attempt to bring OTT and social media platforms under regulatory oversight. Notable cases, such as the *Tandav* series controversy and interventions involving social media platforms, illustrate the complexities and tensions in regulating digital content in India.

***Tandav* (2021) Controversy**

The *Tandav* series, an Amazon Prime Video original released in early 2021, became one of the most significant cases of regulatory intervention in OTT content in India. *Tandav* portrayed fictionalized political and social dynamics, including scenes that some viewers found offensive to religious sentiments. One scene, in particular, depicted a character dressed as a Hindu deity, which led to accusations that the show mocked religious beliefs. This portrayal triggered public outrage, with multiple complaints lodged against the series, calling for its removal from the platform. Legal cases were filed in various states under sections of the Indian Penal Code related to promoting enmity and offending religious sentiments⁴⁷.

In response to the public backlash, the Ministry of Information and Broadcasting issued a notice to Amazon Prime Video, requesting clarification on the show's content. Following these developments, the creators of *Tandav* issued an apology and removed or altered scenes that were considered offensive. This incident marked one of the earliest applications of the IT Rules, 2021, highlighting the government's willingness to exert regulatory pressure on OTT platforms. Proponents of the regulatory intervention argued that it was necessary to prevent content that could incite religious or communal unrest, while critics contended that such censorship curtails creative expression and imposes unwarranted restrictions on artistic freedom⁴⁸. The *Tandav* case underscored the increased scrutiny faced by OTT platforms and the challenges of navigating diverse cultural sensibilities in a pluralistic society like India.

***Paatal Lok* (2020) and Social Sensitivities**

Another notable case in the OTT space involved the Amazon Prime Video series *Paatal Lok* (2020), which

⁴⁶ Ban on BBC's *India's Daughter* documentary by the Ministry of Information and Broadcasting, Government of India, 2015.

⁴⁷ Complaints and legal actions against *Tandav* series, Ministry of Information and Broadcasting, Government of India, 2021.

⁴⁸ Amazon Prime Video's response and scene edits in *Tandav* controversy.

depicted crime and social issues in India, drawing attention to topics like caste, religion, and politics. The series was critically acclaimed, but certain scenes sparked complaints from various community groups. Specific representations of caste-based violence, alleged offensive depictions of minority communities, and perceived defamation of certain political figures led to multiple legal notices and demands for censorship⁴⁹. The makers of *Paatal Lok* faced scrutiny from community organizations and political figures, reflecting the cultural sensitivity surrounding such topics in India. While the government did not take direct action against the show, *Paatal Lok* faced indirect regulatory pressure due to the public outcry and legal complaints, revealing the heightened sensitivities and challenges OTT platforms face when producing socially relevant content.

***Sacred Games* (2018) and Political Allegations**

Netflix's *Sacred Games* series, released in 2018, was another high-profile case that faced content regulation pressures due to its politically charged narrative and depiction of real-life events. Set against the backdrop of contemporary Mumbai, the show included references to historical political figures and contentious periods in India's political history, including the Emergency imposed by former Prime Minister Indira Gandhi. The series' portrayal of these events led to complaints, with political figures alleging that the show defamed public leaders and presented Indian politics in a negative light⁵⁰. Some political activists filed cases demanding that certain scenes be removed, arguing that they disrespected national leaders. Netflix, however, defended the series, citing the freedom to portray fictional narratives based on historical events. While no formal censorship occurred, *Sacred Games* highlighted the tensions between political allegiances and digital storytelling freedoms.

Social Media Content Regulation and the *Toolkit* Case

In addition to OTT content, social media platforms have faced significant regulatory scrutiny, especially with the advent of the IT Rules, 2021, which impose compliance obligations on major social media intermediaries. One of the prominent cases illustrating the government's intervention in social media content involved a "toolkit" document that was circulated on platforms like Twitter in 2021. The document, which included strategies for political advocacy related to the farmers' protests, was deemed by the government as an attempt to incite public disorder. The Ministry of Electronics and Information Technology issued directives to Twitter, demanding the removal of posts containing the toolkit and suspending accounts associated with its dissemination⁵¹.

Twitter initially complied with some of the requests but later resisted further directives, citing its commitment to free expression. This standoff led to a public spat between the Indian government and Twitter, raising questions about the extent to which foreign social media platforms should conform to local regulations. Eventually, Twitter complied with the IT Rules by appointing a grievance redressal officer based in India and implementing content moderation mechanisms to address government requests. The toolkit controversy reflects the challenges social media platforms face in balancing compliance with national regulations and preserving the global standards of free expression that they typically uphold⁵².

WhatsApp and Privacy Concerns

Another significant social media case arose around WhatsApp, a widely used messaging platform that implemented end-to-end encryption to ensure user privacy. Under the IT Rules, 2021, the government mandated traceability for messages flagged as potential threats to public safety or national security. This requirement sparked a conflict between WhatsApp and the government, as WhatsApp argued that implementing traceability would compromise user privacy and weaken encryption. The government, however, contended that traceability was essential for identifying the origin of harmful content, particularly in cases related to misinformation, hate speech,

⁴⁹ Public complaints and controversies surrounding *Paatal Lok* and its portrayal of social issues.

⁵⁰ Legal actions and political backlash against *Sacred Games*, Netflix India, 2018.

⁵¹ Government directive to Twitter regarding the "toolkit" controversy, Ministry of Electronics and Information Technology, Government of India, 2021.

⁵² Twitter's compliance with IT Rules and establishment of grievance redressal mechanisms.

and child exploitation. This⁵³ case illustrates the complex interplay between privacy rights and regulatory demands, with potential implications for how digital platforms operate in India.

The controversies surrounding *Tandav*, *Paatal Lok*, *Sacred Games*, and social media platforms like Twitter and WhatsApp demonstrate the growing influence of digital platforms on public discourse in India and the corresponding regulatory challenges. The application of the IT Rules, 2021, has intensified government oversight on digital content, making it clear that OTT and social media platforms must navigate regulatory frameworks that address India's unique cultural and social sensitivities. While regulatory bodies argue that such oversight is necessary to prevent societal unrest and protect national interests, critics caution that stringent regulations risk stifling freedom of expression and innovation in digital media. These case studies illustrate the complex balancing act digital platforms face as they strive to deliver diverse content while adhering to evolving regulatory standards in India⁵⁴.

4. Comparative Analysis: India and International Content Regulation Standards

Content regulation varies widely across nations, reflecting differing cultural values, legal traditions, and societal expectations. India's approach to content regulation, particularly regarding cinema, television, and digital platforms, is distinct in its emphasis on societal harmony and cultural sensitivities, but it is not unique in its reliance on regulatory bodies and legislation. Comparing India's regulatory standards with those of other countries, such as the United States, the United Kingdom, and Singapore, provides insight into global practices and highlights the challenges of balancing freedom of expression with public interest.

India: A Socio-Cultural Approach to Regulation

In India, content regulation across media platforms is driven by a desire to maintain societal harmony, public decency, and national security. The Indian Constitution's Article 19(1)(a) guarantees the right to freedom of speech and expression but allows for "reasonable restrictions" under Article 19(2), which serves as the basis for India's extensive regulatory framework across different media types⁵⁵. Regulatory bodies like the Central Board of Film Certification (CBFC) for cinema, the Ministry of Information and Broadcasting (MIB) for television, and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 for digital platforms play central roles in enforcing these restrictions. These institutions are empowered to intervene when content is deemed likely to disturb public order, harm moral values, or offend religious sentiments.

This framework has led to high-profile interventions, such as the CBFC's extensive cuts demanded for the film *Uda Punjab* due to its explicit portrayal of drug abuse, and the government's directives under the IT Rules, 2021, requiring the *Tandav* series to alter scenes that allegedly offended religious sentiments. These examples underscore India's regulatory emphasis on cultural norms and public order. However, this approach has been criticized for its perceived restrictiveness, with advocates for free expression arguing that such regulatory frameworks impose excessive censorship that hinders creative freedom and limits access to diverse perspectives⁵⁶.

The United States: Freedom of Expression as a Paramount Right

In contrast, the United States operates under the First Amendment of the U.S. Constitution, which grants robust protections for freedom of speech and expression, with very limited exceptions. The legal system in the U.S. imposes fewer restrictions on content, whether it be in cinema, television, or digital platforms, with regulation generally focusing on preventing direct harm rather than curbing content based on moral or cultural

⁵³ Government traceability requirements for WhatsApp under IT Rules, 2021, and privacy implications.

⁵⁴ Ongoing debates and challenges of digital platform regulation in India under IT Rules, 2021.

⁵⁵ Ministry of Law and Justice, Government of India. "Article 19 of the Indian Constitution: Freedom of Expression with Reasonable Restrictions." Retrieved from <https://legislative.gov.in/constitution-of-india>.

⁵⁶ Central Board of Film Certification (CBFC) and *Uda Punjab* Controversy. Case highlighting CBFC's role in certification versus censorship, ruled by Bombay High Court in favor of filmmakers. *Phantom Films Pvt Ltd. v. The Central Board of Film Certification*, 2016.

considerations⁵⁷. Regulatory agencies like the Federal Communications Commission (FCC) oversee broadcast standards, primarily focusing on protecting children from exposure to indecent content. For instance, the FCC imposes restrictions on obscenity, profanity, and indecent material, particularly during hours when children are likely to be watching, but these rules are significantly less restrictive than those in India.

OTT platforms and streaming services in the U.S. are relatively free from governmental content regulation, with companies primarily self-regulating based on age ratings and content advisories. The U.S. legal environment allows for wide latitude in artistic and political expression, with the courts intervening only when content is explicitly libelous, incites violence, or violates intellectual property laws. The strong protection of free speech in the United States, exemplified in cases like *New York Times Co. v. Sullivan* (1964), has led to a culture of minimal governmental interference, where even controversial and divisive content is protected unless it directly threatens public safety or violates specific laws⁵⁸.

The United Kingdom: A Balanced Regulatory Model

The United Kingdom employs a balanced approach to content regulation, grounded in the Human Rights Act 1998, which incorporates the European Convention on Human Rights (ECHR) and emphasizes the right to freedom of expression. However, this right can be limited in cases of national security, public safety, and protection of health or morals⁵⁹. In the UK, regulatory bodies such as the British Board of Film Classification (BBFC) for cinema and Ofcom for television and digital content play a proactive role in monitoring and enforcing content standards.

The BBFC's classification system allows for a nuanced approach, with content ratings designed to inform viewers while limiting access to potentially harmful material. Unlike India's CBFC, which often demands cuts or outright bans for films that violate content standards, the BBFC rarely censors films outright, instead focusing on rating them appropriately. This approach is intended to preserve creative freedom while empowering audiences, especially parents, to make informed choices. Ofcom, which regulates television and online platforms, operates under a similar ethos, ensuring that broadcast content adheres to standards of fairness, accuracy, and decency without unduly infringing upon editorial independence⁶⁰.

The UK's regulatory framework also extends to digital platforms, where the Online Safety Bill currently under consideration aims to impose greater accountability on social media companies regarding harmful content, such as hate speech and child exploitation. The UK's approach reflects an effort to balance individual freedoms with social responsibility, and the government's oversight tends to be more hands-off compared to India's approach, intervening mainly to address content that poses a significant risk to public welfare.

Singapore: A Restrictive Approach for Social Stability

Singapore represents a more restrictive model of content regulation, with an emphasis on maintaining social stability and upholding national values. The government enforces strict censorship laws across media, and the Infocomm Media Development Authority (IMDA) plays a central role in regulating content across television, cinema, and digital platforms⁶¹. Singapore's approach to content regulation reflects its broader governance model,

⁵⁷ First Amendment of the U.S. Constitution and FCC Regulations on Content. Protects free speech, with FCC regulating indecent content for children's safety. See *First Amendment of the United States Constitution*. Available at <https://www.archives.gov/founding-docs>.

⁵⁸ *New York Times Co. v. Sullivan* (1964). Landmark U.S. Supreme Court case establishing "actual malice" standard, reinforcing free speech for public figures. Available at <https://www.oyez.org/cases/1963/39>.

⁵⁹ Human Rights Act 1998, United Kingdom. Provides for freedom of expression with specific limitations for public safety and order. Retrieved from <https://www.legislation.gov.uk/ukpga/1998/42/contents>.

⁶⁰ British Board of Film Classification (BBFC) and Ofcom, United Kingdom. Regulates film classification and broadcasting standards. See *BBFC Guidelines* at <https://bbfc.co.uk> and *Ofcom Broadcasting Code* at <https://www.ofcom.org.uk>.

⁶¹ Infocomm Media Development Authority (IMDA), Singapore. Content regulation practices reflecting Singapore's emphasis on social stability and national values. Retrieved from <https://www.imda.gov.sg>.

which prioritizes societal order and cohesion over individual freedoms.

In cinema, the IMDA imposes strict ratings and requires pre-approval for films, especially those addressing sensitive political or racial issues. Content that promotes or seems to endorse views counter to Singapore's multicultural ethos is either censored or banned, as seen in cases where films dealing with LGBTQ+ themes, drug use, or political dissent have faced prohibitions. For instance, the IMDA banned the film *To Singapore, With Love*, which documented the lives of political exiles, on the grounds that it posed a threat to national security⁶². Similarly, Singapore's Broadcasting Act grants the government extensive powers to regulate both television and online content, allowing for blocking of websites that contain material deemed a threat to public order.

On digital platforms, the Singaporean government has recently introduced the Protection from Online Falsehoods and Manipulation Act (POFMA), aimed at combating misinformation and hate speech online. Under POFMA, the government can demand corrections or remove content that it perceives as false and potentially destabilizing. While Singapore's model has been criticized for its heavy-handedness, supporters argue that it reflects the unique challenges of a multicultural society where maintaining social harmony is paramount⁶³.

Comparative Insights and Conclusion

Comparing India's content regulation standards with those in the United States, the United Kingdom, and Singapore reveals a spectrum of approaches, each influenced by unique social, political, and legal considerations. India's approach, which emphasizes societal values and cultural sensitivities, aligns more closely with Singapore's restrictive model than with the liberal standards of the United States. However, unlike Singapore, India's regulatory framework lacks the degree of centralization and streamlined enforcement seen in the IMDA's structure, which results in a sometimes inconsistent application of content regulations across platforms.

In contrast, the United Kingdom's balanced approach highlights the potential benefits of empowering viewers while retaining a regulatory body like Ofcom to ensure compliance with standards of decency and fairness. The UK's system exemplifies a middle ground that respects creative autonomy while addressing public welfare, a model that some advocates believe India could benefit from by focusing the CBFC's role on certification rather than censorship. The United States' minimal regulatory intervention reflects a culture of robust free expression, where content regulation is largely left to market-driven ratings systems and voluntary self-regulation by platforms, a standard that would face significant challenges if implemented in India due to cultural and religious sensitivities.

Ultimately, India's approach to content regulation reflects its diverse society and the need for a regulatory model that can address the complexities of public sentiment. However, with the rise of digital platforms and shifting viewer expectations, there is growing pressure for regulatory reform. India might benefit from integrating elements of the UK's model, where regulatory bodies emphasize content classification and user awareness, with measures for accountability and sensitivity to social issues, similar to Singapore's framework. This comparative analysis underscores the need for a nuanced regulatory approach that respects freedom of expression while addressing the socio-political context unique to each nation⁶⁴.

5. Challenges and Criticisms of Content Regulation in India

India's approach to content regulation is challenged by rapid changes in digital media, where traditional frameworks struggle to keep pace with the vast amount of content shared instantaneously. Regulatory bodies like the Central Board of Film Certification (CBFC) and the Ministry of Information and Broadcasting (MIB) are often

⁶² IMDA Ban on *To Singapore, With Love*. The documentary was banned on national security grounds, reflecting Singapore's stance on politically sensitive content. Available at <https://www.imda.gov.sg>.

⁶³ Protection from Online Falsehoods and Manipulation Act (POFMA), Singapore. Law enacted to curb misinformation and maintain social order. Retrieved from <https://sso.agc.gov.sg>.

⁶⁴ Ministry of Information and Broadcasting, Government of India. Ongoing discussions on content regulation reforms, emphasizing modernization and transparency. Retrieved from <https://mib.gov.in>.

stretched beyond their original mandates, particularly with the emergence of social media and OTT platforms⁶⁵.

The introduction of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, has been met with controversy. These rules impose compliance obligations on digital platforms, requiring them to implement multi-level grievance redressal mechanisms. Critics argue that this adds administrative burden and encourages self-censorship, particularly when addressing sensitive political or cultural issues⁶⁶. Digital rights advocates argue that such regulations compromise free speech and foster a culture of surveillance⁶⁷.

A notable example is the *Tandav* series, which was altered after complaints that it offended religious sentiments. The pressure on the creators of *Tandav* reflects broader issues facing Indian OTT platforms, where concerns over public and political backlash often limit creative freedom⁶⁸. This case underscores how subjective interpretations of “offensive” content create uncertainty for creators.

The broad and sometimes vague language in regulations is also a concern, as terms like “morality” and “decency” can be inconsistently applied. This ambiguity allows regulatory bodies to interpret standards subjectively, leading to accusations of selective enforcement, often perceived as politically motivated⁶⁹.

6. Recommendations for a Balanced Content Regulation Framework

A balanced regulatory approach could enhance creative freedom while respecting public values:

1. **Redefine the CBFC’s Role:** Transform the CBFC into a certification body rather than a censorship board, allowing it to focus on age-based ratings like the British Board of Film Classification⁷⁰.
2. **Revise Ambiguous Language:** Clear definitions for terms like “morality” and “public order” in regulations can prevent arbitrary application, allowing consistent enforcement⁷¹.
3. **Promote Self-Regulation:** Empower OTT and social media platforms to self-regulate within broad government guidelines, creating accountability without direct censorship⁷².
4. **Transparency and Accountability:** Regulatory bodies should publicly share the basis of content decisions and provide appeals mechanisms to ensure fair treatment.⁷³

7. Conclusion

The examination of content regulation in India across cinema, television, and digital platforms reveals a complex balancing act between safeguarding societal values and preserving freedom of expression. Regulatory bodies, laws, and guidelines—such as the Cinematograph Act, Cable Television Networks Act, and the IT Rules—reflect India’s unique socio-cultural sensitivities but also face criticism for overreach and inconsistencies. Case studies

⁶⁵ Ministry of Information and Broadcasting, Government of India. "Cable Television Networks (Regulation) Act, 1995." Retrieved from <https://mib.gov.in>.

⁶⁶ Internet Freedom Foundation. "Critique of IT Rules, 2021: Excessive Compliance Requirements and Risks of Censorship." Available at <https://internetfreedom.in>.

⁶⁷ Article 19 of the Indian Constitution and IT Rules, 2021, Government of India. Detailed in "India’s Content Regulation and Free Speech," Journal of Law & Society, 2021.

⁶⁸ *Tandav* controversy and CBFC’s role in regulating OTT content, Indian Express, January 2021. Available at <https://indianexpress.com>.

⁶⁹ Concerns on regulatory ambiguity in IT Rules, 2021, Bar and Bench, June 2021. Accessible at <https://barandbench.com>.

⁷⁰ British Board of Film Classification. "Classification Guidelines." Available at <https://bbfc.co.uk>.

⁷¹ Recommendations for Clear Regulatory Language, Internet Freedom Foundation, Policy Brief 2021. Retrieved from <https://internetfreedom.in>.

⁷² Self-Regulation in Content Platforms: Lessons from the UK Ofcom Model, Media Law Journal, 2020.

⁷³ Calls for Transparency in Content Regulation, Journal of Indian Policy, March 2021.

like *Uda Punjab*, *Tandav*, and *Bigg Boss* illustrate both the challenges and implications of enforcing these regulations in a pluralistic society. As media landscapes evolve with digital advancements, India's regulatory framework must adapt, prioritizing transparency, consistency, and accountability. Moving forward, a balanced approach that redefines the CBFC's role, clarifies ambiguous language, and encourages self-regulation can help uphold both public interest and creative freedom. This research underscores the importance of reforming India's content regulation to ensure it remains relevant, fair, and respectful of constitutional rights.

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