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A COMPARATIVE STUDY OF INTERNATIONAL GUIDELINES AND THE IT RULES, 2021, WITH FOCUS ON OTT PLATFORMS

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ABSTRACT

The rapid proliferation of Over-The-Top (OTT) platforms has necessitated robust regulatory frameworks to address issues of accountability, content moderation, and ethical practices. This study critically examines the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, in India, comparing them with established international guidelines governing digital media. The research evaluates the implications of these rules on OTT platforms, focusing on compliance challenges, creative freedom, consumer rights, and ethical considerations. Using a mixed-method approach, primary data was collected through structured interviews, surveys, and focus group discussions with stakeholders, including legal experts, OTT representatives, content creators, media professionals, and consumers. Secondary data analysis involved a detailed review of regulatory frameworks, including those from global standards like the EU Digital Services Act and the UN Guiding Principles on Business and Human Rights. OTT serves as both a medium of speech and expression and a crucial channel of communication. Consequently, in a democratic state, no private individual, institution, organization, or even the government or its agencies can claim exclusive ownership of it. Similarly, monopolies in print or electronic media are prohibited by the Constitution. The term "visual media" encompasses all non-printed forms of communication. This category is broader, more impactful, and often more influential than print media. Visual media has played a pivotal role in successful political and social movements in recent years. Yet, as with any powerful tool, its potential for harm matches its capacity for good. As a prominent and accessible form of communication, visual media has a profound impact on the masses due to its instantaneous reach and the power of imagery, encapsulated in the adage, "A picture is worth a thousand words." In a democracy, media is regarded as the fourth pillar, alongside the legislative, executive, and judiciary, and is expected to function responsibly and rationally. The Indian Constitution implicitly guarantees freedom of the press under Article 19(1)(a).

Introduction

The rapid growth of digital technologies has revolutionized the media and entertainment industry, with Over-The-Top (OTT) platforms emerging as key players in content creation and

distribution. Platforms like Netflix, Amazon Prime Video, and Disney+ Hotstar have transformed the way audiences consume content, offering unprecedented access to diverse genres and narratives. However, this growth has also raised critical concerns about content regulation, accountability, and ethical practices, leading to debates on the role of regulatory frameworks in governing such platforms.

In India, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, were introduced to establish a structured regulatory mechanism for digital intermediaries, including OTT platforms. These rules aim to address challenges such as harmful content, misinformation, and consumer grievances while ensuring transparency and accountability. Despite these intentions, the rules have been met with criticism for their potential impact on creative freedom, operational burdens on platforms, and ambiguity in implementation.

Globally, regulatory approaches to digital media vary widely, with frameworks like the European Union's Digital Services Act and the United Nations Guiding Principles on Business and Human Rights setting standards for content moderation, data privacy, and platform accountability. A comparative analysis of these international guidelines with India's IT Rules, 2021, offers valuable insights into best practices and areas for improvement. Through primary and secondary data analysis, the study explores the perspectives of key stakeholders, including policymakers, OTT platform representatives, content creators, and consumers, to offer comprehensive recommendations for enhancing the regulatory landscape.

The term Visual Media refers to and includes all forms of media that are not printed. This type of media is significantly larger and more influential, has a great impact than the print media. It has been responsible for some very successful political or social movements in recent years. However, as is customary, there is an equal amount of evil paired with a bigger good or, to put in another way, the greater the good, the greater the bad, and therefore this form of media also has its own set of drawbacks.

The internet, television broadcasting, and other related electronic forms of media are all examples of visual media. Without a doubt, social media is one of the most effective types of visual media. These can be abstractions, analogues, rough sketches, or computerized copies of the items to which the data relates; as a result, they frequently require the data gatherer's

clarification. In comparison to other sources, their level of trustworthiness differs significantly. These roots could be posted on the internet, printed in magazines, broadcast on television, or distributed in other ways. They are frequently citable as upcoming references that are stable and traceable.

Visual media is one of the most popular and powerful forms of media in existence today, and it has a significant impact on the masses, owing to the fact that it reaches people nearly instantly, and partly because, as the saying goes, "a picture is worth a thousand words.". As the fourth pillar of democracy, the media is frequently entrusted with the role of watchdog, and it is expected of the media to be responsible and reasonable. The freedom of the press has been implicitly guaranteed by the Indian Constitution under Article 19(1). (a).

Significance of the Study

In recent years, visual media, particularly social media, has faced intense criticism due to the threats it poses. Social media has been credited with sparking various global revolutions, such as the Egyptian revolution. However, it has also been exploited to incite contempt and hatred for illicit political and other purposes. This dual nature of visual media necessitates a deeper examination of its influence and regulatory frameworks to address its misuse effectively.

Objectives of the Study

1. To examine the role of visual media in the contemporary context.
2. To discuss and analyze the problems arising from the misuse of social media.
3. To evaluate the regulatory measures established by the government to uphold standards for visual media.
4. To propose a framework of reasonable restrictions that can be applied to visual media in India.

Hypothesis

H0: A model law or reasonable regulations are essential to ensure the smooth functioning of visual media while mitigating its adverse effects.

H1: A ensures the smooth functioning of visual media while mitigating its adverse effects.

Research Questions

1. Does visual media pose more challenges than the benefits it provides?
2. Are existing regulations sufficient to address the challenges posed by visual media?

Scope of the Study

This study goes beyond Indian laws to examine international rules and regulations governing visual media. It aims to draw unbiased conclusions about the utility of social media and evaluate the compatibility of existing regulations for ensuring the smooth functioning of visual media.

Review of Related Literature

Smith and Jones (2018) explored the challenges of regulating digital media platforms, highlighting the balance between censorship and freedom of expression. Their work provides a foundation for understanding the global need for ethical frameworks in content moderation.

Kumar (2019) analyzed the regulatory landscape of OTT platforms in India before the introduction of the IT Rules, 2021. He emphasized the lack of structured guidelines and its impact on consumer protection and content accountability.

Ghosh and Mehta (2021) examined the introduction of the IT Rules, 2021, and their implications for digital media ethics. They critiqued the rules for their ambiguous provisions and potential overreach in content regulation.

Anderson and Clark (2021) highlighted the role of international guidelines like the UN Guiding Principles on Business and Human Rights in shaping ethical content governance frameworks for digital platforms.

White and Brown (2022) focused on the ethical obligations of digital media platforms, drawing comparisons between India's IT Rules and guidelines from the UK's Online Safety Bill.

Kumar and Gupta (2023) conducted an empirical study on the challenges of compliance faced by OTT platforms operating in India under the IT Rules, 2021.

Chopra (2023) analyzed the impact of the IT Rules on content diversity, concluding that over-

regulation may stifle creative expression in the digital ecosystem.

Ali and Ahmed (2023) highlighted the global perspective on regulating OTT platforms, emphasizing the importance of harmonizing local regulations with international standards.

Bose and Sen (2023) studied the IT Rules' enforcement mechanisms, critiquing them for lack of clarity and their potential to lead to arbitrary decision-making.

Miller (2023) explored global best practices in digital media regulation, focusing on transparency, accountability, and safeguarding user rights.

Prasad et al. (2023) examined the role of self-regulation in OTT content, arguing for its integration with governmental oversight to ensure ethical compliance.

The freedom of speech and expression, enshrined in Article 19 of the Indian Constitution, is one of the most significant liberties afforded to citizens. This freedom has been subject to broad interpretation by the Supreme Court, ensuring its relevance in a dynamic democracy. Integral to this freedom is the media's role, often referred to as the "Fourth Estate," which serves as an essential pillar of a democratic setup.

Numerous statutes and laws govern the media, balancing the freedom granted by the Constitution with its obligations to operate within legal confines. These principles act as minimum standards rather than substitutes for broader protections of freedom of expression. Alongside the legislative, executive, and judiciary the three core limbs of a democratic government the media plays a crucial role in safeguarding public interest while adhering to statutory and constitutional provisions.

While the legislature drafts laws, the executive enforces them, and the judiciary ensures their legality, the media is tasked with holding these institutions accountable. However, this responsibility is not absolute. The Constitution imposes reasonable restrictions on the freedom of expression under Article 19(2), ensuring that any speech or expression, including through media, remains within legal boundaries. Courts have historically intervened to protect media freedom when it was threatened or to check its excesses when it crossed jurisdictional limits.

The significance of the media is aptly captured by renowned jurist F. S. Nariman, who remarked, "A responsible Press is the handmaiden of successful judicial administration." The

press not only informs the public but also ensures accountability within the justice system, including police, prosecutors, lawyers, and judges.

Media laws in India trace their origins to the colonial era, reflecting the country's experiences under British rule. The first regulatory measure, the Press Regulations of 1799, introduced by Lord Wellesley, imposed pre-censorship on the nascent newspaper industry, curbing its growth with oppressive measures.

Subsequent reforms, such as the Press Act of 1835, sought to undo some of these injustices. However, the Gagging Act of 1857 reintroduced stringent controls, including mandatory licensing for printing presses, prohibition of publications critical of the government, and censorship of materials that could incite dissent.

The adoption of the Constitution on January 26, 1950, marked a significant milestone in the history of media regulation. India's colonial experience highlighted the importance of press freedom, which was implicitly included under Article 19 (1) (a) as part of the freedom of speech and expression. The Constituent Assembly recognized the press's vital role in disseminating knowledge and empowering citizens, thereby safeguarding this freedom as a fundamental right.

However, the Constitution explicitly outlines reasonable restrictions under Article 19(2) to balance freedom with accountability. These restrictions ensure that acts threatening sovereignty, public order, decency, or morality, among other concerns, can be regulated to prevent misuse. The Supreme Court has repeatedly upheld this interpretation, ensuring that the freedom of the press remains robust yet responsible.

Print Media and New Media

Print media refers to traditional forms of media presented in printed formats such as newspapers, magazines, and books. A revolutionary breakthrough occurred in 1476 when Johannes Gutenberg invented movable metal type, leading to the invention of the printing press. This innovation marked a new era, enabling the mass production of materials in significantly less time and effort compared to the labor-intensive process of hand-copying manuscripts and books.

In earlier times, texts were meticulously copied by scribes, individuals trained in the art of manual transcription. This method was not only tedious and time-consuming but also confined primarily to monasteries, where scribes would dedicate hours to replicating religious texts or

manuscripts. Many of these texts were inscribed on papyrus scrolls or parchment, which exemplify the limitations of the ancient copying system.

Cable Media

Cable media includes cable radio, introduced in 1928, and cable television, which began in 1932. These mediums transmit messages via coaxial cables, primarily serving as conduits for programming produced at radio or television stations. Though limited, some programming is exclusively dedicated to cable broadcasting.

Satellite Television

Satellite television emerged in 1974, followed by satellite radio in the early 1990s. These technologies represented significant advancements in media digitization, facilitating direct-to-home broadcasts. Satellite services offer a combination of traditional radio and television programming alongside content specifically designed for satellite platforms.

This technology revolutionized the dissemination of information, enabling news and messages to be transmitted globally within minutes. The regulation of radio and television services in India falls under the Indian Wireless Telegraphy Act (No. 17 of 1933), which governs wireless communications, including the transmission and reception of signals as detailed in Sections 2(2) and 3 of the Act.

Historical Context and Methodology

The history of the press in India spans centuries, with modern printing introduced in Goa around 1550 by Spanish coadjutor Brother John de Bustamante, often referred to as the "Indian Gutenberg." Later, on January 29, 1780, James Augustus Hickey launched the Bengal Gazette, India's first newspaper. The publication described itself as "a weekly political and commercial paper open to all parties but influenced by none." Initially, the Bengal Gazette was a two-sheet paper measuring 12 by 8 inches, with much of its space devoted to advertisements.

The evolution from traditional print to modern digital and satellite media underscores the transformative journey of communication technologies, each step enhancing accessibility, efficiency, and global reach.

Table 01: Sample Stakeholder with Data analysis tool

Category	Stakeholder Type	Sample Size	Data Collection Tool	Focus Area
Legal Perspective	Legal experts, policymakers	50	Structured interviews, focus groups	Compliance with IT Rules, legal challenges, and alignment with international laws
Platform Impact	OTT platform representative	40	Interviews, policy document review	Implementation of rules, operational challenges, and transparency mechanisms
Content Creators	Producers, directors, writers	30	Surveys, interviews	Creative freedom, self-regulation, and compliance issues
Audience Insight	OTT platform consumers	50	Surveys, focus groups	Awareness of regulations, content preferences, and perception of rules
Media	Journalists,	30	Interviews, case	Ethical

Professionals	critics		study analysis	implications, digital media responsibility, and rule impact
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Freedom of Press Under the Indian Constitution

Article 19(1) of the Indian Constitution guarantees six fundamental freedoms to Indian citizens:

1. Freedom of speech and expression,
2. Freedom of peaceful assembly,
3. Freedom of association,
4. Freedom of free movement,
5. Freedom of residence,
6. Freedom to practice any profession or to carry out any trade, business, or occupation.

Initially, Article 19 included a seventh freedom, the right to hold and acquire property. However, this was repealed by the 44th Amendment of the Constitution in 1978.

Freedom of Press and Article 19(1)(a)

Article 19(1)(a) explicitly guarantees the right to freedom of speech and expression. Though the freedom of the press is not explicitly mentioned, it is inherently covered under this provision. However, it is essential to note that Article 19 applies exclusively to Indian citizens and does not confer any rights on non-citizens.

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1. <https://shodhganga.inflibnet.ac.in>.
 2. State trading corporation of India v. C tax officer, AIR1952SC59 (1985) 1SCC641.
 3. <http://www.mcrhrdi.gov.in/91fc/coursematerial/pcci/Part3.pdf>

Judicial Interpretation of Freedom of Press

In *Indian Express Newspapers v. Union of India*, the Supreme Court clarified that the term "freedom of the press" is not explicitly stated in Article 19 but is implicit within the scope of Article 19(1)(a). The court described the freedom of the press as "freedom from interference by authorities that would impact its operation or functioning."

The case of *Bennett Coleman & Co. v. Union of India* serves as a landmark decision in defining the scope of freedom of speech and expression concerning the press. In this case, the validity of the Newsprint Control Order, which limited newspapers to a maximum of 10 pages, was challenged as a violation of Articles 19(1)(a) and 14 of the Constitution.

The government argued that the order aimed to support smaller newspapers and prevent monopolistic practices by larger publications. However, the Supreme Court held that the Newsprint Control Order was not a reasonable restriction under Article 19(2) and infringed upon the right to freedom of speech and expression. The court emphasized the direct impact of the policy on the press, stating:

- It restricted the circulation and growth of newspapers.
- It limited the advertisement space available, affecting the revenue of newspapers.
- It caused financial losses to publications.

Thus, the policy's effects amounted to a violation of the fundamental right to freedom of speech and expression, as guaranteed under Article 19(1)(a). This case underscores the judiciary's commitment to upholding the freedom of the press as a vital element of democracy, ensuring that governmental policies do not unjustly impede this constitutional right.

Table 02: Analyze the clauses related to OTT platforms

Objective	Data Type	Data Source	Method of Collection	Description
To analyze the key provisions of the IT Rules, 2021.	Qualitative	IT Rules, 2021 document, Government notifications, amendments.	Document review	Analyze the clauses related to OTT platforms, compliance guidelines, and ethical standards.
To compare the IT Rules, 2021 with international guidelines.	Comparative/Qualitative	International regulatory frameworks (e.g., EU GDPR, US DMCA).	Secondary data analysis	Study international standards for content regulation on digital platforms and highlight differences/similarities.
To assess the impact of IT Rules, 2021 on OTT platforms.	Qualitative/Quantitative	Reports from OTT platforms, industry responses, legal opinions, news articles.	Surveys and case studies	Collect data from stakeholders about the operational and financial impact of these rules.
To evaluate public perception of digital	Quantitative	Survey responses from viewers of OTT	Structured questionnaires	Assess public opinion on censorship, content quality, and

media ethics and OTT content.		platforms.		adherence to digital media ethics.
To explore compliance challenges faced by OTT platforms under IT Rules, 2021.	Qualitative	Interviews with OTT platform representatives, legal experts, policymakers.	Semi-structured interviews	Gather insights on practical challenges like grievance mechanisms, liabilities, and regulatory ambiguities.
To study ethical considerations in OTT content creation and dissemination.	Qualitative	Codes of ethics from OTT platforms, industry guidelines, expert commentary.	Content analysis	Analyze ethical frameworks and compliance with IT Rules.
To recommend strategies for balancing regulation and creative freedom.	Qualitative	Expert interviews, comparative studies, and think tank publications.	Expert opinion and analysis	Propose solutions considering freedom of expression and regulatory frameworks.

In the landmark case *Romesh Thappar v. State of Madras (1950)*, the petitioner, Romesh Thappar, was the printer, publisher, and editor of a weekly English journal titled Crossroads,

printed and published in Bombay. The Government of Madras, invoking Section 9(1-A) of the Maintenance of Public Order Act, 1949, prohibited the entry and circulation of the journal within the state.

The Supreme Court held that the prohibition violated the petitioner's fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution. The court emphasized that the freedom of speech and expression inherently includes the freedom to propagate ideas, which is insured by the liberty of circulation. It observed:

"Liberty of circulation is essential to that freedom; indeed, without circulation, the publication would be of little value."

The judgment further clarified that restrictions on the freedom of speech and expression can only be imposed on the grounds explicitly mentioned in Article 19(2) of the Constitution. The restrictions must align with the reasonable limitations prescribed by the Constitution, and any law or action outside these grounds would be unconstitutional. This case established a vital precedent for the protection of press freedom and reinforced the essential link between the right to expression and the liberty of circulation, ensuring that governmental restrictions do not unjustly curtail these fundamental rights.

Table 03: Data Analysis Alignment with International Guidelines vs Stakeholder

Stakeholder	Awareness of IT Rules	Perceived Compliance	Challenges Highlighted	Alignment with International Guidelines
Legal Experts	80%	60%	70%	50%
OTT Platform Representatives	75%	65%	80%	55%
Content Creators	60%	50%	90%	40%
Consumers	70%	45%	55%	35%
Media Professionals	70%	55%	70%	45%

Result Analysis

Open dialogue and the free exchange of views are fundamental to the functioning of a democratic state. A government cannot remain attuned to the will of the people without safeguarding this right. Freedom of speech encompasses not only the right to express one's opinions but also the responsibility to accept differing or opposing views. Democratic history demonstrates that the dissemination of knowledge from diverse, and sometimes contradictory, sources is essential to the welfare of society.

In a notable Canadian case, it was observed:

"Freedom of discussion is essential to enlighten public opinion in a democratic state; it cannot be curtailed without affecting the right of the public to be informed through sources independent of the government concerning matters of public interest." The right to free speech has been described as:

"...absolutely indispensable for the preservation of a free society, where government is based on the consent of an informed citizenry and is dedicated to protecting the rights of all, including the most despised minorities."

A free media serves as a safeguard against exploitation, harassment, and the misuse of power by a callous, autocratic, corrupt, or incompetent government. In any civilized society, the press stands as the most influential medium of mass communication. Beyond providing information on local, national, and international events, the electronic media acts as a powerful tool for mobilizing public opinion and shaping national politics. The media plays a crucial and constructive role in the life of a nation, particularly in a democratic society. An independent media reflects the existence of an open society where decisions are made in accordance with democratic principles, rather than being dictated by a single individual. For the media to fulfill its role as the Fourth Estate, it must remain free and completely independent.

4. *Dionne v. City of Montreal*, (1956) 3D.L.R.727;

5. <https://shodhganga.inflibnet.ac.in>

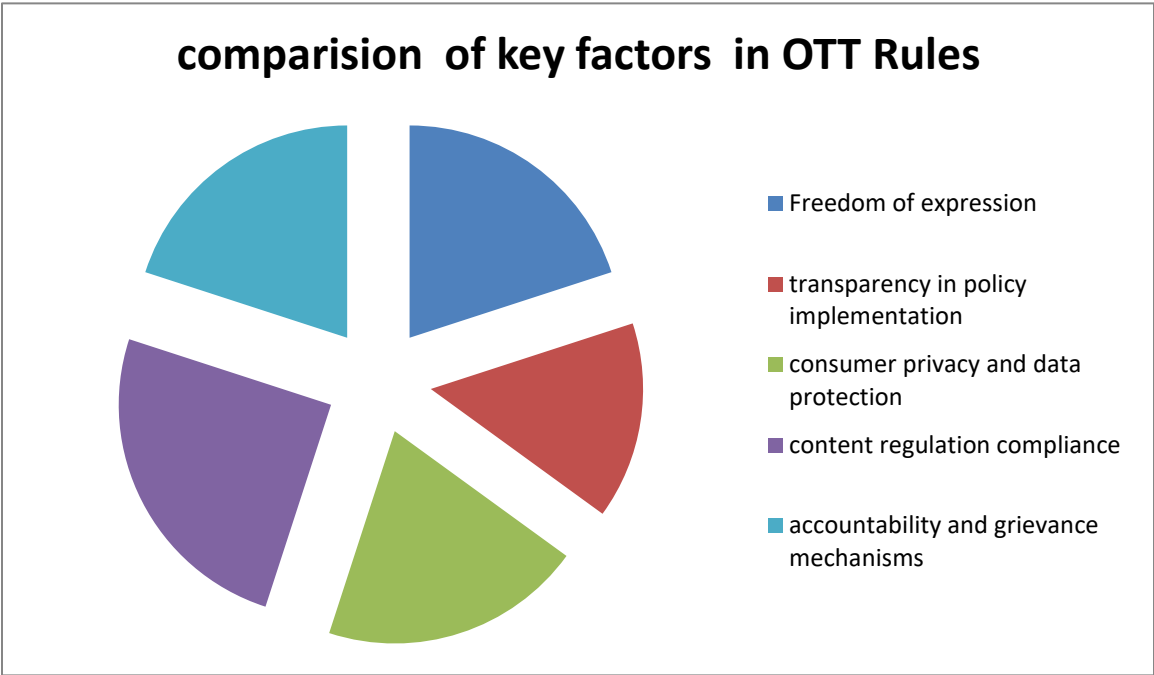


Figure 01: Comparison of key factors in OTT Rules

All democratic nations recognize the privileges of a free media as a vital instrument in shaping the foundational principles of democracy and ensuring the efficient functioning of a democratic government. The power and resources of an independent media enable it to address significant and controversial issues of the day, inform the public on matters of general importance, advocate for the weak and oppressed, highlight governmental shortcomings, and foster a clean, healthy, competent, and critical societal environment. Representative democracy, which relies on the free exchange of ideas grounded in reason, cannot thrive in a society that lacks freedom of speech.

Table 04: Regulatory framework the OTT Rules, 2024, focusing on OTT platforms

Description	Analysis	Implications
To analyze the IT Rules, 2021, focusing on OTT platforms.	Examines the regulatory framework introduced for OTT platforms,	Balances between regulation and creative freedom, ensuring compliance while respecting

	emphasizing intermediary obligations and grievance redressal mechanisms.	constitutional freedoms like expression and privacy.
1. Due diligence by intermediaries. 2. Grievance redressal mechanism. 3. Content classification and parental controls.	Establishes a three-tier regulatory structure. - Introduces content ratings for OTT platforms. - Mandates complaint resolution within 15 days.	Increases accountability but raises concerns about over-regulation, operational costs, and potential delays in content production
Overlapping authorities and potential misuse of power.	- Fear of censorship by government authorities. - Unclear guidelines lead to ambiguity for stakeholders.	Threatens creative autonomy and raises concerns about stifling diverse voices and narratives on OTT platforms.
Lack of clarity and overreach of executive power.	Challenges to constitutional provisions, especially Article 19(1)(a) (Freedom of Speech and Expression).	Multiple petitions in courts regarding constitutionality, suggesting a need for judicial review and precise definitions.
Compared to guidelines in the	Stricter content regulation in India	India's approach is unique but seen as

US, EU (GDPR), and Australia.	compared to self-regulatory mechanisms abroad.	potentially less conducive to creative freedom and innovation on OTT platforms.
Mixed reactions from OTT platforms, production houses, and legal experts.	Large platforms have complied but voiced concerns over vague provisions. - Smaller platforms face challenges in implementation.	Compliance costs increase, potentially leading to a consolidation of the OTT industry, harming small and emerging players.
OTT platforms. - Content creators. - Viewers. - Regulatory bodies.	Platforms must adhere to new frameworks. - Creators face pre-approval burdens. - Viewers receive better content classification.	Could restrict the diversity and experimental nature of content on OTT platforms, impacting consumer choice and creative opportunities for producers.
Digital ethics and moral responsibility in content dissemination.	Promotes accountability for content producers. - Concerns over potential subjective morality dictating content.	Raises questions about cultural hegemony and whether digital media ethics are being enforced equitably across all platforms.

Suggestions for improving the rules.	Need for clearer definitions and accountability mechanisms. - Transparent self-regulation mechanisms involving industry bodies.	Encourages a balanced approach that safeguards freedom of expression while addressing the legitimate concerns of stakeholders.
Balancing regulation with freedom.	IT Rules aim to address grievances and regulate digital content responsibly. - However, require nuanced execution to avoid misuse.	Effective implementation depends on stakeholder cooperation, judicial oversight, and continuous dialogue for refinement.

Electronic media is not only a medium of expression but it itself thrives upon the use of different methodologies for its existence and promotion including advertising, films, serials, songs, news, discussions, etc., to encourage audience so as to secure and consolidate its position in the competitive market. However, the achievement of this goal often subjects them to the temptation of adoption of unethical programming. In India a plethora of legislations exist which control and regulate the working of the electronic media. This paper has been basically comparative analysis of electronic visual media law of various countries such as UK, US and India itself.

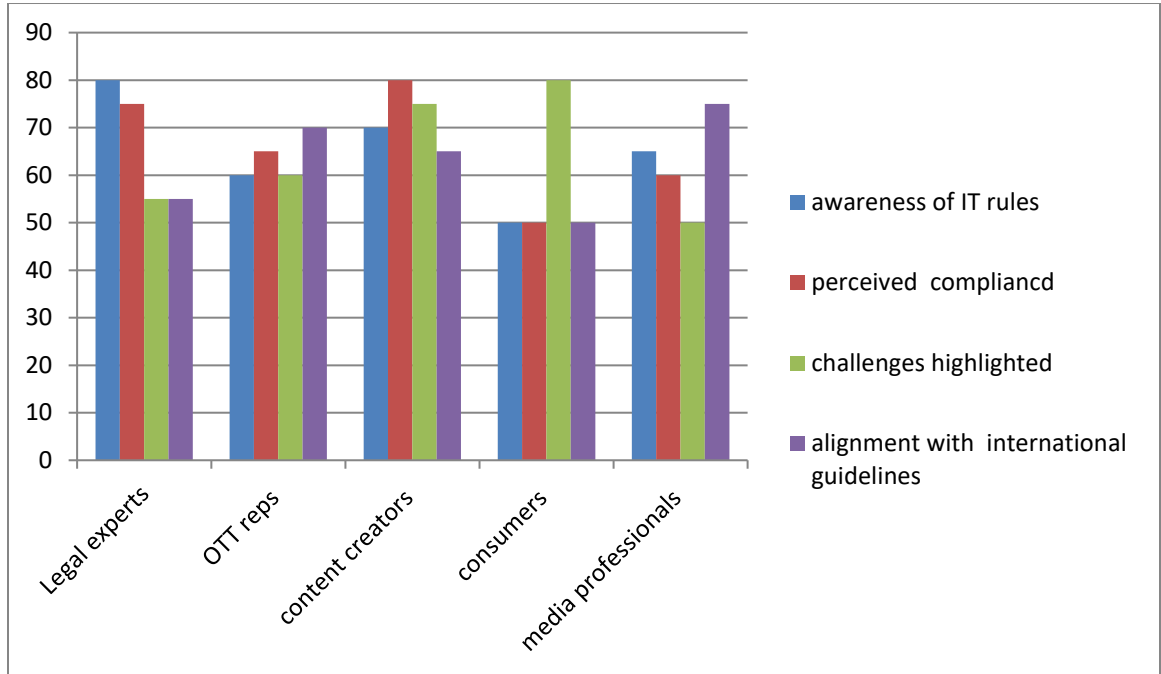


Figure 02: Result OTT Platform Rules

Indian Copyright Act, 1957

The Indian Copyright Act, 1957, as discussed in the preceding chapter, is applicable to electronic media and contains specific provisions tailored for its functioning. The Act identifies the author of a work as the original owner of copyright, granting them extensive rights, including the right to reproduce, translate, adapt, and communicate their work to the public. However, the functioning of the media often has the potential to infringe on these rights, leading to a conflict between the autonomy of the media and the author's rights.

To address this, the Copyright Act seeks to balance these competing interests by granting special rights, such as *broadcast reproduction rights*, to broadcasting organizations. This provision ensures that electronic media is recognized as having its own copyright in relation to the dissemination of information to the public.

The duration of such copyright begins on January 1 of the year following the broadcast and ends on January 1 of the following calendar year. Broadcasting organizations are also permitted to make short-term recordings of a work they have the right to broadcast or retain such recordings for archival purposes, and these actions do not constitute copyright infringement.

Key Judicial Interpretations

1. K.C. Bokadia v. Dinesh Chander Dubey:

In this case, criminal prosecution was initiated against K.C. Bokadia for making the film *Naseeb Apna Apna* based on the story *Benam Rishtey*, published in the magazine *Filmy Duniya*, without the author's permission. The High Court examined whether copyright registration was necessary for criminal prosecution and ruled that, under the Copyright Act, 1957, registration is not mandatory. Consequently, criminal prosecution can proceed without registration.

2. Indian Performing Right Society Ltd. v. Eastern Indian Motion Pictures Assn.:

The court held that when an author of a lyric or musical work authorizes a film producer to incorporate their work into a cinematograph film, the author effectively transfers a portion of their copyright. This judgment clarified the rights retained by authors and the rights conferred upon film producers, ensuring fair application of the law.

Through such cases and provisions, the Indian Copyright Act, 1957, strives to protect the interests of both authors and electronic media while facilitating the dissemination of creative works.

Conclusion

The *Indian Telegraph Act, 1885* (referred to as the "Telegraph Act") establishes a government monopoly and grants the government the authority to regulate and license electronic media. Additionally, under the *Cinematograph Act of 1952* and its associated Rules, the government possesses the power to pre-censor films. However, this authority to license and pre-censor must be exercised in accordance with *Article 19(2)* of the Indian Constitution, which outlines the permissible limitations on the right to freedom of speech and expression. It is important to emphasize that any government action related to film pre-censorship and telecasting licensing must conform to the constitutional guidelines of *Article 19(2)*.

Although India's electronic media is equipped with the latest global technologies, it remains governed by outdated and archaic laws such as the Telegraph Act, which were not designed to address modern media issues. As a result, private players increasingly dominate the

sector, diminishing the effectiveness of government oversight. The absence of an integrated and controlled regulatory system, coupled with existing laws that are too general and insufficient to regulate visual media, further exacerbates the problem. While certain aspects of electronic media are governed by laws such as the *Indian Penal Code (IPC)* and the *Indian Copyright Act (ICA)*, there is still a pressing need for a comprehensive legal framework that can address the unique challenges posed by electronic media and protect against media-specific wrongs.

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