

# Indian Broadcasting Services (Regulation) Bill, 2023: Will it curtail online free speech?

## Broadcasting Services (Regulation) Bill, 2023.

The Ministry of Information and Broadcasting (MIB) announced the [Broadcasting Services Regulation Bill](#) on November 10, 2023, to facilitate technological evolutions in the broadcasting sector, thereby venturing into the realm of digital media governance in India. The bill's primary goal is to homogenise the operations of traditional broadcasters, digital OTT platforms and FM radio by replacing the three-decade long [Cable Television Networks \(Regulation\) Act](#).

Comprising 6 chapters, 48 clauses, and 3 schedules, the bill seeks to establish a three-tier regulatory framework through Content Evaluation Committees (CEC) and a Broadcast Advisory Council (BAC) to facilitate self-regulation. The fifth chapter of the draft gives the Central government the right to intervene and monitor the broadcasting network and services. Furthermore, the government will have the authority to edit or remove programs and advertisements to uphold India's sovereignty, integrity, security, diplomatic relations, and public order. In this regard, it can also direct a channel to cease broadcasting for a specified period.

While the MIB's primary objective is to regulate the online streaming internet industry in India, the bill has encountered resistance, primarily due to its implications on the online content creation sector.

## Resistance to the enactment of the Bill

The [widespread resistance](#) primarily stems from the debate concerning the government's true intentions, specifically whether they aim to regulate citizens' consumption of digital media platforms or a genuinely strive to enhance public services. As enumerated in the bill's clauses, the authority vested in the government could indirectly compel OTT platforms to create content that meets governmental criteria, to avoid penalties for

regulatory breaches. This potential influence may lead to a form of [‘self-censorship,’ ultimately limiting artists’](#) the creative freedom. Further, the introduction of distinct programs and advertising guidelines for various platforms, coupled with the requirement for approval from the CEC, could impede the broadcasters from presenting authentic narratives around certain contentious topics.

There is [significant opposition](#) from digital news outlets such as YouTube news channels, and websites like The Print, along with other audio-visual programs, as the bill impedes journalistic freedom and online freedom of expression. These intermediaries are expected to adhere to vague program and advertising guidelines. Overall, bill’s draft [lacks clarity in definition](#), rendering it susceptible to diverse interpretations, particularly considering the influence of regulatory authorities on the digital media sector. Finally, strict monitoring of digitised content and the censorship powers of the government may have a chilling effect by effectively controlling viewer choices.

### **Shift focus from ‘Moderating content’ to uneven Market Concentration**

In a country [where 80% of the population](#) relies on social media platforms for news consumption, rather than traditional newspapers, the government must develop a flexible regulatory framework that caters to viewers’ preferences. Therefore, rather than implementing a one-size- fits- all approach, different regulations should be enforced for OTT platforms, radio channels, online news channels, and other mediums. The Ministry of Information and Broadcasting (MIB) should issue clear guidelines for non-compliance of the bill. In an [interview, Apar Gupta](#), a public policy professional, suggested that the government should focus on the market concentration problem, particularly on the assessment of the extent of control exerted by major media corporations, rather than on content moderation.

### **Conclusion**

In summary, the Broadcasting Services Regulation Bill raises critical questions on the balance between government regulation and the preservation of free speech and expression in the evolving digital media landscape. The bill’s implication on online content creation, highlight significant concerns on censorship, and the need for a nuanced regulatory strategy. These challenges emphasize the importance of careful consideration and adaptations to safeguard artistic freedom and public discourse. As the

bill progresses, achieving a balanced resolution to address these concerns will be crucial for fostering India's dynamic and diverse media landscape.