



Content Regulatory Powers of the I&B Ministry

For Prelims: Content Regulation, IT Rules, 2021, Over the Top platforms, Social Media, Press, Central Board of Film Certification, Cable TV Network Rules, 1994, Press Council of India, Article 19.

For mains: Government Policies & Interventions, Scientific Innovations & Discoveries, Issues Arising Out of Design & Implementation of Policies, IT & Computers, Content Regulation in India.

Why in News?

Recently, the Information and Broadcasting Ministry (I&B) informed a Malayalam-language news channel that its broadcast **licence had been cancelled**.

- The cancellation order cited a Home Ministry order that had **denied security clearance to the channel**.

Which Sectors Can the I&B Ministry Regulate Content?

- Until 2021, it had the powers to regulate content across all sectors — TV channels, newspapers and magazines, movies in theatres and on TV, and the radio — barring the internet.
- In February, 2021, the [Information Technology \(Intermediary Guidelines and Digital Media Ethics Code\) Rules, 2021](#), extended its regulatory powers over internet content too, especially on digital news platforms and [Over the Top \("OTT"\) platforms](#).

What Kind of Powers Does it Have?

- **Films Related:**
 - For example, the [Central Board of Film Certification \(CBFC\)](#) has a mandate to give any film that will be played in a theatre, a rating indicating the kind of audience it is suitable for.
 - In practice, however, the CBFC has often suggested changes or cuts to a film before giving it a certification. While it isn't the CBFC's mandate to censor a film, **it can withhold giving a rating unless the filmmaker agrees to its suggestions**.
- **TV Channels & OTT Related:**
 - When it comes to TV channels, **the government last year came up with a three-tier grievance redressal structure for viewers to raise concerns**, if any.
 - A viewer can successively approach the channel, then a self-regulatory body of the industry, and finally the I&B Ministry, which can issue a show cause notice to the channel, and then **refer the issue to an Inter-Ministerial Committee (IMC)**.
 - For content on **OTT platforms too, there is a similar structure**.
 - The ministry also has the **Electronic Media Monitoring Cell**, which tracks channels for any violations of the programming and advertising codes mentioned in the [Cable TV Network Rules, 1994](#).
 - Violation can lead to revocation of a channel's uplinking licence (for sending content to a satellite) or downlinking licence (for broadcasting to viewers through

an intermediary). It is these licences of MediaOne (Malayalam-language news channel) that the government revoked.

▪ **Print Media and Website Related:**

- In print, based on the recommendations of the [Press Council of India](#), the government can suspend its advertising to a publication.
- And last year's IT rules allowed the I&B Ministry to issue orders to ban websites based on their content.

What Kind of Content is Not Allowed?

- There are **no specific laws on content allowed or prohibited** in print and electronic media, radio, films or OTT platforms.
- The content on any of these platforms has to **follow the free speech rules of the country. Article 19(1) of the Constitution**, while protecting freedom of speech, also lists certain **"reasonable restrictions"** including content related to:
 - The security of the state
 - Friendly relationship with foreign states
 - Public order
 - Decency
 - Morality etc.
- **Action can be taken if any of these restrictions is violated.**

Do Other Agencies Play a Role?

- There is **no direct involvement**, as the powers to regulate content rest only with the I&B Ministry. **However, the ministry relies on inputs from other ministries**, as well as intelligence agencies.
 - **For Example:** In the recent case the licences were revoked because the Home Ministry had denied it security clearance, which is essential as part of the policy.
- There is also a new mechanism the I&B Ministry adopts: **It has used emergency powers it has under the new IT Rules to block certain YouTube channels and [social media](#) accounts** based on inputs from intelligence agencies.
- The **recourse available** to anyone whose channel or account has been banned **would be to go to the courts.**

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