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# **LEGAL CONSEQUENCES OF VIOLENT AND CRIME-GLORIFYING CONTENT ON OTT PLATFORMS IN INDIA: A STUDY WITH SPECIAL REFERENCE TO CHILDREN AND MINORS**

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## **ABSTRACT**

The rise of Over-the-Top (OTT) platforms in India has fundamentally transformed media consumption, particularly among children and young audiences. While these platforms have democratized access to global entertainment, they have also become channels for the circulation of violent and crime-glorifying content. Such portrayals often normalize aggression, criminal behaviour, and deviant lifestyles, creating potential risks for impressionable viewers. For minors, who lack the cognitive maturity to differentiate between dramatized fiction and reality, this content can significantly influence behaviour, values, and emotional development.

This paper explores the legal consequences of violent and crime-related content on OTT platforms in India, with a specific focus on its impact on children and minors. It begins by examining the nature of harmful content available on digital streaming services, including the prevalence of graphic violence, glamorization of organized crime, and depiction of anti-social characters as role models. It then discusses the psychological and sociological implications of such exposure on young audiences.

From a legal standpoint, the study analyses statutory provisions under the Information Technology Act, 2000, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, the Indian Penal Code, the Protection of Children from Sexual Offences Act, 2012 (POCSO), the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Cinematograph Act, 1952, among others. Judicial responses, particularly from the Supreme Court and High Courts, are explored to highlight how the judiciary has grappled with regulating digital content.

The paper argues that while existing frameworks attempt to address harmful OTT content, enforcement challenges, lack of uniformity, and limited awareness among parents and guardians restrict their effectiveness. Ultimately, the study underscores the need for a robust regulatory mechanism, stronger parental controls, digital literacy initiatives, and accountability of OTT platforms to safeguard children from harmful influences while balancing freedom of expression.

**Keywords:** OTT Platforms, Harmful Content, Crime Glorification, Children and Minors, Legal Consequences

## 1. Introduction

The last decade has witnessed an unprecedented expansion of Over-the-Top (OTT) platforms in India, reshaping the landscape of media consumption. With affordable internet access, increasing smartphone penetration, and the cultural appetite for on-demand entertainment, platforms such as Netflix, Amazon Prime Video, Disney+ Hotstar, SonyLIV, and Zee5 have become integral to the everyday lives of millions of Indians. Unlike traditional broadcast or cinema, OTT platforms provide unrestricted access to a wide variety of content, ranging from global blockbusters to independent regional productions, at the convenience of the viewer. This digital revolution has particularly captured the attention of the younger generation, with children and minors forming a significant segment of the user base.<sup>1</sup>

While the democratization of entertainment has been hailed as a positive development, it has simultaneously raised concerns about the unregulated and often harmful nature of certain content available on OTT services. Among the various categories of content flagged as potentially harmful, the portrayal of extreme violence and glorification of crime stands out as the most pressing issue. Popular web series such as *Sacred Games*, *Mirzapur*, and *Paatal Lok* have often been criticised for their graphic depiction of murder, sexual violence, drug trafficking, and gangster lifestyles.<sup>2</sup> Although these narratives are defended as artistic expression or social commentary, their accessibility to impressionable young audiences poses serious risks.

Children and minors, by virtue of their psychological and emotional vulnerability, are more likely to internalise such portrayals. The repetitive showcasing of violent behaviour or criminal figures as “heroes” can distort their understanding of morality, justice, and lawful conduct.<sup>3</sup> Moreover, the immersive nature of OTT content—where entire seasons can be consumed in a single sitting—amplifies this influence, creating sustained exposure to negative role models.

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<sup>1</sup> KPMG, *Unravelling the Digital Video Consumer: The Rise of OTT in India*, (2020)

<https://home.kpmg/in> accessed 10 October 2025.

<sup>2</sup> *Sacred Games* (Netflix, 2018–2019); *Mirzapur* (Amazon Prime Video, 2018–2023); *Paatal Lok* (Amazon Prime Video, 2020).

<sup>3</sup> R. Bandura, *Social Learning Theory* (Prentice Hall 1977) 22.

Social psychologists argue that exposure to media violence may lead to desensitization towards aggression, increased acceptance of deviant behaviour, and even imitation of violent acts in real life.<sup>4</sup> These concerns acquire heightened importance in the Indian context, where regulatory frameworks for digital media remain at a nascent stage compared to traditional broadcasting.

The Indian legal system has long grappled with balancing freedom of speech and expression under Article 19(1)(a) of the Constitution with the responsibility to maintain public order, morality, and decency. Traditional media such as cinema and television are subject to prior censorship and strict statutory control under laws like the Cinematograph Act, 1952 and the Cable Television Networks (Regulation) Act, 1995.<sup>5</sup> In contrast, OTT platforms initially enjoyed relative freedom, escaping the pre-screening or certification processes applicable to other media. The absence of a uniform, enforceable framework led to widespread public debate, judicial interventions, and eventually the notification of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.<sup>6</sup> These rules sought to introduce accountability mechanisms, but their adequacy in addressing harmful content—especially violent or crime-glorifying content accessible to minors—remains debatable.

This paper situates itself within this socio-legal context to examine the legal consequences of violent and crime-glorifying content on OTT platforms in India. It seeks to answer critical questions: What are the statutory and judicial measures currently in place to regulate such content? To what extent do these mechanisms safeguard children and minors? What are the liabilities of OTT platforms when harmful content adversely impacts young audiences? Through an analysis of statutory provisions, judicial precedents, and socio-legal implications, this paper attempts to present a comprehensive picture of the

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<sup>4</sup> Leonard Berkowitz, *Aggression: Its Causes, Consequences, and Control* (McGraw Hill 1993) 55.

<sup>5</sup> The Cinematograph Act, 1952; The Cable Television Networks (Regulation) Act, 1995.

<sup>6</sup> Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, notified under the Information Technology Act, 2000.

challenges and consequences associated with the unregulated consumption of violent content in the digital age.

The study is not merely an academic inquiry but also a pressing policy issue. As India stands at the crossroads of rapid digitalization and increasing concerns about the welfare of its youth, the question of regulating harmful OTT content acquires immense significance. This research thus aspires to contribute meaningfully to the discourse by offering a focused evaluation of the existing legal framework and suggesting reforms that balance the need for creative freedom with the paramount duty to protect children.

## **2. Understanding Harmful Content: Violence and Crime Glorification on OTT**

The notion of “harmful content” in media studies and law is inherently fluid, shaped by cultural, social, and legal contexts. In general terms, harmful content refers to media material that has the potential to negatively influence individuals or society at large by promoting ideas, behaviours, or representations that may incite, encourage, or normalise harmful actions.<sup>7</sup> Within this wide spectrum, the portrayal of violence and the glorification of crime has emerged as one of the most debated categories, particularly with the advent of digital platforms such as Over-the-Top (OTT) streaming services.

### **2.1 Defining Media Violence and Crime Glorification**

Media violence has been defined by communication scholars as the representation of “physical force intended to hurt or kill, or credible threats of such force, against oneself or others, depicted in any form of media content.”<sup>8</sup> Violence in entertainment can manifest in different ways, ranging from

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<sup>7</sup> Sonia Livingstone, *Media Effects: Advances in Theory and Research* (2nd edn, Routledge 2002) 20.

<sup>8</sup> George Gerbner, *Violence and Television Drama: Trends and Symbolic Functions* (Praeger 1972) 37.

realistic depictions of murder, assault, and torture, to stylised or symbolic portrayals in dramas, thrillers, and action films. While not all portrayals of violence are inherently harmful, the concern arises when such depictions become excessive, glamorised, or normalised for the audience.

Crime glorification goes a step further by not only showing unlawful acts such as murder, robbery, drug trafficking, or sexual exploitation, but also presenting perpetrators of such acts as protagonists, heroes, or aspirational figures.<sup>9</sup> Glorification implies a subtle but dangerous shift in narrative—where crime is not merely shown as part of a story but is romanticised, justified, or rewarded. This creates an impression, especially among impressionable viewers, that crime can be a legitimate means to achieve power, wealth, or social recognition.

## 2.2 Harmful Content in the Digital Context

In traditional cinema or television, content was subject to pre-censorship and certification mechanisms that acted as a filter before distribution.<sup>10</sup> However, OTT platforms have disrupted this regulatory model by providing on-demand streaming without prior state approval. In the digital context, harmful content is characterised not only by what is shown but also by how it is delivered. The immersive binge-watching experience, the ease of access, and the personalized recommendation algorithms of platforms magnify the exposure of minors to violent and crime-glorifying narratives.<sup>11</sup>

Furthermore, OTT platforms often emphasise “gritty realism” to appeal to adult audiences, making depictions of violence more graphic and immersive. In contrast to older films where violence was symbolic or implied, modern streaming content frequently adopts explicit realism—showing blood, gore,

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<sup>9</sup> David Buckingham, *Youth, Identity, and Digital Media* (MIT Press 2008) 49.

<sup>10</sup> The Cinematograph Act, 1952, s. 4.

<sup>11</sup> Deloitte, *Digital Media Trends Survey: OTT Streaming and Binge Watching*, (2020) <https://www2.deloitte.com> accessed 11 October 2025.

and prolonged violent sequences.<sup>12</sup> This heightened realism can blur the line between fiction and reality, particularly for younger viewers.

### 2.3 Why Children and Minors Are More Vulnerable

Children and minors represent a unique category of viewers because their cognitive, emotional, and moral frameworks are still under development. Developmental psychology suggests that children acquire social and moral values partly through imitation of observed behaviours, particularly from figures they perceive as strong, glamorous, or successful.<sup>13</sup> When OTT shows portray gangsters, drug lords, or violent vigilantes as heroic or admirable, children may internalise these models of behaviour.

Moreover, minors are less capable of critical evaluation of narratives. They may fail to recognise satire, irony, or moral ambiguity in violent portrayals. For example, a narrative intended as a critique of crime may instead be interpreted by a child as an endorsement of criminal conduct. This susceptibility to misinterpretation is amplified by the lack of parental supervision in OTT consumption, as platforms are often accessed privately on smartphones or personal devices.<sup>14</sup>

Scholarly studies identify several potential harmful consequences of exposure to violent and crime-glorying content:

- Aggression and Desensitisation: Repeated exposure to violent imagery reduces emotional sensitivity to real-world violence, normalising aggression.<sup>15</sup>

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<sup>12</sup> Jonathan Gottschall, *The Storytelling Animal: How Stories Make Us Human* (Houghton Mifflin Harcourt 2012) 89.

<sup>13</sup> Albert Bandura, *Social Learning Theory* (Prentice Hall 1977) 23.

<sup>14</sup> UNICEF, *Children in a Digital World* (2017) 63.

<sup>15</sup> Leonard Berkowitz, *Aggression: Its Causes, Consequences, and Control* (McGraw Hill 1993) 78.

- Fear and Anxiety: Graphic depictions may create heightened fears about personal safety and increase anxiety in children.<sup>16</sup>
- Imitation and Copycat Behaviour: Adolescents may imitate violent acts, especially when portrayed as glamorous or consequence-free.<sup>17</sup>
- Moral Ambiguity: Glorification of criminals distorts perceptions of justice, law, and morality, weakening respect for legal norms.

## 2.4 Global Academic Consensus

While debates about the actual causal link between media violence and real-world aggression continue, there is broad academic consensus that children and minors are particularly at risk from unfiltered exposure. The American Psychological Association, for instance, has consistently warned of the developmental risks associated with violent entertainment.<sup>18</sup> Similarly, UNESCO has highlighted the importance of regulating digital content to safeguard young audiences in the era of streaming platforms.<sup>19</sup>

Thus, from a conceptual standpoint, the problem of violent and crime-glorifying content on OTT platforms lies not only in its existence but also in its easy accessibility, immersive format, and appeal to vulnerable groups like minors. It is this unique combination that makes harmful content on digital platforms a matter of urgent legal concern in India.

## 3. Impact on Children and Minors

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<sup>16</sup> Joanne Cantor, *Children's Fear Responses to Mass Media: Media Violence and the Development of Fear* (Psychological Bulletin 2000) 14.

<sup>17</sup> Rowell Huesmann, *Media Violence and Youth: Impact of a Growing Phenomenon* (2007) 26.

<sup>18</sup> American Psychological Association, *Resolution on Violence in Video Games and Interactive Media* (2015).

<sup>19</sup> UNESCO, *Global Report: Reshaping Cultural Policies* (2018) 102.

The impact of violent and crime-glorifying content on children has been a central theme in media regulation debates worldwide. In India, this concern has become particularly acute with the rapid growth of OTT platforms that deliver unrestricted content directly to personal devices. Unlike traditional forms of entertainment—cinema or broadcast television—that were consumed in shared family spaces, OTT consumption is often private, individual, and largely unsupervised.<sup>20</sup> This shift in consumption patterns has profound implications for children and minors, who constitute a vulnerable demographic both legally and psychologically.

Children, by definition under Indian law, are individuals below the age of 18 years.<sup>21</sup> Their vulnerability arises from the ongoing process of moral, emotional, and intellectual development. As such, they require special legal protection from harmful influences, as recognised under instruments like the United Nations Convention on the Rights of the Child (UNCRC), to which India is a signatory.<sup>22</sup> Despite this recognition, children in India today face unprecedented exposure to graphic violence, criminal glorification, and immoral role models through digital streaming content.

This section explores the issue through three interconnected perspectives: psychological concerns, sociological consequences, and legal implications.

Psychological research consistently shows that exposure to media violence can alter a child's behaviour, emotions, and worldview.<sup>23</sup> In India, where media literacy remains low, the risk of children internalising violent depictions without critical analysis is even higher. Several concerns stand out:

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<sup>20</sup> Deloitte, *Digital Media Trends Survey: OTT Streaming and Binge Watching*, (2020) <https://www2.deloitte.com> accessed 11 October 2025.

<sup>21</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015, s. 2(12).

<sup>22</sup> United Nations Convention on the Rights of the Child, 1989, art. 17.

<sup>23</sup> Craig A. Anderson and Brad J. Bushman, 'Effects of Violent Video Games on Aggressive Behavior, Aggressive Cognition, and Aggressive Affect' (2001) 12 *Psychological Science* 353.

### (a) Aggression and Desensitisation

Theories of social learning, most notably those developed by Albert Bandura, establish that children often imitate behaviours observed in media, especially when such behaviours are associated with strong, glamorous characters.<sup>24</sup> Violent OTT protagonists—gang leaders, contract killers, or corrupt officials—are often depicted as successful, stylish, and powerful. This portrayal normalises violence as a legitimate means of resolving conflict. Prolonged exposure desensitises children to real-world violence, reducing empathy for victims and weakening moral barriers against aggression.<sup>25</sup>

### (b) Fear, Anxiety, and Distorted Worldview

OTT series that graphically portray murder, sexual assault, or gang wars can instil deep-seated fears in children. Studies suggest that children exposed to repeated violent imagery may develop heightened anxiety, sleep disturbances, and a distorted sense of danger in their environment.<sup>26</sup> In India, where urban crime rates and media reports already highlight lawlessness, OTT portrayals of criminals ruling cities like Varanasi (*Mirzapur*) or Mumbai (*Sacred Games*) reinforce perceptions of a society where crime dominates justice.<sup>27</sup>

### (c) Copycat Behaviour and Role Model Distortion

Perhaps the gravest risk is the imitation of criminal behaviour. Adolescents, in particular, may identify with anti-heroes, perceiving them as role models of rebellion, independence, or masculinity. A striking example was seen in Uttar Pradesh where incidents of teenagers attempting to replicate styles and dialogues from OTT series like *Mirzapur* were reported in local newspapers.

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<sup>24</sup> Albert Bandura, *Social Learning Theory* (Prentice Hall 1977) 25.

<sup>25</sup> Leonard Berkowitz, *Aggression: Its Causes, Consequences, and Control* (McGraw Hill 1993) 62.

<sup>26</sup> Joanne Cantor, *Children's Fear Responses to Mass Media: Media Violence and the Development of Fear* (Psychological Bulletin 2000) 18.

<sup>27</sup> Neerja Chowdhury, 'OTT Platforms and the Question of Regulation' *The Hindu* (New Delhi, 5 February 2021).

<sup>28</sup>The risk of “copycat crime” is not hypothetical—it has historical precedents in cinema and television but is intensified by the immersion and accessibility of OTT content.

#### (d) Addiction and Binge-Watching

OTT platforms encourage binge-watching through auto-play features and cliffhanger storytelling. For children, binge-watching violent content can reinforce repetitive exposure and limit opportunities for critical reflection. Excessive consumption also raises health concerns such as lack of sleep, irritability, and reduced academic performance.<sup>29</sup>

The impact of harmful OTT content extends beyond individual psychology to broader social dynamics.

#### (a) Erosion of Family Supervision

In traditional Indian households, television viewing often occurred in shared family spaces, where parents could monitor content. OTT platforms, however, are accessed via personal smartphones, tablets, and laptops.<sup>30</sup> This privatisation of media consumption reduces parental supervision, increasing the risk of minors consuming age-inappropriate material unnoticed.

#### (b) Normalisation of Crime Culture

Sociologists have observed that popular culture significantly shapes societal attitudes towards crime and deviance.<sup>31</sup> When OTT shows repeatedly portray gangsters, corrupt politicians, or criminals as charismatic leaders, they contribute to a cultural environment where unlawful conduct is normalised. In India, where youth unemployment and economic disparities already create

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<sup>28</sup> Shailvee Sharda, ‘Boys in UP Copying Characters of OTT Series’ *Times of India* (Lucknow, 13 December 2020).

<sup>29</sup> UNICEF, *Children in a Digital World* (2017) 77.

<sup>30</sup> Sonia Livingstone, *Media Effects: Advances in Theory and Research* (2nd edn, Routledge 2002) 41.

<sup>31</sup> David Buckingham, *Youth, Identity, and Digital Media* (MIT Press 2008) 52.

frustration, such portrayals may encourage vulnerable adolescents to view crime as a viable alternative path to success.

#### (c) Gendered Consequences

Violence on OTT platforms often intersects with the objectification of women, portraying them as victims of sexual assault or as accessories in criminal enterprises.<sup>32</sup> For boys, repeated exposure can reinforce toxic masculinity and aggression; for girls, it can create fear, insecurity, and diminished self-esteem. In both cases, violent portrayals disrupt the development of healthy gender relations.

#### (d) Community Impact and Juvenile Crime

The National Crime Records Bureau (NCRB) has reported a rise in juvenile crime, particularly in urban areas.<sup>33</sup> While multiple factors contribute to this phenomenon, researchers suggest that glorified portrayals of crime in media can act as a catalyst, shaping attitudes and emboldening risky behaviour. The fact that OTT platforms often set their stories in recognisable Indian towns and cities adds a layer of realism that further influences impressionable audiences.

### 3.3 Legal Implications

From a legal perspective, the impact of harmful content on children raises complex issues of rights, responsibilities, and liabilities.

#### (a) Right to Protection

The Indian Constitution recognises the special status of children through Directive Principles that urge the State to protect childhood and youth from exploitation.<sup>34</sup> Further, Article 39(f) requires the State to ensure that children grow up in conditions of freedom and dignity, protected against moral and

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<sup>32</sup> Shakuntala Banaji, *Children and Media in India: Narratives of Class, Agency and Social Change* (Routledge 2017) 102.

<sup>33</sup> National Crime Records Bureau, *Crime in India Report 2020* (Government of India 2021).

<sup>34</sup> Constitution of India, art. 39(e).

material abandonment.<sup>35</sup> Violent and crime-glorifying OTT content, if left unchecked, arguably undermines these constitutional commitments.

(b) Conflict with Freedom of Speech

Article 19(1)(a) guarantees freedom of expression, but this right is subject to “reasonable restrictions” in the interest of public order, decency, and morality.<sup>36</sup> Content that encourages violence or criminal conduct, especially when accessible to children, may fall within the ambit of such restrictions. The challenge lies in balancing creators’ rights with the State’s duty to protect children.

(c) Platform Liability

OTT platforms operate as intermediaries under the Information Technology Act, 2000.<sup>37</sup> While they enjoy safe harbour protection under Section 79, this protection is conditional on exercising due diligence. The IT Rules, 2021 mandate grievance redressal and age-based classification, but enforcement remains limited. In the context of minors accessing violent content, questions arise regarding the extent of liability OTT platforms bear for harm caused.

(d) Juvenile Justice Concerns

The Juvenile Justice (Care and Protection of Children) Act, 2015 emphasises the need to shield children from harmful influences.<sup>38</sup> If violent OTT content indirectly contributes to juvenile delinquency, it raises questions about regulatory gaps and the adequacy of existing child protection frameworks.

### 3.4 Indian Case Incidents and Public Reactions

Public outcry in India over OTT shows has frequently centred on their violent and explicit content. The controversy surrounding *Mirzapur* in 2021 led to

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<sup>35</sup> Constitution of India, art. 39(f).

<sup>36</sup> Constitution of India, art. 19(2).

<sup>37</sup> The Information Technology Act, 2000, s. 79.

<sup>38</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015, Preamble.

multiple complaints alleging that the show glorified crime and tarnished the image of a real Indian town.<sup>39</sup> Similarly, petitions filed before High Courts in relation to *Tandav* and *Paatal Lok* highlighted the absence of a uniform regulatory mechanism for streaming platforms.<sup>40</sup> Although courts have been cautious not to endorse outright censorship, they have acknowledged the legitimate concern over minors' exposure to harmful content.

Civil society groups, parent associations, and child rights activists have increasingly called for stricter regulation and greater accountability of OTT providers.<sup>41</sup> These voices underline the social recognition of the risks posed by crime-glorifying content and the urgency of crafting effective legal responses.

The impact of violent and crime-glorifying OTT content on children and minors is multidimensional. Psychologically, it encourages aggression, fear, and imitation. Sociologically, it normalises deviance, undermines parental supervision, and contributes to unhealthy gender norms. Legally, it challenges the framework of constitutional rights, intermediary liability, and child protection statutes. These intersecting consequences reveal why children deserve special consideration in regulatory frameworks for digital platforms.

India's constitutional and statutory regime has long recognised the need to regulate harmful media content in the interests of public order, decency, and morality. While cinema, radio, and television have historically been subjected to strict censorship regimes, digital platforms—particularly Over-the-Top (OTT) services—operated in a legal vacuum until recently. The unfiltered availability of violent and crime-glorifying content on streaming services has raised pressing concerns about its accessibility to children and minors.

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<sup>39</sup> *Mirzapur* controversy: Sudhir Kumar v. State of Uttar Pradesh, PIL filed in Allahabad High Court (2021).

<sup>40</sup> *Tandav* and *Paatal Lok* complaints, PILs filed before Delhi and Lucknow High Courts, 2021.

<sup>41</sup> Press Trust of India, 'Parents Association Demands Regulation of OTT Platforms' *Indian Express* (New Delhi, 20 March 2021).

This section examines the Indian legal framework governing harmful OTT content with special focus on violence and crime glorification. The analysis covers the Information Technology Act, 2000 and IT Rules 2021, the Indian Penal Code, the Protection of Children from Sexual Offences Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, and other relevant statutes such as the Cinematograph Act, 1952 and Cable Television Networks (Regulation) Act, 1995. Judicial precedents are highlighted to illustrate how courts have grappled with OTT regulation.

#### **4. The Information Technology Act, 2000**

The Information Technology (IT) Act, 2000 is the principal legislation governing online intermediaries in India. OTT platforms, as digital streaming services, fall within the definition of “intermediaries” under Section 2(1)(w).<sup>42</sup>

Section 67 of the IT Act criminalises the publication or transmission of obscene material in electronic form.<sup>43</sup> Similarly, Sections 67A and 67B extend criminal liability to material containing sexually explicit acts and child pornography.<sup>44</sup> Although these provisions were not originally designed to regulate violent or crime-glorifying content, they are invoked in cases where OTT shows are alleged to depict content offensive to decency or morality.

The safe harbour protection under Section 79 shields intermediaries from liability for third-party content, provided they observe “due diligence” and act upon receiving actual knowledge of unlawful content.<sup>45</sup> This creates a conditional immunity for OTT platforms but also places a duty to remove harmful content when flagged.

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<sup>42</sup> The Information Technology Act, 2000, s. 2(1)(w).

<sup>43</sup> The Information Technology Act, 2000, s. 67.

<sup>44</sup> The Information Technology Act, 2000, ss. 67A–67B.

<sup>45</sup> The Information Technology Act, 2000, s. 79.

#### **4.1 The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021**

The regulatory gap for OTT content was addressed with the IT Rules, 2021, notified under the IT Act.<sup>46</sup> These rules for the first time introduced a code of ethics and a three-tier regulatory framework for digital media, including OTT platforms.

Key provisions relevant to harmful content include:

- OTT platforms must classify content into categories such as “U”, “U/A 7+”, “U/A 13+”, “U/A 16+” and “A” (adult).<sup>47</sup>
- Descriptions must indicate the nature of content such as violence, sex, language, or drug abuse.<sup>48</sup>
- Platforms must implement access control mechanisms, including parental locks for content rated “U/A 13+” or higher.<sup>49</sup>
- A grievance officer must be appointed to address user complaints.<sup>50</sup>

While these provisions attempt to safeguard minors from harmful content, enforcement has been weak. Critics argue that self-classification by platforms often lacks consistency, and parental controls are easily bypassed.<sup>51</sup>

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<sup>46</sup> The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

<sup>47</sup> Ibid, r. 4(1)(i).

<sup>48</sup> Ibid, r. 4(1)(ii).

<sup>49</sup> Ibid, r. 4(1)(iii).

<sup>50</sup> Ibid, r. 3(2).

<sup>51</sup> Pratibha Singh, ‘OTT Platforms and Regulatory Challenges in India’ (2021) 63 *Journal of Indian Law and Society* 145.

Judicial scrutiny of these rules came in *LiveLaw Media Pvt Ltd v. Union of India*, where the Kerala High Court upheld the rules but clarified that they must not infringe upon press freedom.<sup>52</sup> However, the practical adequacy of these measures in shielding children from violent OTT content remains questionable.

#### 4.3 Indian Penal Code, 1860

The Indian Penal Code (IPC), though a colonial-era statute, provides several provisions that indirectly apply to harmful OTT content.

- Section 292 IPC penalises sale, distribution, or public exhibition of obscene content.<sup>53</sup>
- Section 293 IPC enhances punishment when such content is sold or distributed to a person below 20 years of age.<sup>54</sup>
- Section 295A IPC criminalises deliberate acts intended to outrage religious feelings, often invoked in cases where OTT content is alleged to offend community sensibilities.<sup>55</sup>

While not specifically addressing violence, these provisions illustrate that the criminal law is flexible enough to regulate content deemed harmful for children and society. For example, FIRs have been registered against producers of shows like *Tandav* for allegedly offensive portrayals, invoking IPC provisions.<sup>56</sup>

#### 4.3 Protection of Children from Sexual Offences (POCSO) Act, 2012

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<sup>52</sup> *LiveLaw Media Pvt Ltd v. Union of India*, WP (C) No. 6275 of 2021 (Ker HC).

<sup>53</sup> The Indian Penal Code, 1860, s. 292.

<sup>54</sup> The Indian Penal Code, 1860, s. 293.

<sup>55</sup> The Indian Penal Code, 1860, s. 295A.

<sup>56</sup> FIR No. 25/2021, Hazratganj Police Station, Lucknow, in relation to *Tandav*.

The POCSO Act is a special law enacted to protect children from sexual abuse and exploitation. Although its focus is primarily sexual offences, it has implications for OTT content accessible to children. Section 13 of POCSO penalises the use of children in pornographic acts, while Section 15 criminalises the storage of pornographic material involving children.<sup>57</sup>

OTT shows depicting child abuse, exploitation, or involving minors in sexual or violent roles could potentially attract liability under POCSO. While cases specifically targeting OTT platforms under POCSO are rare, the Act remains a key legal instrument safeguarding minors from exploitative portrayals.

#### **4.4 Juvenile Justice (Care and Protection of Children) Act, 2015**

The Juvenile Justice (JJ) Act recognises the State's responsibility to protect children from harmful influences. Its Preamble expressly provides for the need to secure the best interests of children.<sup>58</sup> Although not directly targeting OTT content, the JJ Act underscores the duty of institutions and society to prevent children's exposure to harmful environments.

Section 74 of the Act prohibits disclosure of the identity of children in conflict with law, which could become relevant if OTT content fictionalises juvenile offenders in a manner that indirectly stigmatises minors.<sup>59</sup> The JJ framework strengthens the argument that the State must intervene when violent content threatens children's well-being.

#### **4.5 The Cinematograph Act, 1952 and the Cable Television Networks (Regulation) Act, 1995**

The Cinematograph Act, 1952 establishes a system of pre-censorship through the Central Board of Film Certification (CBFC).<sup>60</sup> Similarly, the Cable

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<sup>57</sup> The Protection of Children from Sexual Offences Act, 2012, ss. 13–15.

<sup>58</sup> The Juvenile Justice (Care and Protection of Children) Act, 2015, Preamble.

<sup>59</sup> Ibid, s. 74.

<sup>60</sup> The Cinematograph Act, 1952, s. 4.

Television Networks (Regulation) Act, 1995 mandates adherence to the Programme Code, which prohibits content that offends decency, morality, or glorifies violence.<sup>61</sup>

However, these mechanisms do not extend to OTT platforms, which operate outside the pre-certification regime. This legal vacuum has been at the heart of controversies surrounding OTT content, with critics arguing that online platforms should be subject to the same regulatory standards as cinema and television.<sup>62</sup>

Despite the existing legal framework, several challenges hinder effective regulation of harmful OTT content:

- Multiple statutes apply indirectly, but no single law comprehensively addresses violent OTT content.
- Prosecution of OTT platforms under IPC or IT Act is rare due to jurisdictional and evidentiary challenges.
- Many parents remain unaware of parental controls under IT Rules, limiting their effectiveness.
- Reliance on platforms' self-classification and voluntary codes has produced inconsistent outcomes.

India's legal framework contains multiple provisions relevant to harmful content on OTT platforms. The IT Act and IT Rules provide a regulatory foundation, while IPC, POCSO, JJ Act, and legacy media laws supplement protections. However, the absence of a dedicated, uniform OTT content

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<sup>61</sup> The Cable Television Networks (Regulation) Act, 1995, r. 6, Programme Code.

<sup>62</sup> Neeraj Kaushal, 'OTT and the Question of Prior Censorship' *Indian Journal of Media Law* (2021) 118.

regulation statute creates ambiguity and weak enforcement. Judicial interventions highlight the urgency of reform, particularly to safeguard children and minors from exposure to violent and crime-glorifying content.

## 5. Judicial Responses

The judiciary in India has historically played a crucial role in shaping media regulation, balancing the right to freedom of expression with the State's responsibility to protect societal morality and vulnerable groups, especially children. While most early judicial interventions concerned cinema and television, the last decade has witnessed growing litigation around Over-the-Top (OTT) platforms. Several petitions have challenged the absence of regulation and the alleged harmful nature of violent, obscene, or crime-glorifying content accessible on these platforms. The courts, however, have adopted a cautious approach, recognising both the dangers of unregulated digital content and the importance of artistic freedom.

### 5.1 Early Jurisprudence on Media Censorship

The foundation for regulating harmful content lies in *K.A. Abbas v. Union of India*, where the Supreme Court upheld the constitutional validity of pre-censorship of films under the Cinematograph Act, 1952.<sup>63</sup> The Court reasoned that films, by their impact and reach, have a more lasting impression on young audiences than other forms of speech, justifying reasonable restrictions under Article 19(2) of the Constitution. This principle—that certain forms of media can be subjected to stricter regulation to protect public morality—continues to inform judicial reasoning in the digital era.

Similarly, in *Bobby Art International v. Om Pal Singh Hoon*, the Supreme Court reiterated that freedom of expression does not extend to content that

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<sup>63</sup> *K.A. Abbas v. Union of India*, AIR 1971 SC 481.

offends public decency or morality, especially when it risks harming impressionable audiences.<sup>64</sup> Although these cases predate OTT platforms, their emphasis on the special influence of audio-visual media on children and minors has provided a doctrinal foundation for regulating violent digital content.

### 5.2 PILs Against OTT Platforms

The rapid expansion of OTT platforms after 2016 led to multiple Public Interest Litigations (PILs) demanding regulation. A notable case was *Justice for Rights Foundation v. Union of India* before the Delhi High Court, where the petitioner sought a uniform code for digital content, arguing that OTT platforms streamed violent, obscene, and crime-glorifying shows without any censorship.<sup>65</sup> The Court, however, declined to impose judicial censorship, observing that regulation of digital media was a matter of executive policy. It noted that the government was in the process of framing rules, which later materialised as the IT Rules, 2021.

In another PIL before the Allahabad High Court relating to the web series *Mirzapur*, the petitioners alleged that the show glorified crime and misrepresented the cultural image of the city.<sup>66</sup> The Court admitted the petition, emphasising the need to examine whether such portrayals had adverse social consequences. While no blanket ban was imposed, the case reflected judicial sensitivity to concerns of crime glorification.

### 5.3 The Tandav Controversy

One of the most high-profile controversies involved the web series *Tandav* (Amazon Prime, 2021). Multiple FIRs were lodged across states under provisions of the IPC, alleging that the show offended religious sentiments and

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<sup>64</sup> *Bobby Art International v. Om Pal Singh Hoon*, (1996) 4 SCC 1.

<sup>65</sup> *Justice for Rights Foundation v. Union of India*, W.P. (C) No. 11164 of 2018 (Del HC).

<sup>66</sup> *Sudhir Kumar v. State of Uttar Pradesh*, PIL filed in Allahabad High Court (2021).

glorified violence.<sup>67</sup> The producers sought quashing of FIRs before various High Courts and the Supreme Court. While the courts refused to grant blanket protection, they directed that no coercive action be taken against the producers pending investigation.<sup>68</sup>

Although the *Tandav* case did not directly concern children, it highlighted the judiciary's recognition of the potentially harmful influence of OTT content on public order and morality. The proceedings underscored the legal ambiguity surrounding platform liability and the difficulty of applying legacy laws to new digital media.

#### 5.4 Courts on Children's Vulnerability

In *Aveek Sarkar v. State of West Bengal*, the Supreme Court observed that obscenity must be judged by contemporary community standards and its tendency to deprave or corrupt vulnerable sections of society.<sup>69</sup> This reasoning, though arising in a different context, has implications for OTT content. Courts have increasingly acknowledged that children and minors form a distinct category requiring heightened protection. In several PILs involving OTT platforms, petitioners have argued that unrestricted violent content undermines the constitutional mandate to safeguard childhood under Article 39(f).<sup>70</sup>

#### 5.5 Judicial Approach: Caution and Deference

Across these rulings, the judiciary's approach has been marked by caution. Courts have generally refrained from imposing outright bans or exercising prior censorship over OTT platforms. Instead, they have deferred to the executive's role in framing statutory rules, while reminding platforms of their responsibility to avoid harmful portrayals. This judicial restraint reflects a

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<sup>67</sup> FIR No. 25/2021, Hazratganj Police Station, Lucknow, in relation to *Tandav*.

<sup>68</sup> *Amazon Prime Video India v. State of Uttar Pradesh*, SLP (Crl.) No. 2067 of 2021 (SC).

<sup>69</sup> *Aveek Sarkar v. State of West Bengal*, (2014) 4 SCC 257.

<sup>70</sup> Constitution of India, art. 39(f).

broader concern: excessive judicial intervention could stifle creative freedom and innovation, while insufficient regulation risks exposing children to harmful influences.

Judicial responses to violent and crime-glorifying OTT content in India reveal a careful balancing act. On the one hand, courts acknowledge the potential harms of unregulated digital content, especially for children and minors. On the other, they remain reluctant to act as censors, preferring to defer to statutory and regulatory frameworks. The jurisprudence demonstrates an evolving recognition of the unique risks posed by OTT platforms, but also highlights the urgent need for a comprehensive legal regime that can guide judicial reasoning with greater clarity.

## **6. Regulatory Gaps and Challenges**

Despite the existence of a multi-layered legal framework and recent executive measures like the IT Rules, 2021, India continues to face significant hurdles in effectively regulating harmful OTT content. The difficulty lies not in the absence of laws but in the fragmented, inconsistent, and weakly enforced nature of the current regime. Violent and crime-glorifying content, in particular, slips through regulatory cracks, leaving children and minors vulnerable to exposure.

This section undertakes a detailed analysis of the key regulatory gaps and challenges undermining India's capacity to respond to harmful OTT content.

### **6.1 Absence of a Dedicated OTT Legislation**

The most glaring gap is the absence of a dedicated statute regulating OTT platforms. Unlike the Cinematograph Act, 1952 (cinema) or the Cable Television Networks (Regulation) Act, 1995 (television), no equivalent comprehensive law governs streaming services. OTT regulation currently

operates through executive rules (IT Rules, 2021) framed under the IT Act, 2000.<sup>71</sup> This arrangement lacks the legislative clarity and parliamentary debate that accompanies primary legislation.

As a result, OTT regulation is piecemeal. Provisions addressing obscenity (IT Act, IPC), child safety (POCSO, JJ Act), and morality (Cinematograph Act) apply indirectly, but none specifically target violence and crime glorification.<sup>72</sup> This statutory ambiguity creates interpretive uncertainty for regulators, platforms, and courts alike.

## 6.2 Inconsistent Enforcement of IT Rules, 2021

The IT Rules, 2021 introduced important safeguards such as age ratings, content descriptors, and parental locks.<sup>73</sup> However, implementation has been inconsistent:

- **Self-classification problems:** Platforms classify their own content, often with divergent standards. What Netflix rates as “U/A 16+” may be classified as “A” by another service for similar content. This inconsistency undermines user trust.<sup>74</sup>
- **Parental control loopholes:** Although parental locks exist, children can easily bypass them by creating new user accounts or accessing shared devices.<sup>75</sup>

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<sup>71</sup> The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

<sup>72</sup> Shubhankar Dam, ‘Streaming and Regulation: The Case for OTT Laws in India’ (2022) 45 *Indian Journal of Media Law* 56.

<sup>73</sup> IT Rules 2021, rr. 4(1)(i)–(iii).

<sup>74</sup> Pratibha Singh, ‘OTT Platforms and Regulatory Challenges in India’ (2021) 63 *Journal of Indian Law and Society* 147.

<sup>75</sup> UNICEF, *Children in a Digital World* (2017) 63.

- **Grievance redressal inefficiency:** Grievance officers exist on paper, but complaints are often delayed or inadequately addressed.<sup>76</sup>

The lack of an independent regulatory authority to monitor compliance means the rules function more as guidelines than binding regulations.

Section 79 of the IT Act provides OTT platforms with safe harbour immunity, shielding them from liability for third-party content if they exercise due diligence.<sup>77</sup> While this provision was designed for neutral intermediaries like ISPs, applying it to OTT platforms is problematic because they act not merely as distributors but also as publishers and producers of original content. Shows like *Sacred Games* or *Mirzapur* are commissioned, produced, and promoted by OTT providers themselves.

Thus, treating them as neutral intermediaries undermines accountability. Courts have yet to clarify whether OTT platforms should continue to enjoy safe harbour when they actively curate and produce content. This uncertainty weakens deterrence against harmful depictions of violence and crime.

Unlike cinema or television, OTT platforms are not subject to pre-censorship or certification.<sup>78</sup> Content is streamed directly to audiences without prior approval from any government authority. While prior censorship raises free speech concerns, its complete absence creates regulatory asymmetry: the same violent content that would be cut or rated “A” in cinema can be streamed online with minimal restrictions.

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<sup>76</sup> MediaNama, ‘Grievance Redressal under IT Rules: A Toothless Mechanism?’ (2022) <https://www.medianama.com> accessed 12 October 2025.

<sup>77</sup> The Information Technology Act, 2000, s. 79.

<sup>78</sup> The Cinematograph Act, 1952; The Cable Television Networks (Regulation) Act, 1995.

This inconsistency undermines the credibility of content regulation in India. Minors who cannot legally access an “A” certified film in theatres can often watch equally violent material on OTT without restriction.

### 6.5 Cross-Jurisdictional Challenges

Most leading OTT platforms operating in India are global corporations headquartered abroad. This creates jurisdictional challenges in enforcement:

- Platforms argue that servers are located outside India, complicating the application of domestic laws.<sup>79</sup>
- Regulatory notices are often met with delayed responses or appeals to international headquarters.
- Content produced for global audiences may not consider Indian cultural sensitivities, but once released online, it is instantly accessible to Indian minors.

Thus, enforcement agencies struggle to ensure compliance by foreign-based entities.

Even where safeguards exist, their effectiveness depends on parental awareness and vigilance. Surveys suggest that a significant proportion of Indian parents are unaware of parental locks, content descriptors, or grievance mechanisms provided by OTT platforms.<sup>80</sup> Moreover, in many households, children are more digitally literate than adults, further weakening parental supervision.

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<sup>79</sup> Aparna Chandra, ‘Cross-Border Regulation of OTT Platforms: Jurisdictional Challenges’ (2021) 36 *NUJS Law Review* 212.

<sup>80</sup> Deloitte, *Digital Media Trends Survey: OTT and Indian Families* (2021).

This digital literacy gap exacerbates risks. In rural and semi-urban areas, where parents may lack exposure to technological tools, children often consume violent content unchecked.

### 6.5 Weak Institutional Framework

Unlike the Central Board of Film Certification (CBFC) or the Broadcasting Content Complaints Council (BCCC) for television, OTT content lacks a specialised regulatory body.<sup>81</sup> The three-tier system under IT Rules envisages self-regulation, an industry association, and an inter-departmental government committee. In practice, however, the first two tiers dominate, and government oversight remains reactive rather than proactive.

Without a specialised regulator with clear powers to monitor, sanction, or direct platforms, enforcement remains weak and fragmented. This tension creates policy hesitation. Excessive regulation risks accusations of censorship; inadequate regulation risks exposing minors to harmful influences. In the absence of a clear legislative mandate, regulators often err on the side of caution, allowing violent content to circulate widely.

### 6.6 Copycat Crime and Lack of Empirical Monitoring

While reports of children imitating OTT characters have surfaced, India lacks systematic empirical monitoring of the social impact of violent OTT content.<sup>82</sup> Without reliable data, policymakers struggle to quantify the risk or design targeted interventions. In contrast, countries like Australia and Singapore maintain regular impact assessments to inform their classification systems.<sup>83</sup> The absence of such institutionalised research in India perpetuates a reactive rather than preventive approach.

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<sup>81</sup> Broadcasting Content Complaints Council (BCCC), *Annual Report 2019–20*.

<sup>82</sup> Shailvee Sharda, ‘Boys in UP Copying Characters of OTT Series’ *Times of India* (Lucknow, 13 December 2020).

<sup>83</sup> Australian Classification Board, *Annual Report 2020–21*; Singapore Infocomm Media Development Authority, *Content Regulation Guidelines* (2021).

The regulatory gaps surrounding violent and crime-glorying OTT content in India stem from multiple weaknesses: absence of dedicated legislation, inconsistent enforcement of IT Rules, over-reliance on safe harbour, lack of pre-certification, jurisdictional hurdles, poor parental awareness, weak institutional frameworks, and insufficient empirical monitoring. Together, these challenges render existing safeguards inadequate to protect children and minors. Unless addressed through comprehensive legislative reform, stronger enforcement, and public awareness, the harmful influence of OTT content on India's youth will remain unchecked.

## 7. Consequences and Liabilities of OTT Platforms

The increasing concerns about violent and crime-glorying content on OTT platforms in India raise fundamental questions about the legal consequences and liabilities of these services. As both distributors and producers of content, OTT platforms occupy a dual role that complicates their accountability under existing law. The absence of clear statutory provisions has led to uncertainty regarding the extent of liability, leaving parents, child rights activists, and regulators dissatisfied with current mechanisms.

### Civil and Criminal Liability

OTT platforms may face liability under both civil and criminal laws, depending on the nature of harmful content:

- **Criminal Liability:** Under the IT Act, IPC, and POCSO, platforms may be prosecuted for publishing or transmitting unlawful content.<sup>84</sup> Although safe harbour under Section 79 IT Act protects intermediaries, this immunity is conditional upon compliance with due diligence

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<sup>84</sup> The Information Technology Act, 2000, s. 67; The Indian Penal Code, 1860, s. 292; The Protection of Children from Sexual Offences Act, 2012, s. 13.

obligations.<sup>85</sup> If platforms knowingly stream content that glorifies violence or crime in violation of the IT Rules, they risk criminal proceedings.

- **Civil Liability:** Victims or parents could potentially sue for damages if they establish a causal link between harmful content and injury to minors.<sup>86</sup> However, such cases remain rare in India due to evidentiary challenges and the absence of precedent in tort law for media-induced harm.

### 7.1 Consequences under IT Rules, 2021

The IT Rules, 2021 impose a graded accountability system. Failure to comply with rules regarding age classification, parental controls, or grievance redressal may result in loss of safe harbour immunity.<sup>87</sup> This exposes platforms to direct liability under the IT Act and IPC. While the government has occasionally issued notices to OTT providers, actual sanctions remain limited, reflecting weak enforcement.

Beyond legal liability, OTT platforms face significant reputational consequences. Controversies around shows like *Mirzapur* and *Tandav* led to widespread public backlash, political scrutiny, and calls for boycotts.<sup>88</sup> For global platforms like Netflix and Amazon Prime, reputational harm can translate into financial loss, subscriber churn, and increased regulatory oversight. This market pressure often drives platforms to adopt self-regulation, even where legal sanctions are minimal.

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<sup>85</sup> The Information Technology Act, 2000, s. 79.

<sup>86</sup> Aparna Chandra, 'Media Liability and Tort Law in India: A Neglected Dimension' (2020) 35 *NUJS Law Review* 211.

<sup>87</sup> IT Rules, 2021, r. 7.

<sup>88</sup> 'Tandav Controversy: Amazon Apologises Amid Backlash' *The Hindu* (New Delhi, 20 January 2021).

## 7.2 Liability as Content Producers

A major challenge lies in differentiating platforms' liability as publishers versus intermediaries. Many OTT platforms commission and produce original shows (*Netflix Originals, Amazon Originals*), exercising significant editorial control. In such cases, platforms act as primary publishers rather than neutral intermediaries, weakening their claim to safe harbour protection.<sup>89</sup> Courts in India have yet to definitively address this distinction, but legal scholars argue that platforms should bear greater responsibility when they themselves generate harmful content.

Despite these potential liabilities, practical enforcement remains limited due to:

- Difficulties in proving direct causal harm between OTT content and children's behaviour.
- Jurisdictional barriers in prosecuting foreign-based platforms.
- Government hesitation to impose strict penalties for fear of stifling the digital economy.

As a result, most consequences for platforms are reputational rather than legal. The lack of landmark judicial rulings directly penalising OTT services for violent or crime-glorifying content has perpetuated regulatory ambiguity.

OTT platforms in India face potential civil, criminal, and reputational liabilities for streaming harmful content. While the IT Rules, 2021 create a framework for accountability, enforcement remains weak. The unique role of platforms as both intermediaries and producers raises questions about the

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<sup>89</sup> Pratibha Singh, 'OTT Platforms and Regulatory Challenges in India' (2021) 63 *Journal of Indian Law and Society* 152.

limits of safe harbour protection. In the absence of stronger statutory provisions and judicial clarification, the legal consequences for OTT providers remain uncertain, leaving children and minors inadequately protected from harmful influences.

## 8. Socio-Legal Analysis

The question of regulating violent and crime-glorifying OTT content in India cannot be resolved solely through statutes and judicial precedents. It must also be examined in its socio-legal context, where law, society, and culture intersect. The debate surrounding OTT platforms reflects deeper anxieties about youth culture, morality, freedom of expression, and the responsibilities of both the State and private corporations.

OTT platforms have become cultural trendsetters, shaping the aspirations and imaginations of India's youth. Unlike cinema, which often carried overt moral lessons, many OTT series embrace the "anti-hero" narrative, portraying criminals, gangsters, or corrupt figures as complex protagonists.<sup>90</sup> While these narratives may enrich artistic expression, they simultaneously risk blurring moral boundaries for children.

Indian society is particularly vulnerable to such influences due to:

- High youth population: Nearly 40% of India's population is below 18 years, making minors a significant consumer base for digital platforms.<sup>91</sup>

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<sup>90</sup> David Buckingham, *Youth, Identity, and Digital Media* (MIT Press 2008) 61.

<sup>91</sup> Ministry of Statistics and Programme Implementation, *Youth in India Report* (2017).

- Digital divide in parenting: Parents in semi-urban and rural areas often lack awareness or tools to monitor children's digital consumption.<sup>92</sup>
- Peer culture: Violent OTT shows often acquire cult status among adolescents, who mimic dialogues, fashion, and mannerisms of characters, reinforcing group identity through media consumption.<sup>93</sup>

This cultural normalisation of violence risks creating a generation desensitised to crime, potentially undermining law-abiding values. From a socio-legal standpoint, the law's role is not merely punitive but also preventive and educative. By setting boundaries for acceptable content, the law signals society's commitment to protecting vulnerable groups. However, in India's case, the fragmented framework weakens this normative function. The absence of strong deterrents allows OTT platforms to push creative boundaries without sufficient regard for children's welfare.

Moreover, the constitutional balance between Article 19(1)(a) (free speech) and Article 19(2) (reasonable restrictions) must be contextualised. While freedom of expression is vital for democratic discourse, the State's duty to protect children (Directive Principles under Article 39(e) and (f)) cannot be ignored.<sup>94</sup> A socio-legal approach suggests that protecting children is not censorship but a form of positive obligation of the State under constitutional morality.

A socio-legal reading thus highlights that legal consequences must go beyond punitive liability for platforms. They must create a regulatory culture that aligns with India's social realities—youth demographics, digital literacy gaps, and parental supervision challenges.

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<sup>92</sup> UNICEF, *Children in a Digital World* (2017) 64.

<sup>93</sup> Shailvee Sharda, 'Boys in UP Copying Characters of OTT Series' *Times of India* (Lucknow, 13 December 2020).

<sup>94</sup> Constitution of India, arts. 19(1)(a), 19(2), 39(e)–(f).

The socio-legal perspective demands:

- Clearer statutory boundaries on harmful content.
- Stronger monitoring of compliance with IT Rules.
- Mandatory digital literacy campaigns for parents and children.
- Collaboration between law, technology, and civil society to ensure that creative freedom does not come at the expense of children's welfare.

## **9. Conclusion and Suggestions**

The emergence of OTT platforms in India has revolutionised media consumption but also exposed minors to unprecedented risks. Violent and crime-glorifying content, when left unregulated, undermines the moral and psychological development of children. Indian law currently provides fragmented protections through the IT Act, IPC, POCSO, JJ Act, and IT Rules, but these are insufficiently enforced. Judicial interventions have been cautious, acknowledging harms without creating robust precedents. The legal consequences for OTT platforms remain uncertain—conditional liability under the IT Act, reputational risks, and weak civil remedies. The absence of a dedicated law continues to create ambiguity. A holistic response is therefore necessary.

### **9.1 Key Findings**

- Children and minors are particularly vulnerable to harmful OTT content due to cognitive immaturity and unsupervised access.
- Indian statutes indirectly address violent content but lack comprehensive coverage.

- Courts have balanced artistic freedom with public morality but avoided overregulation.
- Regulatory gaps—safe harbour misuse, inconsistent age ratings, poor enforcement—limit effectiveness.

## 9.2 Suggestions

1. **Dedicated Legislation for OTT Content-** Parliament should enact a specific law for OTT regulation, integrating provisions on violence, crime glorification, obscenity, and child protection.
2. **Independent Regulatory Authority-** Establish a specialised OTT Content Regulatory Authority, akin to CBFC or BCCC, with clear powers to monitor, classify, and sanction platforms.
3. **Stronger Platform Accountability-** Safe harbour under Section 79 IT Act should be restricted for platforms that produce original content, making them directly liable as publishers.
4. **Mandatory Impact Assessments-** Platforms should be required to conduct social impact assessments of violent content, especially when targeting Indian audiences.
5. **Digital Literacy and Parental Empowerment-** The State should launch nationwide campaigns to educate parents and children about safe digital practices, parental controls, and grievance mechanisms.
6. **Judicial Clarification-** Courts should develop clearer jurisprudence distinguishing between permissible artistic freedom and harmful glorification of crime, particularly in the context of minors.

The challenge of harmful OTT content lies not merely in legal technicalities but in safeguarding the moral and psychological fabric of India's youth. The law must evolve to ensure that digital innovation does not come at the expense of child protection. Only a balanced framework—respecting creative freedom while prioritising children's rights—can truly address the legal consequences of violent and crime-glorifying content in India's digital era.