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Year in review 2023

MEDIA, ENTERTAINMENT & GAMING LAWS

Developments, cases & judgements



Partner's Desk



Digital media and entertainment space has seen significant growth in India and the market is likely grow by 3X in next 6 years. This growth trajectory, is driven by digital platforms, OTTs, gaming etc.

While the traditional print media and broadcasting sector is heavily regulated (by sectoral regulators) including the foreign direct investment regulations; the regulatory mechanism and investment regulations around digital platforms and OTTs are relatively unregulated.

The digital platforms are covered under the laws dealing with information technology. Similarly, the gaming sector involving game of skill and game of chance is regulated under the state legislations and the judicial pronouncements lay the foundation for dealing with the gaming sector.

In 2023, Government of India introduced mechanisms and policies to deal with several issues relating to digital platforms, OTTs, gaming, advertising etc. From Ministry of Information and Broadcasting, Ministry of Electronics & Information Technology Prasar Bharti, Telecom Regulatory Authority of India to other ministries/ departments dealing with health, consumer and advertising related issues have an impact on the policy framework affecting media, broadcasting, advertising, entertainment and gaming companies.

This Media Law Briefing covers significant legal and regulatory developments relevant to stakeholders in the media, entertainment, and gaming sectors.

Best regards,

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Legal & Regulatory Developments



PAGE 06 -

Government of India includes online gaming & Fact-check Units for intermediaries in Intermediary Guidelines

PAGE 07 -

Levy of GST on Online Gaming, Casinos & Horse Racing under CGST & IGST Acts

PAGE 09 -

Cinematograph (Amendment) Act, 2023 passed to tackle the long-standing issue of film piracy

PAGE 10 -

Relaxations to Multi-System Operators in the erstwhile Cable TV Act – Online Registrations & Decriminalization of offences

PAGE 12 -

Guidelines for Prevention and Regulation of Dark Patterns, 2023

PAGE 16 -

MIB appoints self-regulatory body for digital media content regulation

PAGE 16 -

Clarification regarding applicability of FDI Policy to OTT Platforms

PAGE 17 -

Regulations for advertisements of cigarettes and tobacco on OTT Platforms

PAGE 18 -

Digital Advertisement Policy to monitor advertisements in Digital Media

PAGE 18 -

MIB issues advisories to curb Fake News and Misinformation

PAGE 19 -

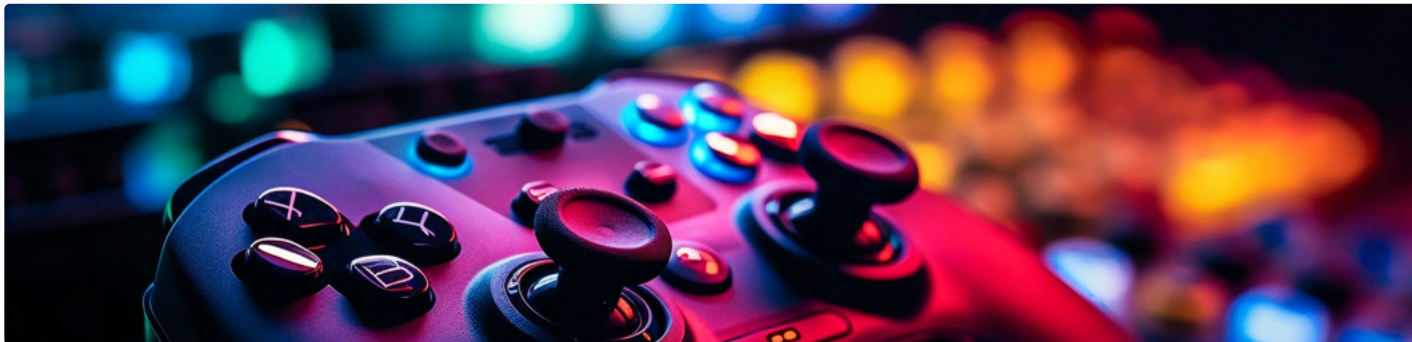
Regulatory Regime facilitating new technology in Interconnection

PAGE 19 -

ASCI introduced guidelines for brand extension; advertising of educational institutions, programmes, and platforms; disclaimer explaining claims in advertisements, etc

PAGE 24 -

New Broadcasting Services (Regulation) Bill, 2023 to be introduced replacing Cable TV Act



Government of India includes online gaming & Fact-check Units for intermediaries in Intermediary Guidelines

Government of India ("GoI") amended the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("Intermediary Guidelines"), adding following new provisions:

- a) establishing a fact check unit to ensure that the intermediary does not "host, display, upload, modify, publish, transmit, store, update or share any information which is identified as fake or false or misleading by a fact check unit of the government in respect of any business of the government";
- b) regulations regarding online gaming, including online real money games; and

c) inclusion of provision regarding appeals to Grievance Appellate Committee, in case when grievance officers have not resolved the grievance within the period specified under the Intermediary Guidelines.

As per the amendment to the Intermediary Guidelines, the 'online games' are defined as games offered on internet and accessible by a user through a computer resource or an intermediary. Similarly, an 'online gaming intermediary' is an intermediary that enables the users of its computer resource to access one or more online games.

Further, the amendment to the Intermediary Guidelines also includes definition of 'online real money games' to mean online games where a user makes a deposit in cash or kind with the expectation of earning winnings on that deposit.

The amendment to the Intermediary Guidelines requires that the online gaming intermediary must ensure that no advertisement or surrogate advertisement or promotion of an online game, that is not a permissible online game, is hosted on its platform.

'Permissible online games' are permissible online real money game or any other online game that is not an online real money game, and 'permissible online real



LEGAL & REGULATORY DEVELOPMENTS

money games' are online real money game verified by an online gaming self-regulatory body.

The amendment to Intermediary Guidelines also provide for additional obligations on online gaming intermediary that enables the users to access any permissible online real money game.

In addition to obligations prescribed for significant social media intermediary, an online gaming intermediary that enables the users to access any permissible online real money game must –

- a. display a demonstrable and visible mark of verification by the self-regulatory body on such permissible online real money games;
- b. inform their users of the policy for withdrawal or refund of deposit made with the expectation of earning winnings, manner of determination and distribution of winnings, fees and other charges payable;
- c. intimate know-your-customer procedure followed by it for verifying the identity of the users of such online game;
- d. display measures taken for protection of deposit made by a user for such online game; and
- e. online gaming intermediary shall not itself finance, by way of credit, or enable financing to be offered by third party for the purpose of playing such online game.

Further, for verification of permissible online real money games, the GoI may notify multiple self-regulatory bodies, which shall be representative of online gaming industry. The online gaming self-regulatory body may declare online real money game as a permissible online real money game if it is satisfied that the online real money game does not involve wagering on any outcome and the online gaming intermediary is in compliance with the

provisions of Intermediary Guidelines.

This amendment was brought after GoI amended the Government of India (Allocation of Business) Rules in 2022, and the matters relating to online gaming and e-Sports were assigned to Ministry of Electronics and Information Technology and the Ministry of Youth Affairs and Sports, respectively.

Levy of GST on Online Gaming, Casinos & Horse Racing under CGST & IGST Acts

The GoI amended the Central Goods and Services Taxes Act, 2017 ("CGST Act") and Integrated Goods and Services Act, 2017 ("IGST Act"), vide Central Goods and Services Tax (Amendment) Act, 2023 ("CGST Amendment Act") and the Integrated Goods and Services Tax (Amendment) Act, 2023 ("IGST Amendment Act") on 18 August 2023, effectively from 01 October 2023, to provide clarity on the taxation of supplies in casinos, horse racing and online gaming. Under the CGST Amendment Act, 'online gaming' is defined as

"offering of a game on the internet or an electronic network and includes online money gaming"; and 'online money gaming' is "online gaming in which players pay or deposit money or money's worth,



LEGAL & REGULATORY DEVELOPMENTS

including virtual digital assets, in the expectation of winning money or money's worth, including virtual digital assets, in any event including game, scheme, competition or any other activity or process, whether or not its outcome or performance is based on skill, chance or both and whether the same is permissible or otherwise under any other law for the time being in force". Further, the CGST Amendment Act has added betting, casinos, gambling, horse racing, lottery and online money gaming under the definition of 'specified actionable claim' under Section 102A of the CGST Act and created a separate class. In Section 24 of the CGST Act dealing with "Compulsory registration in certain cases", an additional clause for "supply of online money game from a place outside India to a person inside India" has been added. Effectively, registration has also been made mandatory for every person supplying online money gaming from a place outside India to a person in India.

The CGST Amendment Act further states that "the amendments made under this Act shall be without prejudice to provisions of any other law for the time being in force, providing for prohibiting, restricting or regulating betting, casino, gambling, horse-racing, lottery or online gaming." Under the IGST Act, an amendment to the definition of "online information and database access or retrieval services" has been brought wherein the sub-clause (vii) dealing with online gaming, has been substituted which "online gaming, excluding the online money gaming as defined in CGST Act". Further, the IGST Amendment Act inserted Section 14A dealing with "Special provisions for specified actionable claims supplied by a person located outside taxable territory". Section 14A deals with supplier of online money games, and adopts the definition of 'supplier of online money games' from the CGST Act. It, further, requires that the supplier of





LEGAL & REGULATORY DEVELOPMENTS



online money gaming must obtain a single registration under the Simplified Registration Scheme under the IGST Act.

The IGST Amendment Act also requires suppliers of online money gaming outside India to comply with the provisions of IGST Act, failing which the information generated, transmitted, received or hosted in any computer resource used for supply of online money gaming by such supplier shall be liable to be blocked for access by the public.

Cinematograph (Amendment) Act, 2023

passed to tackle
the long-
standing issue
of film piracy

The Cinematograph (Amendment) Act, 2023 ("Cinematograph Amendment Act") was introduced with following amendments: (a) prohibition of unauthorized recording and prohibition of unauthorised exhibition of films; and (b) to improve procedure for certification of films for public exhibition by the Central Board of Film Certification ("CBFC"), and improve categorisations of the certifications of the films.



LEGAL & REGULATORY DEVELOPMENTS

The Cinematograph Amendment Act also introduced age-based categories of certification by further subdividing the existing UA category into three age-based categories, viz. seven years (UA 7+), thirteen years (UA 13+), and sixteen years (UA 16+), instead of twelve years. The Cinematograph Amendment Act replaced the 10 (ten) year validity of certificates issued by the CBFC for movies, to be valid perpetually.

The Cinematograph Amendment Act restricted Gol's scope in interfering with the CBFC by omitting Section 6(1) of the Cinematograph Act, 1952, dealing with 'Revisional power of the Central Government'. Finally, new provisions, under Section 6AA and Section 6AB of the Cinematograph Act, 1952 have been introduced with violation to be punished with strict penal provisions. Section 6AB of the Cinematograph Amendment Act prohibits the use and/ or facilitation of infringing copies for public exhibition for profit at unlicensed venues. Section 7(1B)(ii) empowers the Gol to take action against exhibition or hosting of infringing copies. Gol has also appointed nodal officers to tackle online piracy. The original copyright holder may make a request before the nodal officer to take-down the infringing content and the platform is required to take-down/ remove the content within 36 hours of the receipt of the directions of the nodal officer.

The Cinematograph Amendment Act also provides for stricter penalties for piracy – with imprisonment between three months to three years along with a penalty of INR 300,000 and which could extend up to 5% of audited gross production cost.

Relaxations to Multi-System Operators in the erstwhile Cable TV Act – Online Registrations & Decriminalization of offences

Ministry of Information and Broadcasting ("MIB") issued a notification introducing key amendments to the Cable Television Network Rules, 1994 ("Cable TV





LEGAL & REGULATORY DEVELOPMENTS

Rules”) in September 2023. The amendment to the Cable TV Rules introduced a procedure for the renewal of Multi-System Operator (“MSO”) Registrations. Under the amendment to the Cable TV Rules, MSOs may apply for the registration or renewal of registration online at the Broadcast Seva Portal of MIB. MSO Registrations may also be granted or renewed for a period of ten years. Under the amendment to the Cable TV Rules, an enabling provision has been inserted for cable operators allowing sharing of infrastructure with broadband service providers. MIB, vide notification 05 October 2023, also amended Cable TV Rules vide the Jan Vishwas (Amendment of Provisions) Act, 2023 providing the operational mechanism for implementation of the decriminalized provisions of the Cable Television Networks (Regulation) Act, 1995 (“Cable TV Act”).

Section 16 of the Cable TV Act dealt with the punishment for contraventions under any of its provisions, providing for imprisonment which might extend up to 2 years, in case of first instance and 5 years for every subsequent offence. The imprisonment provisions have been now replaced with the substituted Section 16 of the Cable TV Act, wherein now monetary penalty and other non-monetary measures like Advisory, Warning and Censure will be levied in case of contravention of the Cable TV Act. These measures will be enforced through the “designated officer” which was added vide the Cable Television Networks (Second Amendment) Rules, 2023. MIB issued an advisory directing all private satellite television channels broadcasting programmes to adhere to the Programme Code prescribed under the Cable TV Act on 08 June 2023. This was pursuant to a concern raised by the National Commission for Minorities about wrongful portrayal of an incident by media which took place in Dharamshala on 28

February 2023 involving His Holiness Dalai Lama and a child.

MIB also issued an advisory on 21 September 2023 directing all private satellite television channels broadcasting programmes to adhere to Section 20 of the Cable TV Act, which lays down the circumstances and conditions under which the GoI may, by order, regulate or prohibit transmission/retransmission of any television channel or programme in public interest, or when it is considered necessary and expedient to issue such orders in the interest of the sovereignty and integrity of India, security of state, friendly relations of India with any foreign state, or public order or decency or morality.



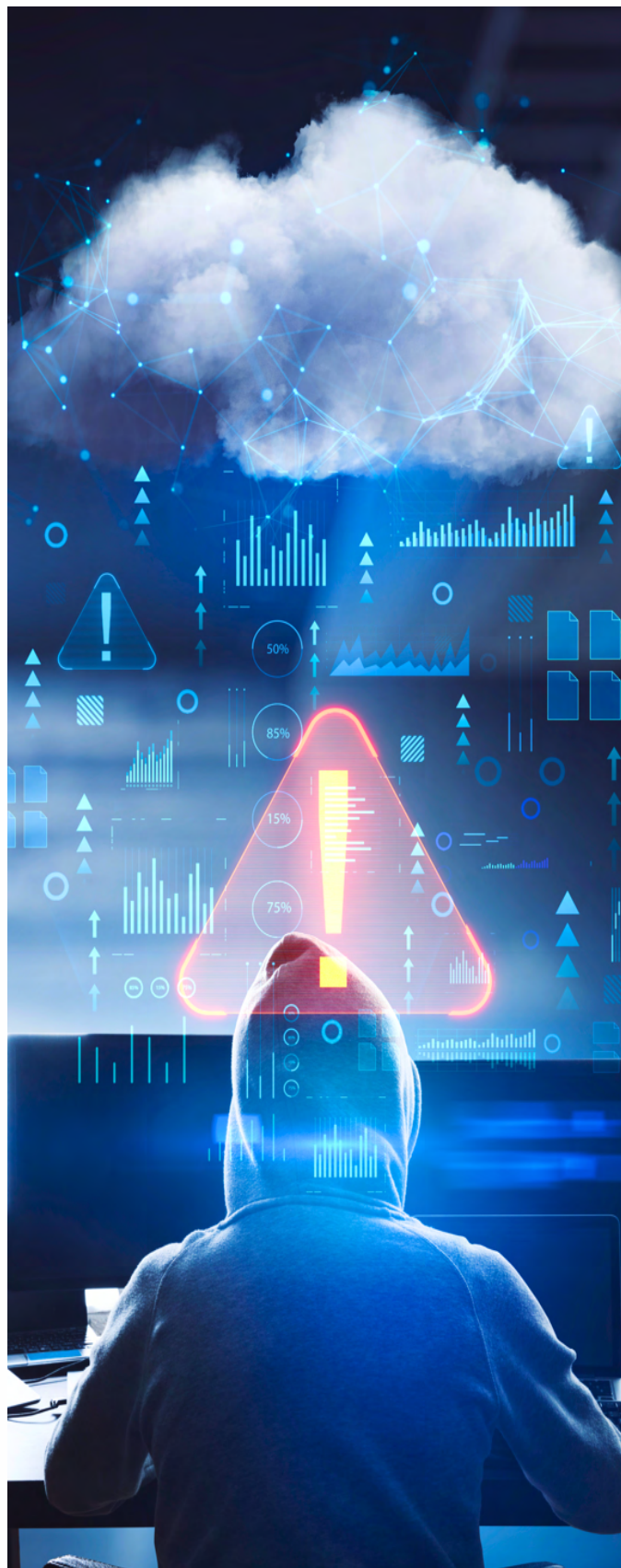


Guidelines for Prevention and Regulation of Dark Patterns, 2023

The Central Consumer Protection Authority ("CCPA") notified the Guidelines for Prevention and Regulation of Dark Patterns, 2023 ("Dark Pattern Guidelines"). The Dark Pattern Guidelines define "dark patterns" under Regulation 2(e) as "practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights."

The Dark Pattern Guidelines provides under Regulation 3 that it shall apply to all platforms, systematically offering goods and services in India; advertisers; and sellers.

The Dark Pattern Guidelines prohibits any person, including any platform, to engage in any dark pattern practice. The dark pattern Guidelines, further, provides that any person, including any platform, shall be considered to be engaging in a dark pattern practice if it engages in any practice specified in Annexure 1 of Dark Pattern Guidelines. Annexures 1 under the Dark Pattern Guidelines provides the following categories:





LEGAL & REGULATORY DEVELOPMENTS

Specified Dark Pattern	Description under Annexure 1
False Urgency	Falsely stating or implying the sense of urgency or scarcity to mislead a user into making an immediate purchase or taking an immediate action, which may lead to a purchase, including – (i) showing false popularity of a product or service to manipulate user decision; and (ii) stating that quantities of a particular product or service are more limited than they actually are.
Basket Sneaking	Inclusion of additional items at the time of checkout from a platform, without the consent of the user, such that the total amount payable by the user is more than the amount payable for the product or service chosen by the user. However, addition of free samples or providing complimentary services or addition of necessary fees disclosed at the time of purchase, shall not be considered as basket sneaking.
Confirm Shaming	Using a phrase, video, audio or any other means to create a sense of fear or shame or ridicule or guilt in the mind of the user so as to nudge the user to act in a certain way that results in the user purchasing a product or service from the platform or continuing a subscription of a service, primarily for the purpose of making commercial gains by subverting consumer choice.
Forced Action	Forcing user into taking an action that would require the user to buy additional goods or subscribe or sign up for an unrelated service or share personal information in order to buy or subscribe to the product or service originally intended by the user.
Subscription Trap	(i) Making cancellation of a paid subscription impossible or a complex and lengthy process; or (ii) Hiding the cancellation option for a subscription; or (iii) Forcing a user to provide payment details or authorization for auto



LEGAL & REGULATORY DEVELOPMENTS

	debits for availing a free subscription; or (iv) Making the instructions related to cancellation of subscription ambiguous, latent, confusing, cumbersome.
Interface interference	A design element that manipulates the user interface in ways that: (a) highlights certain specific information; and obscures other relevant information relative to the other information; to misdirect a user from taking an action as desired.
Bait & Switch	Practice of advertising a particular outcome based on the user's action but deceptively serving an alternate outcome.
Drip Pricing	Practice whereby- (i) elements of prices are not revealed upfront or are revealed surreptitiously within the user experience; or (ii) revealing the price post-confirmation of purchase, i.e. charging an amount higher than the amount disclosed at the time of checkout; or (iii) a product or service is advertised as free without appropriate disclosure of the fact that the continuation of use requires in-app purchase; or (iv) a user is prevented from availing a service which is already paid for unless something additional is purchased.
Disguised Advertisement	Posing, masking advertisements as other types of content such as user generated content or new articles or false advertisements, which are designed to blend in with the rest of an interface in order to trick customers into clicking on them.
Nagging	Practice due to which a user is disrupted and annoyed by repeated and persistent interactions, in the form of requests, information, options, or interruptions, to effectuate a transaction and make some commercial gains, unless specifically permitted by the user.
Trick Questions	Deliberate use of confusing or vague language like confusing wording,



LEGAL & REGULATORY DEVELOPMENTS

	double negatives, or other similar tricks, in order to misguide or misdirect a user from taking desired action or leading consumer to take a specific response or action.
SaaS Billing	Process of generating and collecting payments from consumers on a recurring basis in a software as a service ("SaaS") business model by exploiting positive acquisition loops in recurring subscriptions to get money from users as surreptitiously as possible.
Rogue Malware	Using a ransomware or scareware to mislead or trick user into believing there is a virus on their computer and aims to convince them to pay for a fake malware removal tool that actually installs malware on their computer.

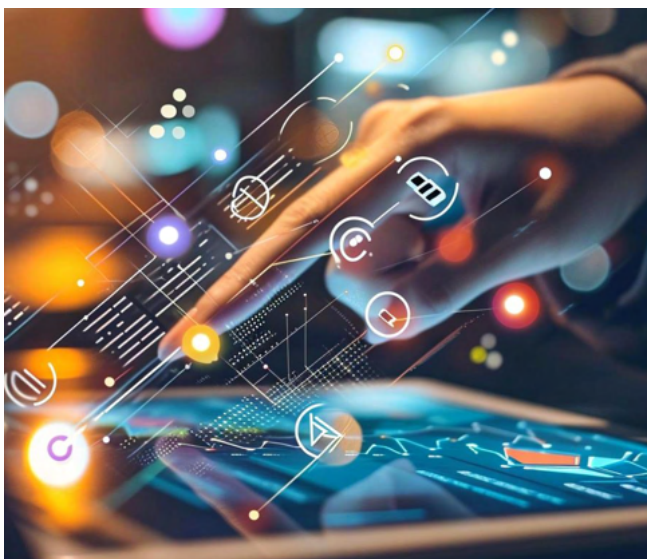




MIB appoints self-regulatory body for digital media content regulation

MIB appointed two Self-Regulatory Body under the Intermediary Guidelines: Journalists and Media Association Grievance Council ("JMAGC") for publishers of news and current affairs; and Digital Media Content Regulatory Council ("DMCRC") for publisher of online curated content.

There are five members in JMAGC, viz. former judicial member from District Court, Kerala; senior journalist, advocate at Kerala High Court; and two members from Journalists & Media Association. In the DMRC, there are a total of nine members, viz. Disney+Hotstar, SonyLiv, Voot, Zee5, Discovery+, Manorma Max, SunNXT, YuppTv, and Neestream.



Clarification regarding applicability of FDI Policy to OTT Platforms

MIB issued a clarification letter to the publishers of OTT platforms discussing the applicability of Foreign Direct Investment ("FDI") Policy of GoI for OTT platforms. MIB received several representations from Chambers of Commerce and OTT platforms seeking clarification if Department for Promotion of Industry and Internal Trade's Press Note 4 of 2019 dated 18 September 2019 ("Press Note 04 of 2019"), providing for FDI up to 26% under Government approval route for entities involved in uploading/streaming of news and current affairs through digital media would apply to OTT platforms which are hosting digital feed of the news channels.

In the representations, OTT platforms stated that they only provide a platform for carriage of third-party news and current affairs content of news channels on 'as is basis' without any editorial intervention. Further, OTT platforms are not involved in any aggregation or curation of the news and current affairs content provided by such channels, but are only hosting the news feed provided by such entities. MIB clarified that OTT platforms are not subject to Press Note No. 04 of 2019, as OTT platforms are hosting digital feed of a television news channel only as a medium, making it available to its subscribers & users.



Regulations for advertisements of cigarettes and tobacco on OTT Platforms

Ministry of Health and Family Welfare has notified Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2023 ("Cigarettes and Tobacco Amendment Rules") on 31 May 2023. The Cigarettes and Tobacco Amendment Rules requires the publishers of OTT platforms to comply with specific guidelines relating to display of health spots, message and disclaimer in content on OTT platforms displaying tobacco products or their use.

The Cigarettes and Tobacco Amendment Rules have inserted Section 11 to the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004, which provides for "Health spots, message and disclaimer in online curated contents of tobacco products by the publisher". As per the Cigarettes and Tobacco Amendment Rules, every publisher of online curated contents displaying tobacco products or their use shall display anti-tobacco health spots, of minimum thirty seconds duration, anti-tobacco health warning as a prominent static message at the bottom of the screen during the period of display of the tobacco products,

and an audio-visual disclaimer on the ill-effects of tobacco use, of minimum twenty seconds. The Cigarettes and Tobacco Amendment Rules also define "online curated content" to mean "any curated catalogue of audio-visual content, other than news and current affairs content, which is owned by, licensed to, or contracted to be transmitted by a publisher of online curated content, and made available on demand, including but not limited through subscription, over the internet or computer networks, and includes films, audio visual programmes, documentaries, television programmes, serials, series, podcasts and other such content"; and "publisher of online curated content" to mean "a publisher who, performing a significant role in determining the online curated content being made available, makes available to users a computer resource that enables such users to access online curated content over the internet or computer networks, and such other entity called by whatever name, which is functionally similar to publishers of online curated content but does not include any individual or user who is not transmitting online curated content in the course of systematic business, professional or commercial activity." The Cigarettes and Tobacco Amendment Rules have also constituted an inter-ministerial committee consisting of representatives from the Ministry of Health and Family Welfare, MIB and Ministry of Electronics and Technology ("MeitY"), to take action against publishers of online curated content in case of failure to comply with the Rules.





Digital Advertisement Policy to monitor advertisements in Digital Media

MIB issued an advisory dated 09 November 2023 notifying the Digital Advertisement Policy, 2023 ("Digital Advertisement Policy").

The Digital Advertisement Policy enables the Central Bureau of Communications ("CBC"), which is the advertising wing of the Gol, to expand the digital outreach of Gol and improve information dissemination and feedback pathways between Gol and its citizens.

The Digital Advertisement Policy recognizes that digital modes of communication are becoming more important compared to traditional modes of communication, and allows to target advertisements at their potential audience pool with greater precision and at any time of day and allows more interactive and engaging content dissemination compared to the traditional vehicles.

The Digital Advertisement Policy enables CBC to expand the digital outreach of Gol and improve information dissemination and feedback pathways between the Government and Citizens. CBC is also empowered to on board innovative and futuristic platforms in the digital space with the approval of a

duly constituted committee.

The Digital Advertisement Policy introduces competitive bidding for rate discovery, ensuring transparency and efficiency. Rates discovered through this process will remain valid for three years and will be applicable to all eligible agencies.

MIB issues advisories to curb Fake News and Misinformation

Gol issued an advisory dated 07 November 2023 to significant social media intermediaries to ensure that due diligence is exercised and reasonable efforts are made to identify misinformation and deepfakes, and in particular, information that violates the provisions of rules and regulations and/or user agreements.

The advisory is also focused to ensure that such cases are expeditiously actioned against, well within the timeframes stipulated under the Intermediary Guidelines. Further, the aim is also to remove any such content when reported within 36 hours of such reporting and ensure expeditious action, and disable access to the content / information. Further, MIB has addressed the suggestions made by the Parliamentary Standing Committee on Communication in its report on "Ethical Standards in Media Coverage". While one of the suggestions by the Parliamentary Standing



LEGAL & REGULATORY DEVELOPMENTS

Committee was the creation of a unified media council to govern all media, including electronic and digital media, MIB responded by stating that adequate mechanisms for regulating all media currently exists under the Press Council Act, 1978, the Cable TV Act and the Information Technology Act, 2000 ("IT Act"). However, a unified council is not desirable due to the unique characteristics of each form of media.

Regulatory Regime facilitating new technology in Interconnection

TRAI notified the Telecommunication (Broadcasting and Cable) Services Interconnection (Addressable Systems) (Fifth Amendment) Regulations, 2023 vide notification 14 September 2023 ("Interconnection Amendment"). The Interconnection Amendment seeks to create an enabling, technology neutral, light-touch regulatory regime, which facilitates growth and technological developments while protecting the consumer's interest is promoted to foster overall growth. A new schedule (Schedule X) has also been added to the Regulations which establishes Digital Rights Management (DRM) System Requirements in so far as they relate to subscriber management systems ("SMS") for Internet Protocol Television ("IPTV") services, for conditional access by subscribers and encryption for IPTV services, fingerprinting for IPTV services, and unique consumer subscription.

ASCI introduced guidelines for brand extension; advertising of educational institutions, programmes, & platforms; disclaimer explaining claims in advertisements, etc

The Advertising Standards Council of India ("ASCI"), which is a self-regulation council for advertisers, media, advertising agencies and other professional/ ancillary services connected with advertising practices, has introduced numerous guidelines relating to content broadcasted/ displayed during an advertisement.

It has introduced the following guidelines:

- a. Guidelines for qualification of brand extension – product or service;
- b. Guidelines for advertising of educational institutions, programmes and platforms



LEGAL & REGULATORY DEVELOPMENTS

- c. Guidelines for disclaimers made in supporting, limiting, or explaining claims made in advertisements;
- d. Guidelines for celebrities in advertising;
- e. Guidelines for influencers advertising in digital media; and
- f. Guidelines for advertisements for charitable causes

Guidelines for qualification of brand extension – product or service

These guidelines are introduced to evaluate the genuineness of an unrestricted product, or service brand extension of a product (e.g., liquor and tobacco) whose advertising is prohibited by law.

- a. Brand extension product must be registered with appropriate Government authority.
- b. The scale of advertising for such an extension must be proportionate to the sales of that extension. The advertising budget must not exceed 200% of sales turnover in the year 1 and 2, 100% in year 3, 50% in year 3, and 30% thereafter.
- c. The advertising budget shall include – media spending across all media, payment contracted for celebrities’ appearance on annual basis, and annual average of money spent on advertising production for the brand in previous 3 years.

Guidelines for advertising of educational institutions, programmes and platforms

The advertising of educational institutions such as universities, colleges, schools, coaching classes, Edtech platforms, etc., have an impact on the minds of growing children and vulnerable parents. Hence, additional guidelines have been issued.

- a. Advertisement shall not state or lead public to believe that an institution or course or programme is official, recognised, authorised, accredited, approved, registered, affiliated, endorsed or has a legally defined

situation unless the advertiser is able to substantiate with evidence.

- b. Advertisement offering a degree, diploma or certificate shall have the information regarding affiliates or recognizing institutions. Advertisement shall not guarantee students rank, high marks, temporary or permanent job, admissions to institutions, job promotions, salary increase, etc., without substantiating the claim or with disclosure to that effect.
- c. Advertisements shall not make claims with a numerical value of 100% with respect to claims that are abstract and non-quantifiable in nature.
- d. Claims regarding passing batch and their average/highest compensation, marks/ rankings, etc.; competitive rank of institute; infrastructure; testimonial, etc., must be substantiated.
- e. Advertisements must not show school students compromising on sleep or meals, normalising unhealthy habits, must not create false sense of urgency or fear of missing out accentuating anxieties; or suggest that certain subjects are associated with particular genders.

Guidelines for disclaimers made in supporting, limiting, or explaining claims made in advertisements

These guidelines suggests that certain claims must be appropriately explained to ensure that consumers with average intelligence are not misled, nor deceived by means of implications or omissions. These guidelines apply to only disclaimers linked to product claims.

- a. Disclaimer should not contradict/modify the material claim made nor contradict the main message conveyed by the advertiser or change the dictionary meaning of the words used in the claim as received or perceived by a consumer.
- b. Disclaimer should not suppress material information



LEGAL & REGULATORY DEVELOPMENTS





LEGAL & REGULATORY DEVELOPMENTS

with respect to the claim, the omission/ absence of which is likely to make the advertisement deceptive or conceal its commercial intent.

c. Disclaimer should not attempt to correct a misleading claim made in an Advertisement.

d. Disclaimers must be legible. Long or otherwise complex disclaimers with large blocks of text and difficult words are a deterrent to viewers attempting to read the contents of the disclaimer.

e. Disclaimer does not include information – not related to product claim; provided in connection with a legal or regulatory or ASCI code requirement; provided for consumer education/ awareness.

f. Guidelines also provide for requirement of disclaimers like language, font, placement/ position, direction, voice overs, etc.

Guidelines for celebrities in advertising

These guidelines are developed so that the advertiser is guided to produce and release appropriate advertisements featuring celebrities in it. These guidelines focus on advertisements featuring celebrities or celebrity endorsements.

a. For these guidelines, celebrities are famous and well-known people, who are from the field of entertainment and sports, and would also include other famous and well-known personalities like doctors, authors, activists, educationists, etc., who – are compensated INR 4 million annually for appearing in advertisements or campaigns on any medium; and have a social media followership of 500,000 or more on any single social media handle.

b. Celebrities are expected to have adequate knowledge of ASCI Codes and it is the duty of the advertiser and the agency to make sure that the celebrity they wish to engage with, is made aware of them.

c. Testimonials, endorsements or representations of

opinions or preference of celebrities must reflect genuine, reasonably current opinion of the individual(s) making such representations, and must be based upon adequate information about, or experience with, the product or service being advertised.

d. Celebrities must do their due diligence and not make any misleading claims. Celebrity or their agent must give a duly signed written confirmation to ASCI that they have undertaken due diligence for the claims and representations made in a given advertisement.

e. Celebrities must not participate in product or treatment that is prohibited for advertisement under the Drugs & Magic Remedies (Objectionable Advertisements) act, 1954 and the Drugs and Cosmetics Act, 1940 and Rules, therein.

f. Celebrities must not participate in any advertisements for products, which require health warning in their advertising or packaging.

Guidelines for influencers advertising in digital media

The guidelines define “Influencer” to mean “An Influencer is someone who has access to an audience and the power to affect their audiences’ purchasing decisions or opinions about a product, service, brand or experience, because of the influencer’s authority, knowledge, position, or relationship with their audience” and “Virtual Influencer”) to mean “Virtual influencers, are fictional computer generated ‘people’ or avatars who have the realistic characteristics, features and personalities of humans, and behave in a similar manner as influencers”. It also defines “Digital Media” to mean “a means of communication that can be transmitted over the internet or digital networks, and includes communication received, stored, transmitted, edited or processed by a digital media platform.” The definition further states that digital



LEGAL & REGULATORY DEVELOPMENTS

media includes internet; on-demand across platforms; mobile broadcast, communication content, websites, blogs, digital tv, etc.; non-standard television; digital delivery home entertainment; digital terrestrial television.

a. All advertisements require disclosure if there is a – material connection between advertiser and influencer; anything of value given to mention or talk about a product; and if evaluation are unbiased or fully originated by influencer, so long as there is a material connection between the advertiser and influencer.

b. Material Connection is defined under the guidelines to mean “any connection between an advertiser and influencer that may affect the weight or credibility of the representation made by the influencer. Material connection could include, but is not limited to benefits and incentives, such as monetary or other compensation, free products with or without any conditions attached including those received unsolicited, discounts, gifts, contest and sweepstakes entries, trips or hotel stays, media barter, coverage, awards, or any family or employment relationship, etc.”

c. The disclosure must be upfront and prominent so that it is not missed by an average consumer. The disclosure must be made in a manner that is well understood by an average consumer. The disclosure must be made in a manner that is well understood by an average consumer

d. The influencers are advised to review and satisfy themselves that the advertiser is in a position to substantiate the claims made in the advertisement.

e. If an influencer/ advertiser disputes that the piece of communication in question is not an advertisement as there is no material connection, following documents must be submitted to ASCI - declaration from the advertiser, signed by a senior member of the advertiser’s organization, stating that there is no material connection between them and the influencer

as on the date of the post; and when the advertiser of the product is difficult to trace, then proof of purchase of featured products and brands, provided by the influencer.

f. As losses to consumers could be substantial and serious due to improper or wrong advice in the categories connected with - Banking, Financial Services and Insurance (BFSI); and health and nutrition products & services, it is necessary that influencers in these two categories are qualified to provide advice and that these qualifications are stated upfront in their posts. They must also have necessary qualifications and certifications in order to provide such information and advice to consumers.

Guidelines for advertisements for charitable causes

Charities advertise over digital media with an intent to nudge donors to contribute, but sometimes such posts may cause undue distress to ordinary consumers who may be surfing through their news feeds. The intent of these guidelines is to prevent the same so that the charities do not overstep the mark by misleading consumers or causing unjustified distress.

a. Advertisement for a charitable organization or crowdsourcing platform for charity shall not overtly or pointedly suggest that anyone who doesn't support the charity fails in their responsibility or should feel ashamed.

b. Advertisements must not disrespect the dignity by showing graphic images of victims in distress, particularly children and minors. An advertiser must be able to produce evidence of express consent for the use of images of beneficiaries if asked to do so.

c. In digital advertising, any image shown in the ad that could cause unjustified distress to an ordinary consumer, must be blurred and made visible only to those interested in clicking and knowing more.



LEGAL & REGULATORY DEVELOPMENTS

- d. When an appeal is made for a specific case or a specific beneficiary, the ad must disclose if the funds could potentially be used for other purposes or other beneficiaries. Ads must not mislead consumers about where or to whom their donations are going.
- e. If a crowdsourcing platform collects a percentage or fee for managing or raising donor funds, it must be made clear what such amounts are in the advertisement itself.

New Broadcasting Services (Regulation) Bill, 2023 to be introduced replacing Cable TV Act

MIB issued the Draft Broadcasting Services (Regulation) Bill, 2023 ("Broadcasting Bill"), repealing the Cable TV Act.

The Explanatory Note to the Broadcasting Bill explains that since the present legislation, viz. the Cable TV Act only regulates the cable operators, the new broadcasting services providers like OTT, IPTV, etc., which emerged with the advent of new technologies

and platforms, were majorly regulated by different guidelines and frameworks, drawing powers from the Indian Telegraph Act, 1885, the Cable TV Act and/or other relevant laws.

The Broadcasting Bill provides a legal framework for broadcasting network providers, like local cable operators, Direct-to-Home (DTH), IPTV, MSO, Headend-in-the-sky (HITS), OTT, radio broadcasting services and territorial broadcasting network operators. Under the Broadcasting Bill, no broadcasting network providers/ broadcasting service providers can provide services unless they are registered.

The Broadcasting Bill has classified the broadcasting services in four broad categories:

- (a) Broadcasters and Cable and Satellite Broadcasting Networks;
- (b) Radio Broadcasting Networks;
- (c) Internet Broadcasting Networks; and
- (d) Terrestrial Broadcasting Networks.

The Broadcasting Bill a 'Program Code' and 'Advertising Code' for broadcasting service providers and broadcasting network providers. Different advertising code shall be prescribed by the GoI through linear broadcasting services, on-demand broadcasting services, radio broadcasting services and other category of services.

To ensure that the broadcasting service providers and broadcasting network providers comply with the program code and advertisement code, the Broadcasting Bill also constituted a three-step regulatory structure. It shall consists of:

- (a) Self-regulation by broadcasting service providers and broadcasting network providers;
- (b) Self-regulatory organisations of broadcasting



LEGAL & REGULATORY DEVELOPMENTS

service providers and broadcasting network providers;
and

(c) Broadcasting Advisory Council, consisting of one
Chairperson and ten members.

The Broadcasting Bill also requires the service
providers to set up a Content Evaluation Committee
("CEC") for self-certification of the content. The
broadcasting service providers and broadcasting

network providers shall only broadcast such content
which is duly certified from the CEC. Further, a new
mechanism for self-classification of content based on
the context, theme, tone, impact and target audience,
the guidelines for which will be introduced by GoI.
Furthermore, for content which is classified as
appropriate for restricted viewing, the operators will
have to implement certain access control measures.





Important Cases & Judgments



PAGE 28 -

Non-disclosure of reasons for denial of security clearance by GoI is in violation of leading to infringement of fair hearing is violative of Articles 14 and 19 of Constitution of India

PAGE 31 -

Online games of rummy and poker are 'game of skill', hence do not fall under the definition of "online gambling"; Madras High Court lifts ban on online games of Skill.

PAGE 33 -

Delhi High Court safeguards personality rights

PAGE 34 -

Measures to prevent "Review Bombing" by social media influencers from posting malicious reviews for extortion

PAGE 35 -

High Courts direct MeitY and DOT to ban rogue websites to broadcast copyrighted content

PAGE 36 -

Delhi High Court directs online content curator to ensure that the content does not cross limits of vulgarity and obscenity



GOI's refusal to disclose reasons for denying security clearance violates Articles 14 and 19 of the Indian Constitution

CASE TITLE:

MADHYAMAM BROADCASTING LIMITED V. UNION OF INDIA

(MADHYAMAM BROADCASTING LIMITED V. UNION OF INDIA, 2023 SCC ONLINE SC 366)

Madhyamam Broadcasting Limited ("MBL") filed a writ petition before the Hon'ble Kerala High Court challenging MIB's revocation of permission granted to MBL for uplinking and downlinking a news and current

affairs television channel 'Media One', and prayed for grant of an opportunity to be heard before revoking the permission. The writ petition was dismissed by a Single Judge and the Division Bench, subsequently relying on material disclosed solely to the Hon'ble Court in a sealed cover by the Union Ministry of Home Affairs ("MHA"). MBL filed a Special Leave Petition before the Hon'ble Supreme Court against the order of the division bench of the Hon'ble Kerala High Court. MIB granted MBL permission to uplink 'Media One' for a period of ten years under the Policy Guidelines for Uplinking of Television Channels from India ("Uplinking Guidelines"). MIB also issued a registration certificate for downlinking of the 'Media One' channel for a period of five years in accordance with the provisions of the Policy Guidelines for Downlinking of Television Channels ("Downlinking Guidelines"). However, later, MIB issued a notice to show cause to MBL proposing to revoke the permission for uplinking and downlinking granted to 'Media One' and 'Media One Life' in view of the denial of security clearance by Ministry of Home Affairs ("MHA").

MBL contended that security clearance is a pre-condition only for the grant of permission to operate the channel and not for the renewal of the existing permission. Moreover, security clearance cannot be denied on grounds that exceed the reasonable restrictions on the freedom of the press prescribed under Article 19(2) of the Constitution of India.

Furthermore, refusal of security clearance must be subject to the limitations prescribed in Article 19(2) of the Constitution read with Section 4(6) of the Cable TV Act. The denial and revocation are also against the principles of natural justice, when the State supplied the reasons for denial to the Hon'ble High Court in a sealed envelope.



BREAKING NEWS



LEGAL & REGULATORY DEVELOPMENTS

The State, on the other hand, submitted that the Uplinking Guidelines demonstrate that security clearance is a pre-condition for renewal of license, and MIB was justified in revoking the permission granted to Media One because MHA denied security clearance. Further, the principles of natural justice stand excluded when issues of national security are involved.

To begin with, the Hon'ble Supreme Court analysed the power of judicial review on procedural ground, and held that it is a settled position of law that an administrative action can be challenged on the ground of a violation of fundamental rights. Administrative action is judicially reviewable on the grounds of (i) unreasonableness or irrationality; (ii) illegality; and (iii) procedural impropriety.

In this context, the Hon'ble Supreme Court also considered the issues of non-disclosure of reasons for denial of security clearance leading to infringement of right to fair hearing, protected under Articles 14 and 21; and if infringement of the right to a fair hearing would render the decision void. The Hon'ble Supreme Court also considered the issue if considerations of national security are an established exception to principles of natural justice, then how should the court resolve the competing interests represented by the principles of natural justice and national security.

The Hon'ble Supreme Court, in this regard, held that the notice to show cause states that MHA denied security clearance to MBL, however, it does not mention the reasons for the denial of security clearance. Further, MHA also declined to disclose any material that was relevant to its decision, which was not limited to a few 'top secret' documents but all relevant documents were undisclosed. Furthermore, MIB denied to disclose MBL even the summary of the reasoning denying security clearance. This has necessarily left MBL with no remedy.

Upon a comprehensive reading of the Uplinking and Downlinking Guidelines, the Hon'ble Supreme Court observed that a few conditions need to be fulfilled for renewal of the uplinking and downlinking permissions. These are:

- i. The channel should not have violated the programme and advertisement code on five or more occasions;
- ii. The channel should not have been found guilty of violating the terms and conditions of permission; and
- iii. The channel must fulfil all the terms and conditions that apply to the grant of permission as modified by the letter of permission.

With regards to the first condition, the Hon'ble Supreme Court held that 'Media One' was not in violation of programme and advertisement code on





IMPORTANT CASES & JUDGMENTS

five or more occasions. However, only one instance of alleged violation of the programme and advertisement code by 'Media One' had been put forth by MIB, which related to the telecasting reports on the violence which took place in North-East Delhi during the protests organised against the Citizenship (Amendment) Act, 2019. Consequently, the Hon'ble Supreme Court held that the solitary incident of alleged violation does not fulfil the first condition.

For the conditions (ii) and (iii), the Hon'ble Supreme Court observed that as per the Uplinking Guidelines, at the time of renewal of permission, the channel is required to fulfil all the conditions that apply to the grant of permission, as modified by the letter of permission. Upon receipt of application of renewal by the MIB, it determines whether the prescribed conditions are fulfilled, and upon satisfaction, the application for renewal is sent to MHA for security clearance.

The Hon'ble Supreme Court further observed that as per the Uplinking Guidelines, conditions prescribed in permission letter, which includes the condition of security clearance, need to be fulfilled for the renewal of the permission. Moreover, a bare perusal of the permission letter would show that there is no condition in the permission letter modifying or eliminating the condition for security clearance. Moreover, the permission letter provides that the license shall be revoked on grounds of 'public order and national security'.

Furthermore, the Hon'ble Supreme Court observed that as per the Uplinking and Downlinking Guidelines, security clearance from MHA is one of the conditions that is required to be fulfilled for renewal of permission for Uplinking and Downlinking of news

channels. Therefore, it was held that security clearance is one of the conditions precedent for renewal of uplinking and downlinking permissions.

Hence, the Hon'ble Supreme Court partly allowed the challenge to the order of MIB and the decision of the Hon'ble Kerala High Court, by holding that MBL's right to a fair hearing has been infringed by the unreasoned order of the MIB, and the non-disclosure of relevant material to MBL, and its disclosure solely to the court. Moreover, though confidentiality and national security are legitimate aims for the purpose of limiting procedural guarantees, the State has been unable to prove that these considerations arise in the MBL's. A blanket immunity from disclosure of all investigative reports cannot be granted.





Online games of rummy and poker are 'game of skill', hence do not fall under the definition of "online gambling"; Madras High Court lifts ban on online games of Skill.

CASE TITLE:

ALL INDIA GAMING FEDERATION V. STATE OF TAMIL NADU & ORS

W.P.NOS.13203 OF 2023

All India Gaming Federation challenged the Tamil Nadu Prohibition of Online Gaming and Regulation of Online Games Act, 2022 ("TN Gaming Act"), before the Hon'ble Madras High Court. The TN Gaming Act, among other things, classified rummy and poker as a prohibited online game under Entry 34 of List II (State List), Seventh Schedule to the Constitution of India. All India Gaming Federation argued that since the

Intermediary Guidelines cover the online gaming sphere, the state is not competent to legislate on the said subject. They also challenged the report submitted by a Committee under the Chairmanship of Justice K. Chandru (Retd.) which had arbitrarily categorised online rummy and online poker to be games of chance. Further, they contended that report summarised findings of High Court judgments, "Skill gaming cannot be banned but may be regulated. Any such ban can be challenged on the grounds of violation of Constitutional Rights", but bifurcated playing online rummy into two activities, "playing" and "betting", without any logical reasoning and completely contrary to the rulings in many judgements of the Hon'ble Supreme Court and the High Courts.

The State of Tamil Nadu, on the other hand, contended that no repugnancy has resulted due to the amendment of the Intermediary Guidelines. Moreover, the judgments relied on by All India Gaming Federation to contend that the game of rummy is a game of skill date to an era where there was no internet or it was in its infancy. Further, online rummy cannot be described as a game of skill due to various reasons, as its dealer (software) knows all the unopened cards. Furthermore, for the game of poker, even when poker is played physically, the game has been held to be a game of chance.

The State of Tamil Nadu also emphasizes on the fact that online rummy and online poker are substantially different from rummy and poker played in physical space, and therefore, judgments, which ostensibly state that physical rummy or physical poker are games of skill and cannot be relied upon for online rummy and online poker to state that they are a games of skill. The Hon'ble Madras High Court partly struck down the TN Gaming Act, limiting to holding that the definition of



IMPORTANT CASES & JUDGMENTS

“online gambling” under Section 2(i) of the TN Gaming Act shall be read as restricted to “games of chance” and not games involving skill. Further, the Hon’ble High Court held that the games of rummy and poker are games of card, but are games of skill, and therefore, Section 2 (I)(iv) of the TN Gaming Act dealing with the definition of “online gaming of chance” to be read down, to mean, it excludes games of skill viz., rummy and poker.

Observing that in a number of judgements of the Hon’ble Supreme Court and numerous high courts holding that rummy is a game of skill, the Hon’ble Madras High Court held that it is well-established that rummy, when played physically, is a game of skill. The Hon’ble Madras High Court also held that the online game of rummy with physical game, and held that in online game of rummy, the same brain activity would be involved as required for offline games of rummy and poker. Further, the court held that while state government has ample power to enact a legislation to prohibit online gambling and to regulate online games of skill, instead of resorting to regulating rummy and poker, the state of Tamil Nadu has simply prohibited the said games. Therefore, the same was in excess of its legislative competence.

The Hon’ble Madras High Court, finally held that the definition of “online gambling” under Section 2(i) of the Act to be read as restricted to “games of chance” and not games involving skill. Section 2(I)(iv) of the TN Gaming Act to be read down, to mean, it excludes games of skill viz., rummy and poker. The court reached this conclusion through an analysis that online games of rummy and poker are different and distinct from offline games of rummy and poker. The Schedule of the TN Gaming Act, including the games of rummy and poker, were also set aside.





Delhi High Court safeguards personality rights

CASE TITLE:

ANIL KAPOOR V. SIMPLY LIFE INDIA & ORS

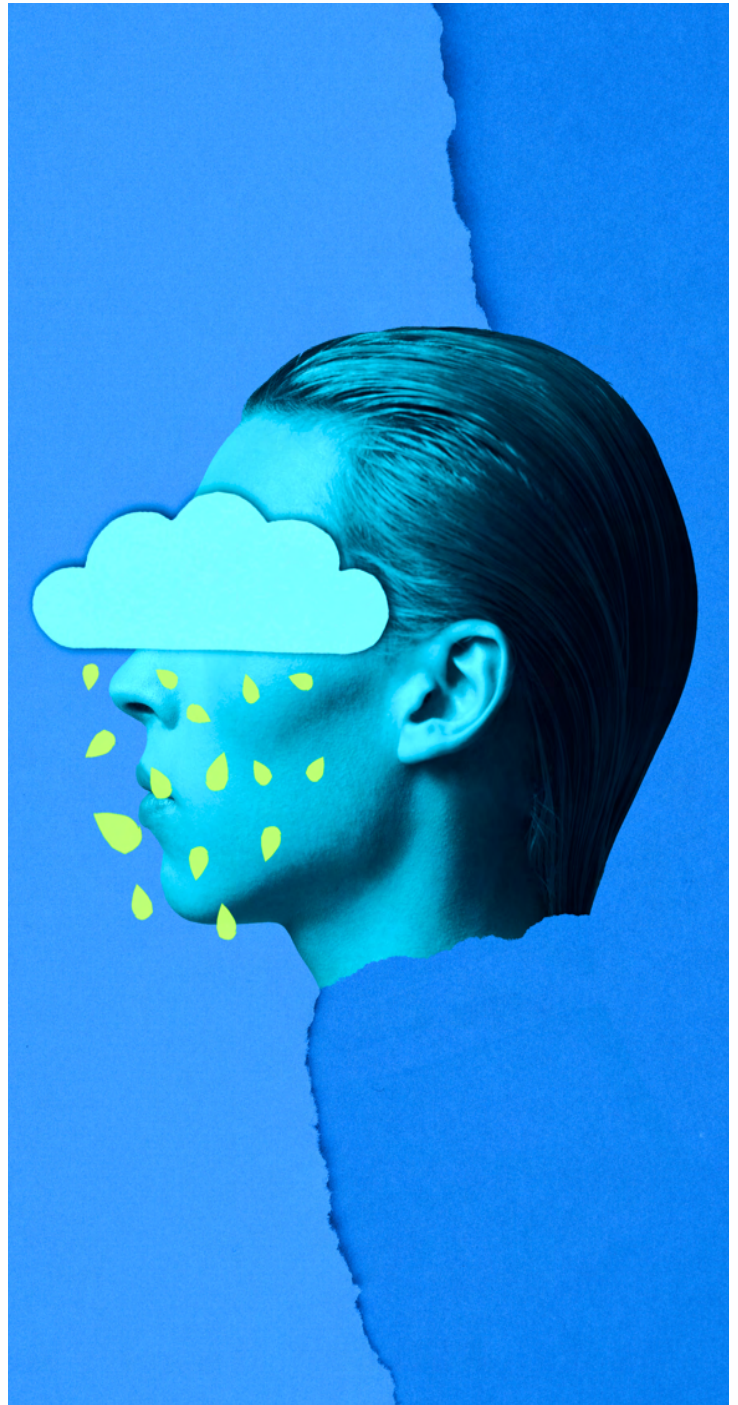
ANIL KAPOOR V. SIMPLY LIFE INDIA & ORS. (DELHI HIGH COURT CS(COMM) 652 OF 2023)

Actor Anil Kapoor approached the Hon'ble Delhi High Court seeking protection for personality rights, publicity rights and other elements associated with his persona, which were used by Simply Life India and other 18 rogue websites.

The Hon'ble Delhi High Court, while underscoring the extent of freedom of expression, held that even though the right to expression is a fundamental right, the same cannot be used to jeopardise a person's personality or infringe their privacy, which is an actionable offence. The Hon'ble Delhi High Court further held that the right to privacy takes within its ambit the right to be left alone, which extends to public figures as well.

Furthermore, it was held that the aspects of a public figure's personality are a big source of income for them, and therefore the same cannot be used by someone else without prior authorisation. The Hon'ble Court, therefore, prohibited Simply Life India

from unauthorisedly using the public aspects of the personality of Anil Kapoor. Additionally, Proxy LLC, GoDaddy LLC and Dynadot LLC, the internet service providers, were directed to lock and suspend the domain names which had any bearing with the name of the actor Anil Kapoor.





Measures to prevent “Review Bombing” by social media influencers from posting malicious reviews for extortion

CASE TITLE:

MUBEEN RAUF V. UNION OF INDIA

(MUBEEN RAUF V. UNION OF INDIA, WP(C) NO. 32733 OF 2023)

Mubeen Rauf, a Malayalam movie director, filed a writ petition before the Hon'ble Kerala High Court praying for a gag order directing GoI, MeitY, CBFC, Department of Electronics and Information Technology, Kerala Film Exhibitors Federation, and State Police to ensure that the social media influencers and film reviewing vloggers do not publish any reviews of film “Aromalinte

Adyathe Pranayam” on social media for at least 7 days from the date of release of the film. Mubeen Rauf contended that there is an organized racket, particularly in the online spectrum, of deliberately denigrating and tarnishing a movie with intention of unjust enrichment, coupled with blackmail and extortion. Further, persons who claim to be reviewers are neither accredited as journalists, nor are they operating under any guidelines or parameters in law, but that many of them put out contents in denigration deliberately, in order to obtain certain confutative benefits.

The Hon'ble Kerala High Court appointed an amicus curie to verify the claims of Mubeen Rauf. The amicus curie submitted before the Hon'ble Court that there is sufficient materials to establish that there exists a group/ racket who think that they can ‘make or break movies’. The Hon'ble Kerala High Court also dealt with the issue of lack of measures wherein directors, producers or other persons associated with movies can make complaints, to trigger a proper investigation and the consequences flowing therefrom - both under the Penal Law and under the laws relating to Cyber Crimes. GoI contended that the functionaries of the Central Government are also aware of this problem - not only in Kerala but in many other parts of India; and therefore, that they will also deliberate upon this and offer suggestions. The Hon'ble Kerala High Court directed the State Police to keep a watch over the posts, particularly against anonymous posts, which





IMPORTANT CASES & JUDGMENTS

contain vituperative or virulent content. The reputation of individuals behind a film cannot be sacrificed by the unbridled freedom of expression asserted by individuals, who act under the mistaken impression that they are not governed by any parameters/ regulations, particularly when there is nothing on record to show that any of them are registered, akin to journalists or such other service providers. The matter is still pending before the Hon'ble Kerala High Court.

High Courts direct MeitY and DOT to ban rogue websites to broadcast copyrighted content

CASE TITLE:

- VIACOM18 MEDIA (P) LTD. V. LIVE.SMARTCRIC.COM
- UNIVERSAL CITY STUDIOS LLC V. FZMOVIES.NET & ORS
- STAR INDIA PVT. LTD. V. JIOLIVE TV & ORS
- VIACOM18 MEDIA PVT. LTD. V. BIGBOS.LIVE & ORS



[1] VIACOM18 MEDIA (P) LTD. V. LIVE. SMARTCRIC.COM, 2023 SCC ONLINE DEL 5978.

[2] UNIVERSAL CITY STUDIOS LLC V. FZTVSERIES. MOBI, 2023 SCC ONLINE DEL 7313.

[3] STAR INDIA (P) LTD. V. JIOLIVE TV, 2023 SCC ONLINE DEL 6095.

[4] VIACOM18 MEDIA (P) LTD. V. BIGGBOS. LIVE, 2023 SCC ONLINE DEL 6692.

The Hon'ble High Court of Delhi, in the judgements cited above, has directed MeitY and Department of Telecommunications ("DOT") to block rogue websites that were broadcasting the contents protected under the intellectual property rights. The Hon'ble High Court held that the rogue websites streams and broadcasts the events over which copyright is held by others without any license or authorisation.

The above cases are being dealt in detail in AnantLaw Briefings - Intellectual Property Rights, Year in Review 2023.



Delhi High Court directs online content curator to ensure that the content does not cross limits of vulgarity and obscenity

CASE TITLE:

TVF MEDIA LABS PVT. LTD. V. STATE (GOVT. OF NCT OF DELHI) AND ANR

TVF MEDIA LABS (P) LTD. V. STATE (NCT OF DELHI), (2023) 1 HCC (DEL) 778.

TVF Media Labs Pvt. Ltd. filed a petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the order to register FIR against it after conducting investigation into the allegations of vulgarity and obscenity in TVF's content.

TVF Media Labs Pvt. Ltd. is the owner of the web series 'College Romance' broadcasted on various internet platforms such as YouTube, TVF Web Portal and Mobile Applications. A complainant filed a complaint contending that the web series contains vulgar and obscene material which depicts women in indecent form, which is in violation of the provisions of Sections 292 and 294 of Indian Penal Code, 1860 ("IPC"), Section



67 and 67-A of Information Technology Act, 2000 ("IT Act") and Section 2(c), 3 and 4 of Indecent Representation of Women Prohibition Act, 1986.

It was also contended that though vulgar words had been used throughout the entire web series 'College Romance', Episode 05 of Season 01 of the said web series had crossed all the limits of vulgarity and internet obscenity, in the name of entertainment and with the motive of financial gains which was available to be viewed by everyone in India on YouTube without give any legal disclaimer or warning against age appropriate content.

The Hon'ble Delhi High Court navigated through Section 67 and 67-A of the IT Act and stated that the



IMPORTANT CASES & JUDGMENTS



object behind the enactment was to punish the acts of publishing or transmitting obscene material in electronic form.

The Hon'ble Delhi High Court stated that to decide whether the content was obscene or not, the test as per judicial precedents had to be that of an ordinary common person and not a hypersensitive person. Therefore, The Hon'ble Delhi High Court watched a few episodes of the web series to decide the case more effectively and fairly, acting itself as a common prudent person and accordingly stated that the actors or protagonists in the web series were not using the language used in our country i.e. civil language.

The Hon'ble Delhi High Court observed that the people

who were likely to be affected or corrupted, were of the impressionable minds, since there was no warning or disclaimer that this series was to be viewed by persons who were 18 years or above. The Hon'ble Delhi High Court noted that the male protagonist uses words describing sexual acts, thus by words, painting pictures of sexually explicit act which brings it under ambit of arousing prurient feelings by so doing. Therefore, the said content would attract the criminality under Section 67 and 67-A of IT Act.

The Hon'ble Delhi High Court pointed towards the legal duty of the online content curator to ensure that the transmitted material aligns with the expectations of the intended audience. Additionally, the content must not cross the fine line between acceptable standards of decency and vulgar language, in order to prevent any legal transgressions.

The Hon'ble Delhi High Court observed that it had to strike a delicate balance between free speech and freedom of expression and transmitting to all, without classification of the content, which maybe obscene, profane, lascivious, sexually explicit in spoken language.

Accordingly, the Hon'ble Delhi High Court upheld that Section 292 (sale of obscene material) and 294 (obscene acts and songs) IPC were not made out; however, it held that direction to register of FIR under sections 67 (publishing or transmitting obscene material in electronic form) and 67-A (publishing or transmitting of material containing sexually explicit act, etc. in electronic form) of the IT Act is maintainable.



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This update is intended to provide an overview of select developments in the laws of India during the calendar year 2023. Efforts have been made to ensure that the contents herein are accurate at the time of writing. The contents are subject to change in future. This update does not constitute legal advice and does not create any relationship (including implied, legal or fiduciary etc.) between the reader and the publisher/firm/ author. The views and opinions expressed in this update do not necessarily reflect the official position of AnantLaw. Readers are advised to seek specific advice before acting in reliance of the information provided herein.



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