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GENERAL STUDIES 2: POLITY

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The danger of a digital censor board

Understanding Digital Content Censorship in India

Overview of Digital Content Censorship Digital content censorship involves the regulation or suppression of what can be accessed, published, or viewed on the internet by governments, corporations, or other entities. This includes actions like blocking websites, removing social media content, regulating streaming services, and imposing restrictions on digital news and journalism.

Rationale for a Digital Censor Board The arguments for establishing a digital censor board include:

- **Preventing Hate Speech & Misinformation:** To curb the spread of fake news and content that could incite social unrest.
- **Protecting Cultural Sensitivities:** To respect and safeguard India's diverse religious and cultural sentiments.
- **Regulating Online Harassment & Obscenity:** To combat explicit content, cyberbullying, and protect privacy.
- **Ensuring Child Safety:** To shield minors from inappropriate content through age-based content restrictions.

Legal Framework for Digital Censorship in India

- **Constitutional Basis:** Article 19(1)(a) guarantees freedom of speech, subject to reasonable restrictions outlined in Article 19(2) for reasons including decency, morality, and public order.
- **Information Technology (IT) Act, 2000:** Section 69A allows the government to block online content that threatens security or public order.
- **Intermediary Guidelines & Digital Media Ethics Code, 2021:** These rules regulate social media, OTT platforms, and digital news outlets.
- **Self-Regulation by OTT Platforms:** Entities like Netflix and Amazon Prime adhere to voluntary guidelines set by bodies like the Digital Publishers Content Grievances Council (DPCGC).



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- **Cinematograph Act, 1952:** Proposed amendments suggest regulating streaming services as stringently as traditional films.
- **Press & Registration of Periodicals Bill, 2023:** Aims to ensure editorial accountability for digital news platforms.

Global Perspectives on Digital Censorship

- **China:** Implements rigorous state-imposed censorship on all digital content.
- **European Union:** The Digital Services Act aims for balanced content moderation, avoiding excessive censorship.
- **United States:** Predominantly uses platform-driven self-regulation for digital content.

Challenges of Digital Censorship

- **Balancing Regulation with Freedom of Speech:** Ensuring that censorship does not stifle creativity or freedom of expression.
- **Lack of Transparency and Accountability:** The absence of clear guidelines for content moderation can lead to potential abuses.
- **Jurisdictional Complications:** Many digital platforms are based outside of India, complicating enforcement.
- **Rapid Technological Changes:** The fast evolution of digital media presents continuous regulatory challenges.
- **Ethical Dilemmas:** The subjective nature of laws regarding obscenity can result in arbitrary censorship decisions.

Supreme Court's Stance In *Apoorva Arora v. Govt. of NCT of Delhi (2024)*, the Supreme Court called for objective criteria to assess obscenity, focusing on whether content provokes sexual or lustful thoughts rather than on perceived decency.

Way Forward: Striking a Balance

- **Strengthening Independent Oversight:** Ensuring that independent bodies and courts review decisions related to censorship.
- **Enhancing Transparency:** Platforms should disclose their content moderation actions through regular transparency reports.



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- **Promoting Digital Literacy:** Educating the public to discern misinformation independently.
- **Inclusive Policymaking:** Engaging a broad range of stakeholders, including journalists and civil society, in developing content regulations.

Conclusion While regulating harmful digital content is necessary, it is crucial that any censorship is balanced, transparent, and fair to maintain democracy and foster innovation. The approach should protect open dialogue and expression on the internet, ensuring that censorship mechanisms do not become tools for political or social control.

Source: <https://www.thehindu.com/opinion/op-ed/the-danger-of-a-digital-censor-board/article69234357.ece>

