

Bill to Curb Independent Online Content Creators in India

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Why in News?

- The Ministry of Information and Broadcasting (MIB) recently circulated the draft version of the **Broadcasting Services (Regulation) Bill 2024** among a handful of stakeholders from the industry.
- The MIB is learnt to have proposed **expanded regulations for independent creators of news content** on platforms such as YouTube, Instagram and X, which has raised concerns over the freedom of speech and expression.

Objective and Intent Behind the Draft Broadcasting Services (Regulation) Bill 2024:

- **Significance of the digital media:**
 - As seen in the recent elections, digital media can serve as a vital alternative forum for creators and commentators to **scrutinise government policies and demand accountability**.
 - **It can enable dissenting voices** that are ignored by mainstream media and aid in the formation of **counter-narratives** on key issues.
- **Objectives of the bill:**
 - This Bill aims to extend the regulations currently applied to traditional television and radio to the internet, and is designed to consolidate existing guidelines and increase accountability among broadcasters.
 - **It covers** all large influencers, content creators and political commentators, and tries to regulate speech.
- **Intent of the bill:** Hence, the Bill could significantly **undermine creative independence and stymie online freedom of expression** in India, both of which are vital for a well-functioning and vibrant democracy.

Key Provisions of the Draft Bill that Undermine Creative Independence in India:

- **Reimagines the term “broadcaster”:**
 - To include **digital news broadcasters**, defining them as anyone who “systematically” broadcasts news and current affairs online, including on social media platforms via text, video or audio.
 - This means that **commentators** on YouTube, Twitter, blogging portals or podcasts discussing current affairs and socio-political issues will all get covered under the Bill.
- **Provisions for the digital news broadcasters:**
 - These broadcasters with a certain threshold of subscribers/viewers **must notify the government, conform to a Programme Code, set up a grievance redressal mechanism**, and adhere to a three-tier regulatory structure.
 - **For content other than current affairs** (for example, a programme providing a historical overview), broadcasters are also required to get **pre-certification by a Content Evaluation Committee**.
- **Penalties for the digital news broadcasters:** The Bill empowers the users to raise complaints against Programme Code violations, and gives the central government the power to –
 - Impose penalties,
 - Direct broadcasters to go off-air, and
 - Even prohibit transmission in the interest of sovereignty, security, public order, decency, morality, or foreign relations.
- **Extra-territorial application:** The current draft potentially brings global content creators, news publishers, and commentators of current affairs within the scope of the Bill.

- **Threatening safe harbour:** The Bill imposes new obligations on social media intermediaries, including compliance with government demands for information about broadcasters on their platforms.

Issues with the Provisions of the Draft Broadcasting Services (Regulation) Bill 2024:

- **Ignores fundamental differences between TV and the internet:**
 - Unlike TV where linear programming is disseminated one to many, content on the internet is **demand-based and one-to-one**.
 - Applying the same regulations as TV, **may significantly increase costs** (while reducing speed to market) for smaller-scale content creators and independent journalists.
 - This may lead to **serious censorship** and can create a chilling effect on free speech.
- **Implementation challenges:** The extra-territorial application of the provisions is difficult to implement given the global, decentralised nature of the web.
- **Add to the regulatory difficulties by introducing parallel legislation:** This is because the IT Act 2000 and the accompanying IT Rules already require social media intermediaries to
 - Establish grievance redressal mechanisms,
 - Comply with government orders, and
 - Operate a notice-and-takedown regime for flagged content.

Way Ahead for Internet Regulation in India:

- The constitutional challenges to the IT Rules 2021, which attempted to create government oversight over media, have led to these Rules being stayed by the Courts.
- Therefore, **other measures (such as the IT Act 2000) need to be leveraged** if the government is worried about fake news or harmful/misleading content.
- The draft Bill **requires thorough deliberation and discussion** with a broad and diverse range of stakeholders before it is made into law.

Q.1 What are the reasonable restrictions under the Indian Constitution?

Reasonable restrictions as outlined in Article 19 (2) of Constitution allows for restrictions on rights (mentioned under Article 19) in the interests of the security and sovereignty of India, friendly relations with foreign states, public order, decency or morality, etc.

Q.2. How is television broadcasting regulated in India?

Program and Advertisement Codes for regulating content broadcast on the television, are issued under the Cable Television Networks (Regulation) Act, 1995. The District magistrate can seize the equipment of the cable operator in case he broadcasts programs that violate these Codes.

Source: Why has the draft Broadcast Services Bill 2024 raised concerns of freedom of speech? | IE

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