

Content with a conscience:

MIB's call for responsible depiction of drug use

23 December 2024

Introduction

On 16 December 2024 the Ministry of Information and Broadcasting (MIB) published an advisory for OTT platforms on streaming content related to narcotic drugs and psychotropic substances (Advisory). The Advisory aims to address the impact of glamorization and glorification of drug use by protagonists and other actors on impressionable viewers, particularly the youth. The Advisory comes ahead of several discussions in relation to the need for regulation of content on OTT platforms, particularly in respect of depiction of violence, nudity, use of profanity and drug abuse. The Parliamentary Standing Committee on Communications and Information Technology is also scheduled to discuss potential measures to be taken for regulation of OTT content.

Key takeaways

- ***Classification of content:*** The Advisory provides that content depicting misuse of psychotropic substances, liquor, smoking, tobacco, or portrayal of dangerous behaviour that is likely to incite the commission of offences or self-harm may not be appropriate for junior levels of classification and should be subject to higher category of classification. This is in line with the Code of Ethics prescribed under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules), under which OTT platforms are required to account for the general theme, tone, impact, and target audience for classification of content.
- ***Due diligence by OTT platforms:*** Under the Advisory, OTT platforms are advised against carrying content that portrays consumptions of drugs and other prohibited substances as glamorous, fashionable, or acceptable in society as part of its narrative.
- ***Action under the Narcotic Drugs and Psychotropic Substances Act, 1985 (NDPS Act):*** The Advisory highlights that consumption of cannabis, poppy and coca-based drugs, and other psychotropic substances is prohibited and punishable under the NDPS Act. Therefore, the glamorization of such substances may amount to abetment of such use / consumption.
- ***Inclusion of appropriate disclaimers and disclosures:*** The Advisory has reiterated that OTT platforms are required to comply with requirements for classification of content, and publication of ratings, warnings and disclaimers, to enable viewers to make informed viewing choices. Appropriate disclaimers are required to be included for content depicting drug use, including warnings about harmful impact of such substances.
- ***Public health messaging:*** The Advisory also urges OTT platforms to commission / carry more content which educates viewers about the adverse effects of consumption of drugs and psychotropic substances.

The Advisory specifically highlights that non-compliance may attract higher scrutiny from the MIB, penalties under the Information Technology Act, 2000, and the NDPS Act.

Conclusion

The Advisory reinforces the importance of adhering to the extant IT Rules for content classification and the issuance of appropriate disclaimers. While the potential for government action against OTT platforms under the NDPS Act for abetment of drug consumption highlights the seriousness of the issue, it also brings attention to the challenges in interpreting “glamourizing” and “promoting” drug abuse, as these concepts can be subjective. Without clear guidelines, there is a possibility that OTT platforms may choose to self-regulate and exercise greater caution in content curation to ensure compliance.

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