

## **Cinema in the World of OTT and the Ethics of Visual Representation in a Fictional World**

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### **Abstract:**

Research has revealed that during the Corona Pandemic almost a thousand single screen theatres shut down for good in India. Meanwhile, a huge surge was seen in the viewership of OTT platforms.

Producers who could not release their films in theatres sold their films to OTTs instead; and this trend has continued even in the post-pandemic environ. It is believed that this growth in the popularity of streaming platforms is facilitated by the bolder content that OTTs offer, raising several ethical dilemmas for both viewers and the government over censorship issues. A survey conducted by this researcher amongst more than 350 young students across Delhi, Haryana, Rajasthan and Uttar Pradesh revealed that 47.5% of the respondents (311) go only once a year to watch a film in a cinema hall, while 14.3% do not go to a film theatre at all. On the other hand, among the same set of respondents, 13.2% watch a film every day, 38.5% watch every week and 40.8% every month on an OTT platform. 51.3% of the youth who responded to the survey also revealed that the explicit scenes of nudity and violence in OTT content, does not bother them.

There is however also the view shared with this researcher by Jyotsana Garg, an advisory panel member of the Central Board of Film Certification, who says that the present guidelines enacted to regulate OTTs in India are not adequate; as the foul language, nudity and violence in OTT content will negatively impact the youth, and there is a need for greater censorship. The moral compass is obviously divergent between the youth and policy makers.

In conclusion, there are contrary ethical standards and many dilemmas surrounding visual representations in the fictional world of cinema and OTT, especially with OTTs showcasing bolder content and threatening the very survival of cinema halls.

**Key Words:** OTT, ethics, pandemic, censorship, cinema theatres, film, content.

### **Introduction:**

The entertainment genre in India evolved from the days of the 'Natak' or theatre performance in front of a live audience, to film and television over the years. None of the other means of entertainment affected the viewing habits of audiences as rapidly as the advent of OTT (Over the Top) has done. During the pandemic years India has proven to be the fastest-growing media market globally. The growth of OTTs

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has been exacerbated by the already huge Indian market consumption of smart phones. The OTT market in India is projected to grow to Rs 11,944 crore by 2023 (SBI RESEARCH, 2022).

The ease of watching audio-video content on smart phones and the exciting new diverse programming offered by OTT platforms, has proven to be quite a lure for the large Indian audiences, who are majorly comprised of the Youth. Unlike in traditional media like films in cinema halls or cable television, this newer technology allows viewers to consume content without the constraints of demography, censorship or a box office release (in reference to films). Additionally they get to have a superior viewing experience due to much better visual and sound quality if they have a stable Internet.

The most popular amongst the streaming services in India are Hotstar, Jio Cinema, SonyLiv, Zee5, Amazon Prime and Netflix. Voot, ErosNow, ALTBalaji and MX Player are other significant players (PTI, 2022).

The fictional world of cinema is one of the most powerful audio-visual means of influencing an audience. With India arguably being the world's largest producer of films in the feature format, cinema has held a special sway and intense bond with the audiences. The Mumbai film industry or as it is fondly called – Bollywood – has almost a cult following in not only India but the world over. However, the world famous Indian film industry has been finding it a challenge to lure audiences to cinema halls in recent years. As much as the lock downs and the consequent shutting down of movie theatres are to be blamed for this, another huge factor has been the simultaneous growth in the popularity of OTTs.

Online streaming platforms have provided unprecedented opportunities to regional and indie filmmakers, for showcasing their content. Major OTT platforms are increasingly making huge investments in collaborations with large production houses for creating digital content. It is this trend that has lured influential filmmakers such as Anurag Kashyap and Farhan Akhtar towards showcasing their content on Amazon Prime. Over the last few years there are many such examples of collaborative efforts. With the audiences accepting more diverse content, storytellers are exploring stories that resonate more at both the native and global levels.

So, it can be said that *cinema in the world of OTT* is at a cross-roads from where only carefully calibrated steps will lead to a future where the audiences remain invested and engaged with films, like they have been since the early 19<sup>th</sup> century. With valuable insights from young cine-goers and industry veterans via surveys, this researcher explores the hypothesis that OTTs may well be the future of cinema in India, elbowing out film theatres. As to the subject of ethics, this study found a mismatch between the expectations of young viewers and those making policy decisions regarding *ethics in visual representations in fictional content*.

### **Review Of Literature:**

The force of globalization that has spread all across India can be witnessed through the changing lifestyle of Youth through the way they dress, eat, live, make choices and consume media. Rao and Thombre (2015) in their book '*Intercultural Communication: The Indian Context*' opine that Millennials are the ones most affected by the effect of globalization in every aspect all over the world. Indian youth today are caught between the traditional culture

that the parents emphasize and the culture they are exposed to through local and international media, especially the Internet and social media. The exposure to external cultures is creating modern values such as democracy, importance of science and technology, minority rights, gender equality, material consumption, individualism, achievement, pleasure, etc. The writers also say that urban middle class Indian households revolve around the maintenance of traditional cultural values and practices and the rejection/accommodation/assimilation/transformation of newly introduced ones. Rao and Thombre (2015) also found that globalization has affected the lifestyle of Indian youth in terms of dressing, eating, consumption of media and other life choices. Urban middle class Indian families are caught up between the maintenance of traditional cultural values and practices and rejection/accommodation/assimilation/transformation of newly introduced ones through international media and internet.

Allen (2017) in his book '*The Sage Encyclopedia of Communication Research Methods*' says that cross cultural communication is a process of creating and sharing meaning among people from different cultural backgrounds using a variety of means. The term cross-cultural communication is sometimes used interchangeably with inter-cultural communication. However, both the terms are differentiated on the basis of the focus of the research. Inter-cultural communication focuses on the interaction between different cultures, whereas cross cultural communication focuses on comparison between two or more cultures.

Roser et al (2006) in their research paper researched changes in identity development of today's adolescents and provided an interesting insight about the dilemma of Indian youth who are caught between two conflicting cultures. According to the authors, who conducted the study in schools in Pune, a key tension that both parents and adolescent children face in urban middle class Indian households revolves around the maintenance of traditional cultural values and practices and rejection/accommodation/assimilation/transformation of newly introduced ones.

Kohli-Khandekar (2021) in the detailed and comprehensive book '*The Indian Media Business: Pandemic and After*' on the Indian media business, informs that The Digital Media Ethics Code prescribed under IT Rules 2021, is applicable to all OTT platforms operating in India. This includes online on-demand/ curated content providers as well as online news publishers. The writer opines that amongst OTT broadcasters there is little room to build consensus for self-regulation due to the intense competition between them. The Digital Media Ethics Code stipulates that self-classification of curated OTT content be based on depictions of nudity, sexually explicit content, abuse of alcohol, drugs or tobacco, extreme violence and use of offensive language. IT Rules (2021) include a three-tier grievance redressal mechanism that is self-regulated.

Patel (2020) in his paper '*A Study: OTT Viewership in "Lockdown" and Viewer's Dynamic Watching Experience*' points out that during the period of lock-downs due to the pandemic, people were more comfortable using internet based technology to access entertainment content. They enjoyed the many options available in viewing content and this led to the increasing viewership of online video streaming services such as OTTs. The author opines that this shift in viewing habits has been a nightmare for cinema hall owners. The popularity of OTT video streaming services has changed the collective watching experience in India.

Mangal et al. (2022) in their book *'Real-Life Applications of the Internet of Things: Challenges, Applications, and Advances'* touch upon the subject of various theories that can be applied to understanding the increasingly potent connection between audiences and OTT platforms. Examples are the Cognisance Dissonance Theory and the Uses and Gratification Theory. If applied, the Cognisance Dissonance Theory emphasises the consistency between perception, belief and action. The writers elaborate that when applied to media, this theory would mean that the audience would experience psychological discomfort if the media does not satisfy their requirements. This theory assumes that the viewers have authority over the choice of media they consume and are therefore not a passive audience. Under this theory, audiences use the media to satisfy their various needs like self-esteem, self-actualization, love, safety and other psychological and emotional requirements. The book further suggests that with the advent of hi-tech devices, from huge screens to smart-phones, Indian viewing habits have had a paradigm shift. Today's audience has access to films, games, drama, news and information on their preferred medium, at their will. Niche markets are being created that various OTT service providers vie for. The earlier style of creating generalized content keeping in mind the social environment, is being slowly replaced by niche programming catering to a diversified audience, spread over a segmented market. For example, in India Netflix and Disney+Hotstar are known for their globalized content while Prime Video and SonyLiv are more often watched for localized content.

Gupta et al. (2021) in a research *'Exploratory Analysis of Factors Influencing User's Adoption towards OTT Industry'* investigated the various factors that have influenced the Indian user's adoption of OTT content in the country. The writers in this article point out how it is a thing of the past, when entertainment buffs had no option but to wait patiently in queues to buy tickets of blockbuster movies, and long earnestly for an entire week to watch the next episode of their favourite television show. Streaming of online video content has been a game-changer in the entertainment genre. With the emergence of Artificial Intelligence based algorithms, OTT providers have access to data about a consumer's preferences, likes and dislikes as well as the length of time spent in viewing their content. Mining this information is crucial to optimize OTT delivery. Assisted by A.I., broadcasters constantly monitor their content delivery infrastructure to improve compression techniques and to optimize network traffic. This in turn results in achieving scalability in operations. In this research the authors use an exploratory factor analysis, under which data was collected from a pool of 220 respondents. A questionnaire was designed and 270 people approached to participate in the research. Out of those targeted, 220 responded from whom the data was collected. The data was then scrutinized under Cronbach's Alpha test in order to check its validity and reliability. The paper concludes with some recommendations and suggestions on the topic of adoption of OTT media platforms in India.

Gangwar et al. (2020) in the article *'Profiles And Preferences of OTT Users in Indian Perspective'*, ponder over the high rate of growth that OTTs have seen in India in recent years, especially during the pandemic years, driven by the technological advancements that are contributing to high-quality content. The article enumerates various factors responsible for this phenomenal success that OTT platforms have enjoyed in India. These include – higher rate of investment in producing high-quality digital content; newer technologies; ease of

accessing entertainment content on mobiles, laptops, smart- TVs and tablets; faster internet speed and dropping data charges. The paper is an attempt to understand the preferences of consuming OTT content from an Indian perspective.

Wallenstein (2015) in his article, *'The OTT View-niverse: A Map of the New Video Ecosystem'*, says that streaming services allow subscribers to watch as much content as they want in exchange for a recurring fee, monthly or annually. Traditional content companies are also entering into these spaces by producing exclusive content for OTTs and releasing it there only.

Gabriel (2018) points out in her article, *'Why We Need to Acknowledge Netflix's Take on Diversity'*, says that the OTT giant Netflix is investing more and more in creating series like 'Sacred Games' that shows the viewer (who could be anywhere in the world) an authentic representation of Mumbai in all its paradoxical glory. Poverty, violence, corruption, caste prejudices are all portrayed, along with the other standard elements that make Mumbai the city of dreams. This shows how Netflix is producing culturally authentic content to cater it globally and achieving success in terms of viewership.

Hughes (2019) in his article, *'How Netflix is Dominating the Cultural Conversation'*, writes that Netflix is leading and dominating the online streaming media platform. Netflix suggests what to watch next on the basis of the subscriber's past viewing details. Not only this but it also gives viewing suggestions on the basis of the director or actor the subscriber has watched the most. The above mentioned tools also affect the way new content is created for the OTT giant. The new content is produced on the themes that are more popular among the viewers. The viewers could also keep watching the content on the theme they like.

In a research study conducted by Sundaravel and Elangovan (2020) on *'Emergence and future of over-the-top (OTT) video services in India'*, they concluded that OTT platforms that were earlier regarded as a luxury are now a commodity. And in growing numbers, Indians are adapting to OTTs. Global streaming giants like Netflix and Amazon Prime are steadily growing their market share in India, even as Indian streaming services such as Hotstar and Jio Cinema, gain a strong foothold. This research paper analyzes the emergence and future of streaming services in India. The authors carry out an analytical research of the OTT services in India; the growth factors and technology background of streaming services; along with the audience characteristics, the preferred content, censorship issues and also the future developments likely in this industry.

Singh (2019) in his research paper, *'New Media as a Change Agent of Indian Television and Cinema: A study of over the top platforms'* reveals that Netflix, Disney+Hotstar and Jio are the major players in the Indian OTT market. Amazon Prime is also in the fray but its market share is comparatively less. Indians are prone to preferring applications for which they do not have to pay for the services.

Audiences are patronizing streaming content that is free of cost. The researcher informs that most viewers watch content via these applications for up to two hours every day. The time preferred being that during late evenings and night. Singh (2019) also observed that the most favoured content on OTTs is web series followed by films. Hindi is the most preferred language for a majority of the audience.

Varghese & Chinnaih (2021), analysed in their research paper, *'Is OTT Industry a Disruption*

to Movie Theatre Industry’, that an increasing number of audiences are now leaning towards watching content on OTT platforms and are only occasionally visiting cinemas. In this research, half the respondents believe that OTTs are having a negative impact on Film Theatres. One of the primary factors for this trend is the diversity of content that OTT platforms offer a viewer. Of special interest is the international programming available across platforms. Another attraction is the easy accessibility with content available on demand. The option to watch preferred content in the place and time of one’s choosing is a game-changer. The writers interestingly reveal that many respondents still prefer watching films in Cinema Halls because of factors like screen size, artistic experience, sound quality and overall viewing atmosphere.

Gaonkar et al. (2022) in their research, ‘*OTT vs. Cinemas: The Future Trend in the Movie and Entertainment Sector*’ opine that with easy availability of internet bandwidth in India, OTT platforms have eclipsed cinemas and television networks. The writers elaborate that viewers of all age groups continue to enjoy films and serials, but they now consume digital content. This shift in the medium of watching cinema and series is the key aspect affecting the traditional way of doing the film and television business in India. In their research, the authors conclude that the digital trend has considerably impacted Cinemas in terms of market share and revenue, creating a direct competitive rivalry between film theatres and OTT platforms even though the business models of the two mediums differ. The paper describes the aspects that influence consumer preferences while choosing between Cinemas and OTT.

Mohan et al. (2021) in their research paper, ‘*Analyzing the Influence of OTT Platforms over Movie Theatres in the Light of Post Pandemic Scenario*’, point out that the journey of entertainment has been a very long one; from the era when an average Indian eagerly planned his/her day to be free to watch much loved programmes like ‘Ramayan’ or ‘News Hour’, to the present scenario when he/she can watch curated, customized and selected content at a chosen time. The evolution of entertainment from makeshift screens on Indian streets to modern era multiplex cinema halls, sometimes offering even an 8D experience, has not happened overnight. So, it can be said that technology is always evolving and it would be reasonable to assume that it would continue to progress in the future too. Therefore, to suggest that one medium is ultimately superior to another is premature, since there will always be improvements in technology. The authors opine that despite the clear impact of OTTs and online streaming on cinema halls, it does not limit the option of future growth for any medium. There is even now a strong belief amongst a large section of the Indian audiences that a film is best experienced only in a movie theatre.

And it may just be that when normalcy returns to their lives, post-corona, eager film-buffs may throng cinema halls much like before the pandemic. Until this happens though, the writers suggest that the film screening industry could try innovations and improvisations such as socially distanced drive-in theatres. It is also observed that despite the growth of OTT with a mushroom effect, it is yet to tap fully into the potentially huge Indian market. In this scenario, there is a wide scope for both OTT platforms and movie theatres to go hand in hand into the future. Thaker (2020) in her article, ‘*Reimagining the movie theatre experience for the post-Covid world*’, highlights the various ways in which the movie theatre experience is being re-imagined to lure back audiences to the cinemas in the post-covid world. This

includes private screenings being offered by cinema operators; innovating with the concept of drive-in theatres and building circular pods in cinemas where families can watch films by maintaining social distancing.

Jones and Samantha (2011) in their book, *'Ethics at the cinema'*, put forward a collection of original philosophical papers on film, with all the writers having a proven record of engaging in ethical issues, within the process of viewing films. The contributors come from diverse backgrounds and traditions. This interesting insightful collection of philosophical papers on film has two parts: 'Part 1: Critique, Character, and the Power of Film', and 'Part 2: Philosophical Readings'. Part 1 engages with meta-issues pertaining to film narratives and film viewing; whilst Part 2 is about engaging with details such as the plot, characters and images, of their chosen film.

Svati (2021) in her research paper, *'Classification of Content, Content Regulation and Ethics – OTT platforms in India'*, elaborates on the classification of Content, Content Regulation and Ethics. The writer opines that there was much outcry by a section of Indian society against showcasing of harsh realities in the visual representations on screen, leading to the formation of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021. Regulations were needed to curb the sharing of inappropriate content that could potentially spread disharmony and hate or affect public tranquillity. It is pointed out that the issue of regulation of online platforms came to the fore-front in the 2018 case of Prajwala vs. Union of India, when the Supreme Court felt the need for content regulation. The author believes that the blanket censorship being envisaged would not yield the actual aim. Some visual representations in fiction are exclusive explicit content whilst others may actually put up the true picture; and therefore it becomes important to differentiate between them. The writer believes it is necessary to classify what should and what should not be censored.

Heda (2020) points out in her research paper, *'How to Regulate OTT Streaming Services in India, Centre for Media Data and Society'*, that over the last three or four decades, Law has had an inaccurate perception of technology. While technology changes fast, Law is slow to change. In the span of the last century, technology in the audio-visual field has advanced at a fast pace.

From films that were once the only medium for the dissemination of moving pictures, the world moved on to television and now to the internet in modern times. There is a cause and effect factor that links change in the medium used for disseminating audio-visual content, to changes in society. The state regulates a medium on the basis of its effect on society. According to the author, presently, India does not have adequate policies for content regulation on OTT platforms. Further, the policy vacuum has only led to self-regulatory actions by industry players and complaints in court. Author opines that regulation of content on paid OTT services simply does not exist in India. This has brought to light the issue of how the Indian government perceives content regulation. Experts are pondering if digital disruptions will dilute censorship in India. Traditionally, the Indian government has maintained a paternalistic role over audio-video distribution channels, with an offhand attitude regarding bringing policy up to speed with changing technology. Heda's research paper speculates about the likely pattern of content regulation in India given major

technological changes sweeping the industry; with the expected goal of identifying good practices in content regulation, which take stock of issues like changes in accessibility and portability, along with cultural exposure and freedom of speech.

Biala (2021) in the article '*The moral case for OTT platforms' regulation*' advocates that there is a need to regulate OTT as self-regulation is insufficient. It is pointed out that often content on OTTs is filled with vulgar language and soft porn to attract eyeballs. The author exemplifies how parents and teachers objected to shows such as 'Game of Thrones' and '13 reasons why' as they felt a change in the behaviour over time of the children who watched such shows. The writer opines further that such concerns are real and urgent. Psychological theories explain how violence depicted in the fictional world has real-life consequences. The effects can be both in the short term as well as in the longterm.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 - notified on February 25, 2021 - replaced the 2011 Rules in India. After widespread concerns around issues such as prevalence of child pornography, depictions of sexual violence in online content, misuse of social media and spreading of fake news, the Ministry of Electronics and Information Technology, observed that changes were necessary in online content regulation. The Rules therefore now encompass online publishers such as OTT platforms and news portals, due to both a lack of transparency earlier and missing accountability from digital platforms. The Rules also safeguard the rights of digital media platforms users. Some key features of the relevant rules are that Significant Social Media Intermediaries (SSMIs) having registered users above a certain threshold, need to observe additional due diligence. SSMIs need to appoint certain personnel for compliance, which would enable if required, the identification of the originator of any information on that particular platform. Also SSMIs need to deploy tech-based measures to identify certain type of content. The Rules also stipulate a framework for regulating curated audio-visual content along with content by online publishers of news and current affairs. To resolve complaints from users or victims, all SSMIs will need to provide a grievance redressal mechanism. Prescribed for publishers is a three-tier grievance redressal mechanism, which needs to have varying levels of self-regulation.

### **Research Objectives:**

Ethics guide human behaviour to make the best collective and individual choices for the common good of all humanity. The question of ethics is one of the most pertinent ones in modern society where 'the new' is rapidly replacing 'the old' in all aspects of life. These dynamic changes have touched the world of entertainment also like the other aspects of our lives. Traditional media faces a humungous challenge from new-age technological platforms. This is reflected in the way the consumption of Cinema is undergoing a change with audiences preferring to watch films on OTT platforms rather than in Cinema Halls. Only in the span of half a decade various OTT platforms have millions of subscribers not just in India but also all over the world. It is therefore very important that influential mediums like films and OTTs be regulated and a code of ethics followed in visual representations in the fictional world.

This research paper explores how technological development has affected the traditional consumption of films in theatres, which has steadily declined in favour of platforms like OTTs and YouTube, especially amongst the youth of India. During the Corona Virus Pandemic, viewers found it more convenient to watch films through online streaming services. The low cost of mobile data and affordable smart phones have changed the overall online video content consumption pattern in India. Factors like the availability of a variety of content; flexibility of time and place; mobility; multiple users with a single subscription etc; make OTT a preferred choice amongst Youth.

Research conducted in the area is limited as OTT is a recent phenomenon. Being an avid viewer and consumer of OTTs such as Netflix, Amazon Prime, Hot Star, etc, this researcher is intrigued by the growth and popularity of OTTs among the youth. OTT platforms have also led to a new concept of binge watching for consumers. To understand new consumer habits it is important to evaluate the consumption pattern, the process and the reasons for adoption of OTTs by the youth. This study also aims to recommend good practises to be included in the regulatory framework for OTT platforms after pondering over the adequacy of existing censorship laws in India.

### **Research Questions:**

There are two pertinent questions that this research attempts to find answers for, and both are encapsulated in the research topic '*Cinema in the world of OTT and ethics of visual representation in fictional world*'.

- How and why is cinema being affected by the rise of OTT?
- What should be the ethical framework for visual representation in the fictional world of cinema and OTT?

### **Research Methodology:**

To best describe and arrive at the ethical standards that are needed to be followed in the fictional world of OTTs and Cinema, this research first analyses the reasons for the phenomenal growth of OTT platforms (Over-the-top platforms) in India. The study explores how OTTs have affected traditional audio-visual media like films and the impact on viewing habits. The diverse reasons for the adoption, consumption and increasing popularity of streaming sites/apps amongst viewers, especially the Youth for satisfying their entertainment needs, is researched.

The research was done through the '**quantitative method**' in which an online survey was conducted among a pool of young Indian adults and film industry experts. The '**qualitative method**' was also used in which opinions were sought through Focused Interviews of industry experts and policy makers by sending an online questionnaire.

### **Population**

1. For the data collected through quantitative method, the universe comprises of young adults between the ages of 16 to 35 years. They are exposed to OTT and other platforms providing audio-visual entertainment content. These young adults are from the Indian states of Uttar Pradesh, Assam, Bihar, Delhi, Haryana, Andhra Pradesh, Rajasthan, Karnataka, West Bengal

and Punjab. For the data collected through quantitative method from the film industry experts the universe comprises of film industry experts.

2. For the data collected through qualitative method (Focused Interview), the universe is of eight individuals who are selected from the media industry, and include film producers, OTT industry experts, producers making content for OTT, policy makers and journalist covering the entertainment industry.

### Sampling

1. The sample size for data collected amongst young adults through quantitative method is 311. These respondents were analysed for the present study. Out of these 311 respondents 63% are between the age group of 18 to 20 years. Data collected amongst 20 film industry experts amongst whom 12 responded to the questionnaires sent to them.
2. The group for Focused Interviews comprises eight individuals including one film producer, one film distributor, one film trade analyst, two content producers of production houses producing content for OTT, one member of Central Board of Film Certification (CBFC), one journalist following the entertainment industry and one law maker from the departmentally related standing committee of Communication and Information Technology of the Parliament of India. The profiles of these individuals is as follows:

(i) **Mahesh Bhatt, Director of India's official entry for the 1985 Academy Award for Best Foreign Language Film "Saaransh" (Bhatt, Saaransh, 1984):** This film won 32nd National Film Awards for Best Lyrics and 32nd Filmfare Awards for Best actor (Anupam Kher), Best story (Mahesh Bhatt), Best art direction (Madhukar Shinde). Subsequently, Bhatt became one of the most recognized directors of the Indian film industry in the next decade, giving some of the critically acclaimed

films like Daddy (1989) and Swayam (1991), and commercial hits like Awaargi (1990), Aashiqui (1990) and Dil Hai Ki Manta Nahin (1991). Sadak (1991) directed and produced under the banner of Vishesh Films, became his highest grossing film till now.

(ii) **Vashdev Bajaj, handling the Distribution and Exhibition business of Mukta Arts Ltd. on national level:** Vashdev Bajaj has been in the field of film Production and Distribution for more than 30 years now. He was partner in a firm, Shiv Shakti Enterprises, which was one of the biggest distribution firms in South India. During his career, he has been associated with major leading production houses such as Prakash Mehra Productions, Yashraj Films, Cineyug and Tips Films.

(iii) **Komal Nahta, editor and publisher of 'film information', India's largest film trade journal:** Komal Nahta is a film producer, chairman of Eros International and television show host, and considered as the no. 1 trade analyst in Bollywood. He is also an anchor of the trade show ETC Bollywood Business on the Bollywood TV channels ETC and Zee Cinema.

(iv) **Rahul Kumar Tiwari, Director of much acclaimed Star Bharat's serial 'Radhakrishn' (Tiwari, Radhakrishn, 2018):** Rahul Kumar Tewary is one of the leading producers of the Indian television industry. He has been in the business for over a decade and is known for creating unique shows which have changed the dynamics of the Indian television industry. His company 'Swastik Productions' made history in 2017 by producing

India's first global series 'PORUS'. It is the first production house to own a 100% IP right of a primetime TV series in India.

(v) **Atul Pandey, producer of much acclaimed film 'Money Devo Bhava' (Pandey, 2011):** Atul Pandey is a renowned film and audio-visual content producer in Bollywood. He is also the founder of Atul Productions & Cine Images Entertainments Pvt. Ltd. He is the producer of movies like 'Summer 2007' released in 2008. Atul Pandey produced mythological TV show 'Darshan Do Bhagwan', 'Farz', a socio-political daily soap opera for DD 1 and 'Shakti', the first Indian television series syndicated in Tamil, Telugu, Malayalam and Kannada for Sun TV Network channels.

(vi) **Jyotsana Garg, Advisory Panel Member of the Central Board of Film Certification:** Jyotsna Garg is an alumnus of FTII Pune and has worked with one of the most prestigious production houses of the country, Balaji Telefilms, as a story, dialogue writer and ideator. She has been a former jury member for foreign films, at International Film Festival of India and is presently member of advisory panel at Central Board of Film Certification (Censor Board).

(vii) **Anant Vijay, recipient of the National Award for Best Writing on Cinema; and a senior journalist with the largest Hindi Daily Dainik Jagran:** Anant Vijay is a senior journalist, columnist and author with more than two decades of journalistic experience. He got the National Award for best writing on Cinema. His Sunday column in Dainik Jagran on cinema, art and culture is widely read. He has written twelve books across various genres and is the author of the bestselling book 'Marxwad ka Ardhsatya'. His latest book is 'Amethi Sangram/ Dynasty to Democracy'. Currently he is working on a book, 'Superstar Selfie' on the legends of Hindi Cinema.

(viii) **John Brittas, Member of the upper house of the Parliament of India and member of the departmentally related standing committee of Communication and Information Technology of the Parliament of India:** John Brittas was elected to Rajya Sabha from Kerala as CPI (M) nominee on 24 April 2021. He is an Indian politician, journalist, managing director of Kairali TV (Malayalam Communications, Ltd.) and former Business Head of Asianet Communications. He is a member of the departmentally related standing committee of Communication and Information Technology of the Parliament of India, which plays an important role in making policies and laws related to broadcasting, content streaming and film related guidelines.

### **Tool for the research**

Questionnaires in relation to the research questions have been used as a tool for surveys in this study.

These helped this researcher to gain some very interesting insights into consumer behaviour and arrive at conclusions by carefully interpreting the findings. The objective was to try to evaluate and understand the existing framework for regulations on OTTs in India, and whether any further regulatory framework is needed. The study aims to evaluate also how OTT content can be subjected to censorship, in order to address the issue of maintaining balance between freedom and absolute freedom, which is intrinsic to powerful democracies. This has been done by interviewing the senior management of OTT platforms, prominent

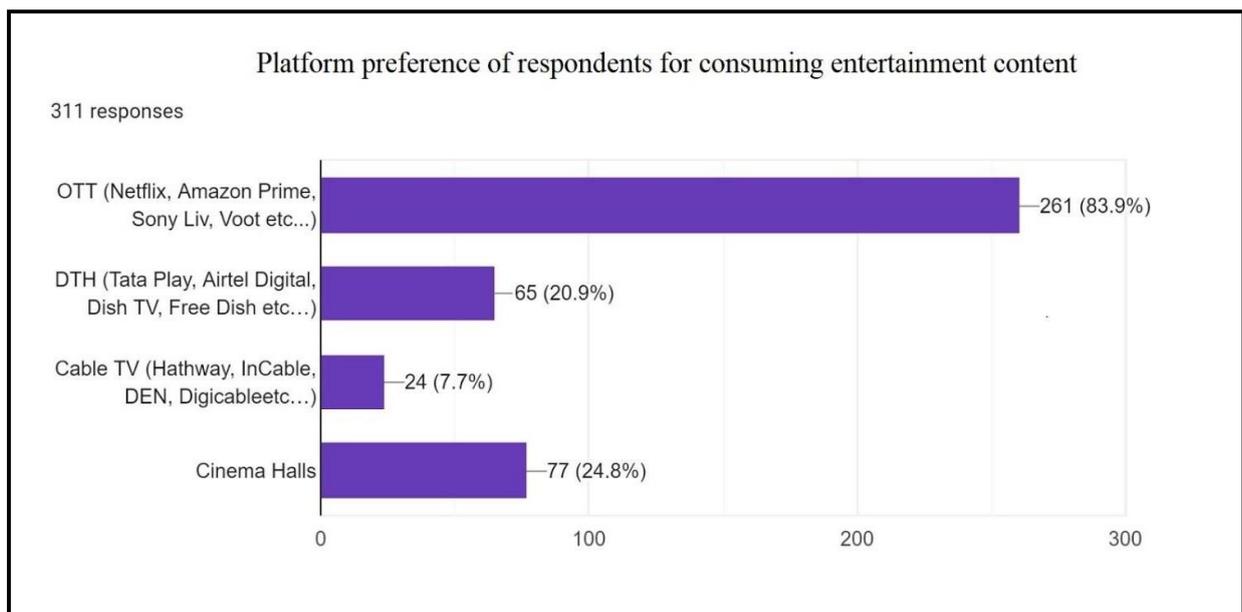
**Findings And Analysis:**

**FINDINGS**

Data and information collected through administration of questionnaires were studied carefully. Different findings from the responses received and data collected in relation to research questions are as follows.

**1. Platform preference of the Youth for consumption of entertainment content**

A total of 311 youth responded to the question on platform preference and 83.9% (261) of the Youth participating in this survey, preferred OTT as their medium of choice for consuming entertainment content. Only 24.8% (77) preferred Cinema Halls as medium of choice for their entertainment needs. Out of 311, only 2 respondents selected OTT, DTH, Cable TV as well as Cinema Halls (all of the mediums) as their preferred medium for consuming entertainment content. 40 respondents selected both OTT and Cinema Halls as medium of choice; 13 respondents preferred OTT, DTH and Cinema Halls; 5 respondents chose OTT, Cable and Cinema Halls; 4 respondents favoured DTH and Cinema Halls; 1 chose Cable TV and Cinema Hall.



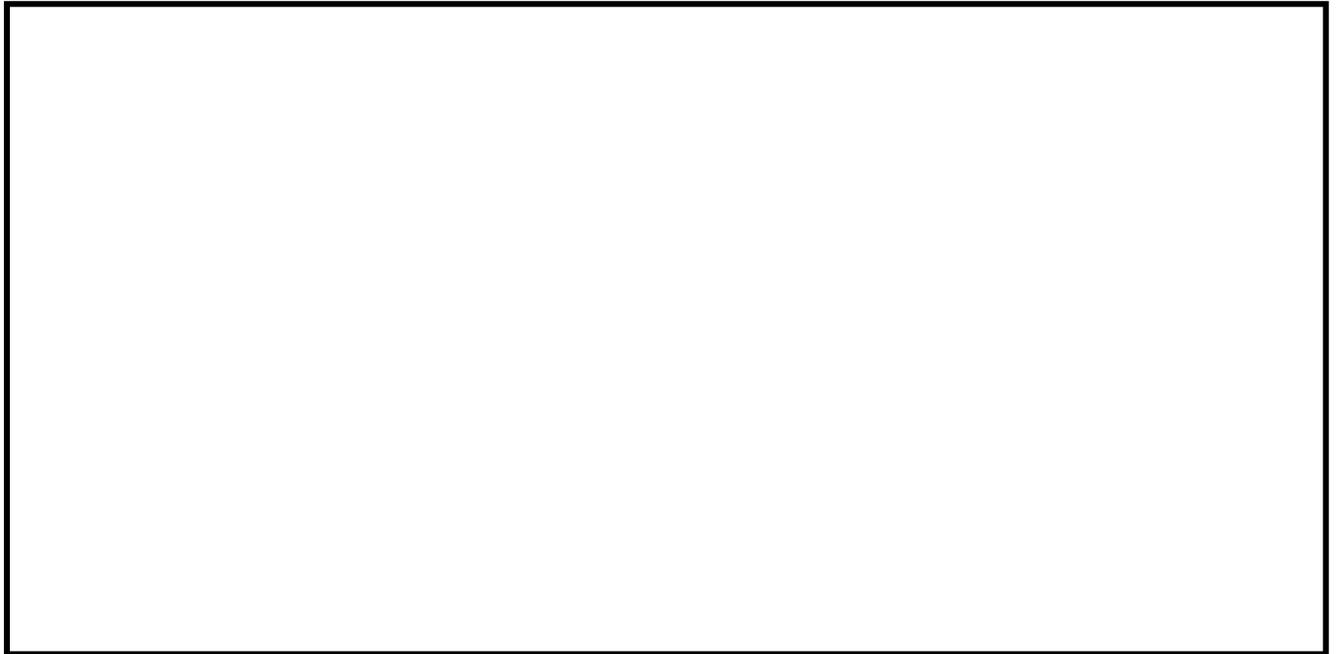
**Fig. 1**

**2. Cinema Halls: No longer the most preferred medium for watching Films**

A total of 311 youth responded to the question on the frequency of their visit to Cinema Halls. 46.9%

(146) of the Youth participating in this survey said that they only go to Cinema Halls once or twice in a year. 16% responded that they do not go at all to Cinema Halls to watch films. 35% answered that they go to Cinema Halls every month; and only 6.1% are frequent cine-goers, who go to film theatres every week.

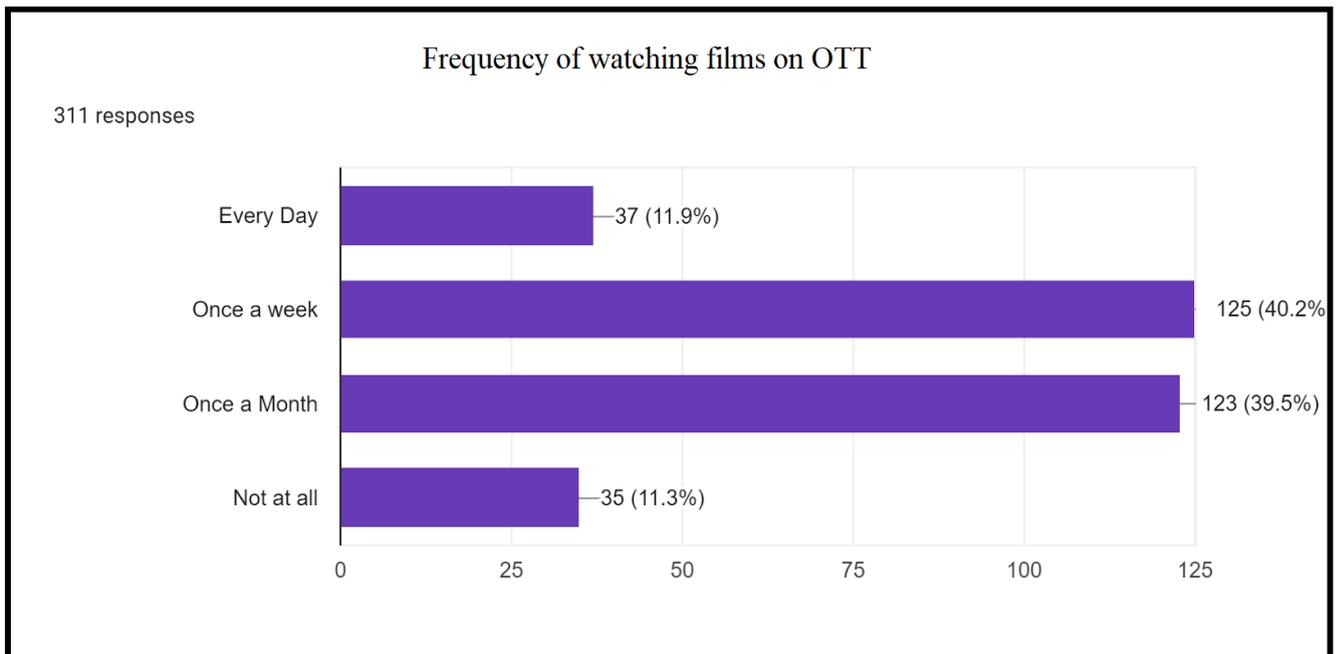




**Fig. 2**

### 3. OTT: Becoming a medium of choice for watching films

Out of 311 responses, 40.2% of the participants preferred to watch films every week on an OTT platform. 39.5% watched a film on OTT every month; 11.9% watched a film every day on an OTT platform; and 11.3% never watched a film on an OTT platform.



**Fig. 3**

#### 4. Youth on censorship/laws regarding OTT

There seem to be almost an equal number of respondents favouring more stringent laws to regulate OTT and those who feel censorship is adequate, as far as OTT is concerned. 36.7 % responded that the present guidelines/censorship is adequate, whereas 35.7% called for enactment of more stringent laws to regulate OTT. But the interesting finding is that 18.6% participating Youth feel that censorship regarding OTT is not adequate, and almost same percentage of the Youth feel that censorship needs to be further relaxed.

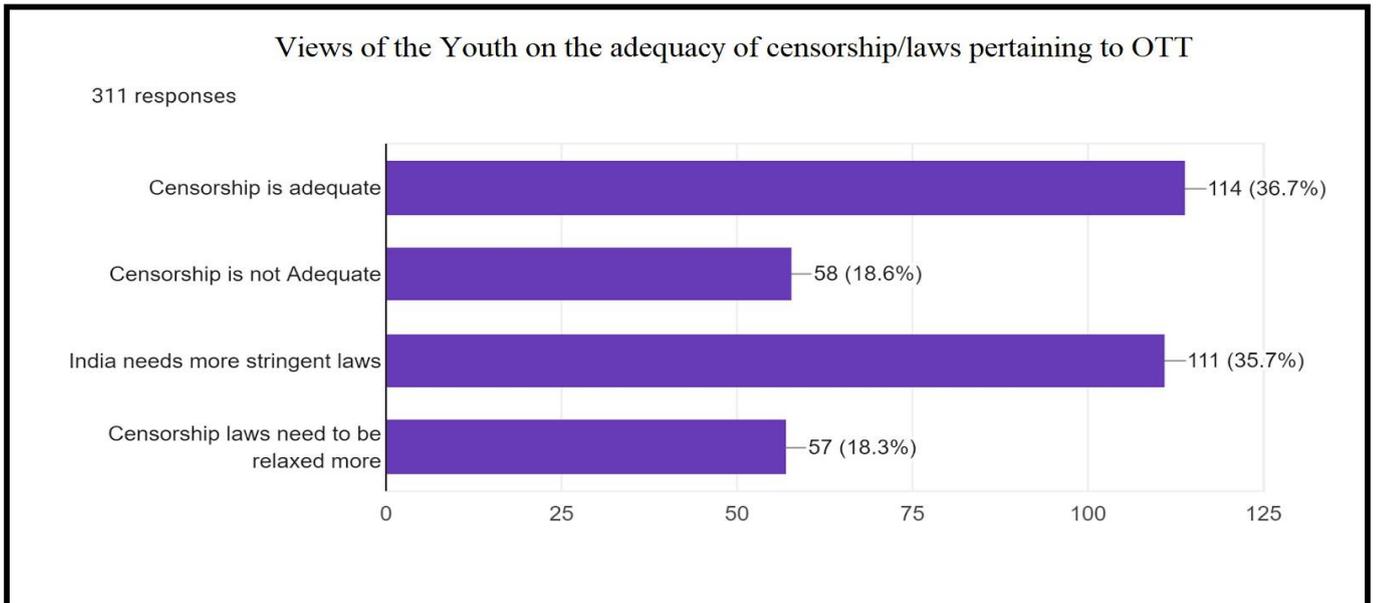
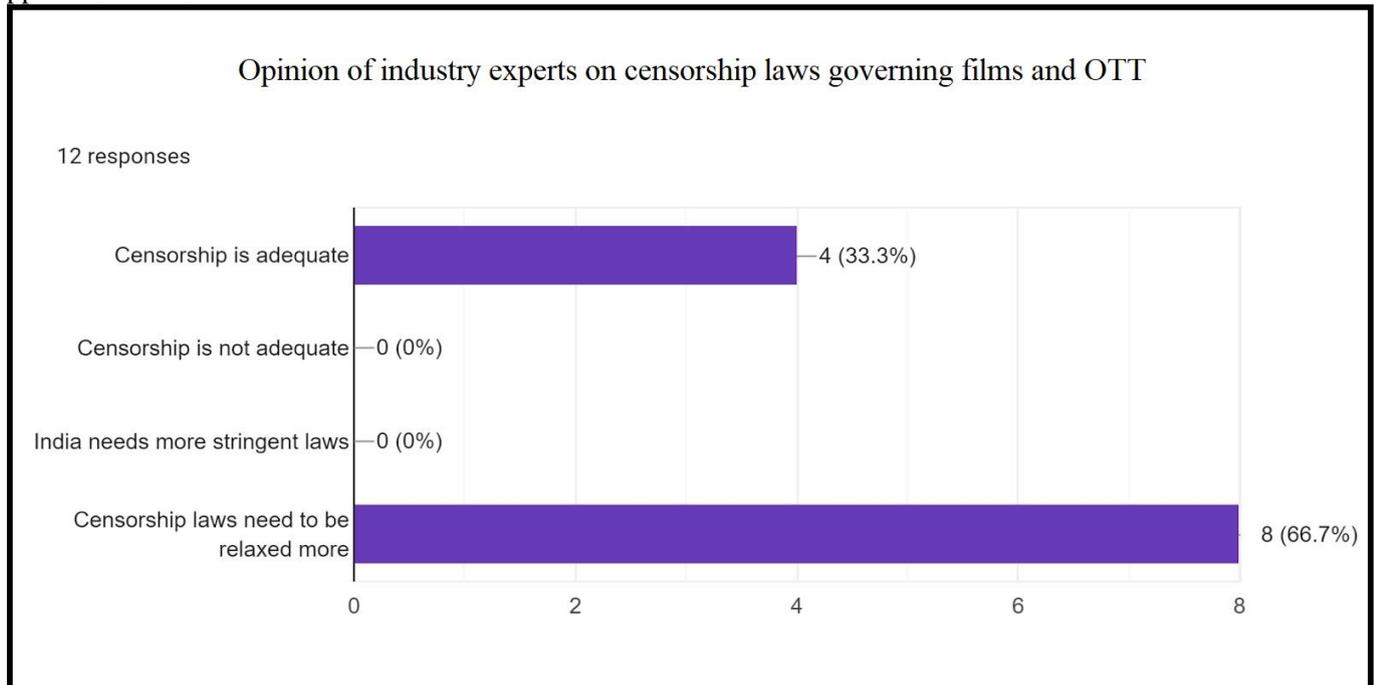


Fig. 4

#### 5. Film Industry experts on censorship laws regarding films in comparison to OTT

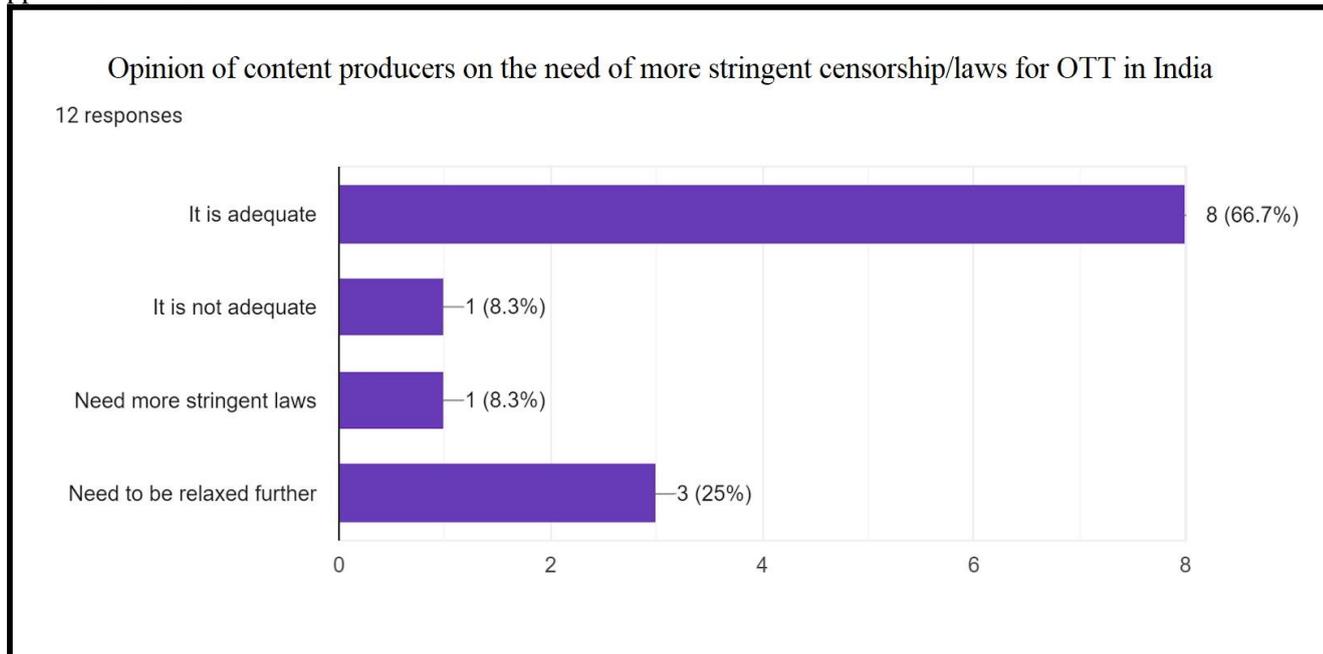
The opinion of the people related and involved in the film business is clear. 66.7% out of 12 people interviewed on this issue want the present censorship laws governing films to be relaxed, and 33.3% found them to be adequate. No film industry expert is in favour of more stringent laws or censorship for films.



**Fig. 5**

#### **6. Opinion of entertainment content producers on guidelines/laws governing OTT**

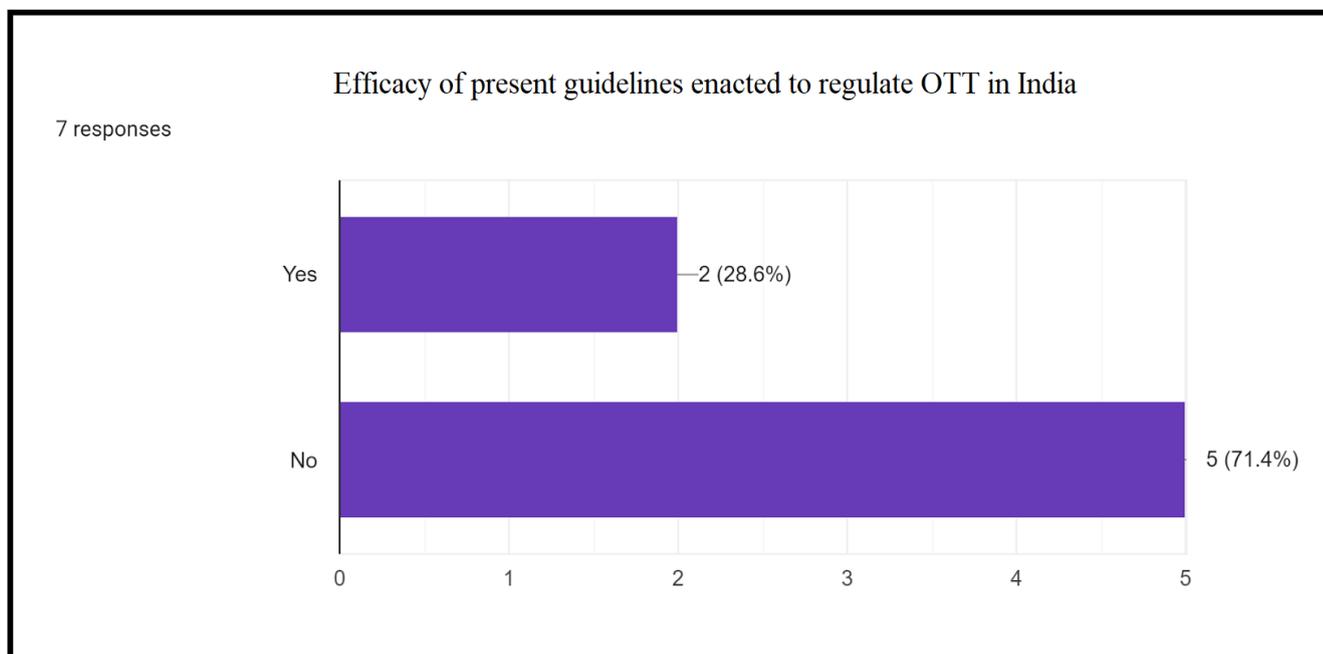
Along expected lines, the response of OTT content producers was not in favour of making guidelines/laws governing OTT any more stringent. It is understandable as OTTs are paying handsomely to producers of entertainment content. OTT has provided exciting new avenues of business for content producers. 66.7% of producers who were interviewed do not want any changes in the guidelines/censorship/laws and consider them adequate; 25% feel that these guidelines/censorship/laws need to be relaxed; 8.3% feel that OTT needs further censorship; and another 8.3% advocate more stringent guidelines/censorship/laws to regulate OTT.



**Fig. 6**

#### 7. Present guidelines regulating OTT: Opinion of policy/law makers

People involved in policy/law making or influencing it, largely feel that the present guidelines enacted by the government are not enough to regulate OTT content. 71.4% feel that present guidelines enacted to regulate OTT in India are not adequate and only 28.6% find them effective enough for proper regulation of OTT content.



**Fig. 7**

## **8. Findings from the Focused Interviews with eight individuals related to the research questions**

All eight interviews were different as they concerned the individual perspective of each of the interviewees. The objective was to understand whether film producers feel that OTT has or will in anyway dent the film industry; and alter the way films are being consumed by the audience in CinemaHalls in India.

Noted film-maker **Mahesh Bhatt** feels that the film Industry has not suffered due to the advent of OTT platforms in India. He feels that the film audiences will return to Cinema Halls once the pandemic is over as big cinematic productions are best enjoyed in Cinema Halls and Indians like watching films together in halls as a family/community. He also feels that the Indian film Industry is too well established to be threatened by OTT platforms. Tie-ups with OTT platforms to release new and old films have made it good business for Indian film Industry. OTT has widened the scope for more divergent topics and genres of acting to be explored by Indian film makers, and both the Indian Film Industry and OTT platforms are in a win-win situation.

As per film exhibition and distribution veteran **Vashdev Bajaj**, the film industry has suffered due to the advent of OTT platforms in India. He feels that the popularity of OTT has increased as audiences could not visit Cinema Halls due to the Corona Pandemic, but had easy access to OTT content. He opines that the censorship laws governing cinema industry are adequate but the laws governing OTT content need to be better.

**Komal Nahta**, a well-established trade analyst in Bollywood believes that the film Industry has suffered due to the advent of OTT platforms in India. He further elaborates that there are multiple reasons for this. It is cheaper to watch films on OTT as compared to Cinema Halls. Films are more heavily censored than OTT platforms, so viewers turn to OTT for bolder content. He also points out that due to the Corona Pandemic, audiences could not visit Cinema Halls but had easy access to OTT content, leading to this popularity.

**Rahul Kumar Tewarya**, one of the leading producers of the Indian Television Industry, talks about the debate happening over the regulation of OTT content and says “I don’t think we should try and create laws to regulate the OTT space. A viewer should have an option to watch what he desires in his own space, at his own time. The government can regulate the TV space but the WWW should not be a field for measures. Having said that, I believe the government should definitely take measures and ensure that the freedom of creativity or space does not mean a free-for-all attitude. There are certain basic regulations which may differ from country to country and it should definitely be adhered to by all the relevant media owners”.

**Atul Pandey** a renowned film and audio-visual content producer feels that censorship is a dated concept and must be deregulated entirely other than Cinema Halls and Television. He says “It’ll be shocking if cinema and television survive over next 5 years, other than exceptions. OTT will further evolve and provide an even more personalized/customized viewer experience.

Cinema is for mass public, television for society but OTT is for individuals. With higher

download speeds in ensuing 5G era, some form of modified OTT will rule the roost. The market size isn't even 5% tapped as of now in India".

**Jyotsna Garg**, an alumnus of FTII, Pune and member of advisory panel at Central Board of Film Certification (Censor Board) says that the present guidelines enacted to regulate OTT in India are adequate. She further adds that nudity, foul language and violence in OTT content in India will affect the youth watching it and she is in favour of total censorship of such content on OTT. She opines that since OTT platforms air foreign made content which might negatively impact India's social fabric, apart from Indian productions, the self-regulation of content as stipulated in present laws governing OTTs, may not be the best way forward.

**Anant Vijay**, a senior journalist and the recipient of the National Award for Best Writing on Cinema, does not consider self-regulation of content by OTT platforms to be the right way forward and agrees with Jyotsna Garg. He finds the present guidelines enacted to regulate OTT in India to be inadequate. He further feels that separate laws may be enacted to regulate content on OTT because more checks and balances are needed from government's side to preserve long-term interests of Indian Youth.

**John Brittas**, Member of the Upper House of the Parliament of India and member of the departmentally related standing committee of Communication and Information Technology of the Parliament of India, says that youth can make their own choices regarding watching or not watching the explicit and violent content available on OTT platforms. He feels that same laws should be applicable on OTT platforms as there are to regulate TV channels. He further adds that the self-regulation of content, as stipulated in present laws governing OTTs, is the best way forward because it is in keeping with democratic norms.

## ANALYSIS

### A Brief History of Ethics in Indian Cinema:

In early 1913, the film Raja Harischandra was screened publicly in India. Dada Saheb Phalke, the film's director, is even now honoured by the film industry through a life-time achievement award in his name. The Indian film industry can boast of erstwhile doyens of cinema such as P.C. Barua, V. G. Damle, V. Shantaram, S. Fatehlal, Raj Kapoor, Bimal Roy, Guru Dutt, Satyajit Ray and Ritwik Ghatak, to name a few. Very often these legends made socially relevant films and considered it their moral responsibility to highlight social evils like bonded labour and dowry.

An entire generation of directors took it upon themselves to explore themes such as the rich versus poor divide; injustice; the institution of marriage; widowhood; and the inequities of class and caste distinctions. By the 1970s, India's mainstream cinema called Bollywood was commercialized and characterized by plots of less levity, filled with song-and-dance routines. As this genre of films was extremely popular amongst cine-goers, a film's success was determined by its box office collections. This trend continued till the recent past when Cinema Halls were forced to close due to the Corona Pandemic lock-downs and restrictions.

Even in the 1970s, film-makers like Shyam Benegal, Govind Nihalani, Ketan Mehta and Saeed Mirza, were offering discerning audiences an alternate cinema characterized by a different political and aesthetic sensibility. They continued the erstwhile tradition of making socially relevant cinema with films exploring themes like the caste contradictions in society;

the oppression of women; the problem of landlessness; the migration of Indians from rural to urban areas; and the impotency of the constitutional procedures of redress in a democracy.

Throughout its history, Indian Cinema like films elsewhere in the world, reflected the morality and ethics of each era, and contrarily in turn influenced society at the same time. This give and take dynamics between the real world and the fictional world has existed throughout human history and it is the same with cinema. It is for this reason that defining the ethics of visual representation in a fictional world becomes pertinent.

### **The Censor Board of Film Certification (CBFC):**

The Censor Board of India is a statutory body falling under the Ministry of Information and Broadcasting of the Indian government. Its primary task is “regulating the public exhibition of films under the provisions of the Cinematograph Act 1952”. Films are permitted to be publicly exhibited in the country only after the Board certifies them. The CBFC is the de-facto institution carrying out the task of ethical and moral policing of films in India.

### **The Ethical Dilemmas with the Advent of OTT:**

Initially, the professionals of popular mediums like film and satellite television did not take OTT platforms seriously as competitors for the large Indian audience base. But now, having realized the competitive hazard from OTTs, mainstream broadcast networks are rolling out newer direct-to-consumer offerings. The world-famous Indian film industry too has changed the way of doing business in the post- pandemic world of strong OTT broadcasters. When cinemas were closed, many large film productions had to bypass a theatrical release and push their content onto OTT platforms. That trend has not abated.

Prior to the popularity of OTT platforms, big production banners in the business of films and television content creation enjoyed a market monopoly. However, now ‘independent’ directors and creative content producers are enjoying the unlimited space being offered by OTT platforms. Thus, the changing habits of viewers’ content consumption are impacting the entertainment media business on many levels.

The explosive rise in OTT subscriptions has given impetus to the production of low-budget short films which are specially made for broadcast on OTT platforms. In fact several larger films too are being launched on OTT platforms after creating a buzz online via social media structures. Even in the summer of 2022, when the pandemic abated some-what and cinema halls started screening films from Bollywood the footfalls never reached the pre-pandemic numbers. Cinema goers still loved their films; it’s just that in the two years of the pandemic, they became habitual of enjoying the latest cinema on their TV screens and mobiles.

### **A Boon for Regional Content:**

Dubbed content is also popularizing South-Indian language films amongst Hindi speaking audiences. In recent times the phenomenal success that films like 'Baahubali', 'Pushpa', 'KGF: Chapter 2' and 'RRR' have enjoyed through their releases on OTTs are just few of the examples from an ever-growing list. Due to OTT platforms, regional cinema in India has come up in a big-way into a pan-India consciousness. Earlier while the term 'Indian Films' conjured up images of only Bollywood productions, now increasingly a global audience is

getting introduced to and recognising India's regional-language films as well. Even actors who may not be fluent in Hindi or English are finding this phenomenon a welcome change as it has opened up completely unforeseen opportunities for them.

Actors in regional cinema and television now do not have to aspire to be seen in only Hindi entertainment content to be famous in the country. They can claim satisfaction in knowing that through OTT platforms, their work can reach and be appreciated by audiences in the whole of India and even abroad. So, with the growth of OTTs, language and region are not barriers anymore for showcasing localized content and talent. Furthermore, India has over 40 OTT providers at regional levels that target large local-language audiences. When films can be accessed for as little as a rupee a day through an OTT subscription, why would India's large middle-class and larger rural populations pay for a much more expensive movie ticket at a cinema hall? Only the cost of digital data could be a deterrent and data is becoming cheaper by the day.

Due to India's diverse population, the media landscape has always been dynamic. The diversity of caste, religion, economic status and language means that content regulation is very important. In the past, the Government of India has had various reasons for trying to censor content such as safe-guarding public morality or maintaining communal harmony or a need to protect history.

With OTT platforms creating a parallel medium for content dissemination, there is now a situation where a particular content could be censored in cinemas or on TV, but not on digital streaming platforms.

### **Content on OTT Platforms in Conflict With Indian Government's Censorship Demand:**

There had been for long widespread concerns in India related to issues like the prevalence of child pornography, misuse of social media, depictions of sexual violence in content online and the spread of fake news. This was observed by the Ministry of Electronics and Information Technology and noted that changes were warranted to regulate content online. The government of India imposed regulations on OTT content via“(Intermediary Guidelines and Digital Media Ethics Code) Rules 2021”, amidst a raging debate whether a further regulatory framework is needed. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 - notified on February 25, 2021 - replaced the 2011 Rules. The IT Rules (2021) safeguard the rights of digital media platforms users.

### **Indian IT Rules 2021 and the Code of Ethics:**

To regulate online news publishers, digital media networks as well as OTT platforms, the Indian government notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021. The new IT Rules 2021 stipulate a self-regulatory architecture. The IT Rules establish a Code of Ethics along with a three-tier grievance redressal mechanism pertaining to OTTs. Under this soft-touch regulatory framework, OTT platforms will have to self-classify their content as age appropriate. The five age based categories being - U (Universal), U/A 7+ (years), U/A 13+, U/A 16+, and A (Adult). OTT platforms will also have to display the classification rating prominently along with a description of the content so that a consumer can make an informed choice.

Under the three-level grievance redressal system, at level-1 is self-regulation by publishers; at level-2 is self-regulation by the self-regulating bodies of publishers; and at level-3 is an oversight mechanism. Under the IT Rules (2021), content publishers need to appoint an India-based grievance redressal officer, who is stipulated to decide on any grievance in a 15 day timeframe.

### **Discussion:**

#### **OTT is here to stay:**

Presently in urban India, OTT apps are the most downloaded even ahead of popular social media platforms like the formidable Facebook, the messaging app Whatsapp, or apps like Amazon and Flipkart engaged in e-commerce. In India, smart phones are the most preferred video streaming devices. Only China is ahead of India in terms of Internet users. Over half the world's population now uses the Internet. Factors such as the rising penetration of Internet as well as smart phones, and more accessible data at cheaper rates, have contributed hugely to the growth of OTTs in India.

Apart from these reasons, the attractive pricing and personalization of content have lead to the rapid acceptance of OTTs by the discerning Indian viewer. The OTTspace in India is getting increasingly crowded with both indigenous and global players jostling for market share.

However, internet access is still a pipe-dream for a huge part of rural India. There is still a very large market in India that is yet to be accessed by OTT platforms. Almost 70% of the Indian population is estimated to be living in rural areas and therefore the market potential cannot be overlooked.

#### **The Youth is hooked:**

Digital content creators, including OTTs, now strive to hook the viewer by providing diversified, addictive, unique and binge-worthy shows and films. Young people in urban India have typically started binge-watching content on weekends rather than indulging in outdoor activities. The same trend is catching on with teenagers and young couples. The Youth is also very active on social media platforms, articulating opinions on their favourite OTT shows and arising issues. This leads to community bonding and cultural exchanges amongst Youth.

#### **Cinema in the world of OTT:**

The choice available to audiences and the diversity of content on OTT platforms is much greater than those offered by traditional media such as films in theatres or television channels. A film theatre typically looks for a box-office success and caters to the mainstream audience. For example, the critically acclaimed film 'Masaan' released around the same time as actor Salman Khan's film 'Bajrangi Bhaijaan'. Most of the cinema halls played all day shows of Bajrangi Bhaijaan, while Masaan was a box office failure. The latter film however, won several awards and accolades. It is quite common for deserving films to be denied decent screening slots. This scenario has however changed with the advent of online platforms. Digital screening platforms do not have to worry about box-office success

and are able to offer audiences a fairly good mix of both mainstream and art-house films.

In several interactions, in recent years, many writers, technicians and actors from the world of films and television have expressed their disappointment at how the over-reliance on old formulas had limited their creativity. Many such previously discontented artistes now find a more fulfilling career on OTTs. Surveys have revealed that a majority of the youth prefer to watch the original content on OTTs. They enjoy the genres of romance and comedy, with drama, thrillers and reality shows being popular amongst all age groups. The older audiences prefer their movies whilst the younger ones binge-watch on shows.

### **Content is King:**

Often viewers prefer to watch programmes in their local language and not just in Hindi or English. With OTTs in India having to cater to a diverse multi-lingual audience spread over a large country, the content on offer is expected to become more personalized to satisfy the growing number of regionallanguage speaking internet users. More and morecontentin India's regionallanguages is finding its way to OTT platforms. For example, viewers in North India are giving their unrestricted appreciation tofilms from South India, whether dubbed or otherwise.

### **The Censorship Debate:**

In a democracy, censorship is often perceived as a suppression of ideas and an infringement on the right to freedom of expression. Censorship is seen as a morally, politically or personally motivated imposition of one group's ideals over another's. However, if free expression endangers the peace, security or identity of a nation, its government feels justified to step in. So, censorship could be viewed from both sides of the debate.

When it comes down to OTTs, customer interaction is crucial for their model to succeed. OTTs have enjoyed their growth because they provide audiences with content that is unique and diverse, without any government controls. It is argued that rigorous regulations could interfere with the sort of audio visual content that end users want to consume. This may well stifle the industry's growth in India. Also, stringent controls could discourage performers and filmmakers who are drawn to OTT platforms because of the creative flexibility they provided so far.

### **Conclusion:**

The pandemic has led to new insights and perspectives in the media business, creating industry tipping points that are shaping new strategies. These are relevant to cinema in India too and the film industry is adapting accordingly. Some of the top market leaders amongst the OTT services have the highest penetration of non-paying users. The erstwhile media landscape has been changed with ongoing digital disruptions, changing drastically people's perceptions of time and space. Consequently, new habits are being formed in content consumption, due largely to increased accessibility and portability of content along with the freedom of choice.

There is a policy vacuum after this content revolution. OTTs have had the advantage of policy oversight in peddling bold content through which they have successfully established their presence in India. One of the key factors in their phenomenal acceptance amongst

audiences is the customization and personalization of their services. OTTs have become one of the fastest growing ventures in the digital content consumption space. Not just the major players but even small OTT platforms are able to raise capital for investments internationally. This has had a significant impact on the digital content market in the country. Cinema in the world of OTT is facing stiff competition from the newer medium, with some speculations that it is a fight for survival.

Unlike earlier times, with online streaming of curated content, the Youth now have access to regional cinema, world cinema and foreign-language shows like never before in India's entertainment history. The representations and narratives of the cinematic characters, their context and their stories, become a reference point for many an audience to draw parallels from in their own lives, and in even creating stereotypes in society at large. Such is the power wielded by cinema and OTT content.

As it is often said, 'with great power comes great responsibility'. Therefore, it is important to lay emphasis on the ethics of visual representation in the fictional world.

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