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CREATIVE FREEDOM AND CENSORSHIP: A COMPARATIVE ANALYSIS OF REGULATORY FRAMEWORK FOR OTT CONTENTS IN THE UK, INDIA, AND CHINA

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Abstract: *The emergence of over-the-top (OTT) services has lately revolutionized the way people consume media content. These services have emerged as a significant disruptor in the media industry in recent years. With the advent of OTT platforms, various concerns have arisen over the censorship and regulation of content on these platforms. Accordingly, this paper has examined the current trends in censorship and regulation of OTT content through the perusal of various legal and regulatory frameworks in the United Kingdom, India, and China. It has probed into cases of censorship and examined various aspects of civil and political liberties. The analysis has revealed a persuasive connection between the degree of freedom of expression and creative freedom dispensed in each region. Lastly, the paper has provided recommendations for policymakers and other stakeholders on balancing the need for freedom of expression and access to information with responsible content management and regulation.*

Keywords: *OTT Platforms; Censorship; Legal Framework; Regulatory Framework; Freedom of Expression*

INTRODUCTION

The advent of over-the-top (OTT) platforms has impressively revolutionized the entertainment industry in recent years. The term OTT refers to any service that provides audio-visual content through the Internet without requiring an orthodox cable or satellite TV subscription infrastructure. The list of renowned OTT platforms includes Disney+, Netflix, Hulu, Amazon Prime Video, MX Player, Sony Liv, and others. These platforms have attained immense popularity over the past decade, and their success can be attributed to several factors. These platforms have provided content creators with a never-before-seen canvas on which to craft complex narratives and explore subjects that might be deemed unconventional in mainstream media. That being the case, the foundation of artistic innovation is attained through creative freedom, which gives artists the ability to push boundaries, interrogate social norms, and tell stories that appeal to a wide range of viewers. Concurrently, this newfound freedom does come with its own set of challenges, as concerns about the ethical obligations and possible social repercussions of unrestricted creative expression are brought up by the global nature of the digital space.

Nonetheless, the threat of censorship persists, fueled by worries about political agendas, cultural sensitivities, and the media's possible ability to shape public opinion. Upholding the integrity of society while enabling free thought to flourish is a difficult endeavor that calls for an intimate understanding of the legal systems that control OTT content.

Accordingly, this paper examines the regulatory frameworks that oversee OTT content platforms in three distinct yet powerful nations: the United Kingdom, India, and China. It also probes the complex relationship between censorship and creative freedom in this context. The significance of this study lies in the stark divergence in the cultural, political, and historical contexts that shape the regulatory approaches of these nations. The United Kingdom, with its rich tradition of free speech and artistic expression, stands in contrast to India, a nation with a multifaceted cultural fabric and a legacy of stringent content regulation. Meanwhile, China, a global powerhouse with a unique political structure, has implemented a distinct set of regulations that strictly control the narrative presented through OTT platforms. The tensions between the perceived societal demand for content regulation and creative freedom have become more evident. Subsequently, this paper aims to discover the subtleties of how these nations administer the delicate equilibrium between protecting cultural and societal values and promoting creative innovation through a comparative analysis. The paper also aims to investigate the consequence of these policies on the content created and viewed on over-the-top (OTT) platforms, as well as the wider ramifications for the global conversation about creative expression, by closely examining the respective regulatory frameworks.

Proliferation of the Internet and Accessibility to OTT

The key driver of the OTT revolution is the growth and accessibility of high-speed internet connectivity and the availability of smart devices. This proliferation of broadband internet has enabled the masses to stream high-quality video content seamlessly without structural interruptions. In reference to this, the Online Nation Report of 2020 revealed the staggering average time spent online per day by adult internet and the total applications downloaded by users in the UK and India (Table 1) (Hutchins and Rowe 2012). At the same time, the China Internet Network Information Centre observed the study for Chinese Users. Accordingly, it is effortless for OTT providers to reach global audiences, irrespective of their server's location (Griffiths 2021).

Additionally, the emergence of OTT platforms results from the shift in end-user or consumer behavior. Traditional TV broadcasting follows a fixed schedule and programming line-up, technically limiting viewers to a specific set of shows or movies at any given time.

On the other hand, OTT platforms have begun to offer a vast library of on-demand content that viewers can access as per their preferences and convenience (Gosztonyi 2021).

This flexibility has made OTT platforms increasingly tempting to end-users, specifically the younger generation, who prefer to consume content on their terms. Consequentially, the advent of OTT platforms has disrupted the traditional distribution model of the entertainment industry. Formerly, the production studios used to sell their content to broadcasters, such as cable providers, who would then eventually distribute it to viewers. Complex negotiations, exclusivity deals, and high costs often characterized this model (Park 2019, 177-192).

Nonetheless, OTT platforms have cut out the intermediaries and established direct relationships with content creators. This has lately allowed it to offer more diverse and niche content to its viewers and create original programs customized and tailored to its specific audiences. Furthermore, with the assistance of advanced algorithms and machine learning IoT, OTT providers usually track the preferences and behavior of their users and use this information to offer personalized recommendations and content suggestions. This formidable use of technology has

made it easier for viewers to discover new series, documentaries, and movies that align with their interests and has thereby led to augmenting the engagement and loyalty of users.

Table 1: Average Time Spent Online and Total Application Downloads by Users in the UK, India, and China
(Source: Online Nation Report of 2020 and China Internet Network Information Center 2020)

Users	Time Spent Online (in Hours)	Applications Download (in Billion)	Source
United Kingdom	03:37	2.41	Online Nation Report of 2020
India	01:54	24.27	Online Nation Report of 2020
China	7.20	134	China Internet Network Information Center 2020

According to the estimates released by Precedence research (Figure 1), the present decade will witness tremendous growth in the number of citizens subscribing to OTT platforms as the market size of OTT platforms is expected to grow by approximately 725% by the end of the year 2030. This leads to an average increase of 72.5% every year, with a CAGR of 26.42%. One factor influencing the OTT industry is the increased demand for subscription-based services. During the anticipated years, the OTT market growth will likely be fueled by the increasing adoption of subscription-based services in emerging regions. During the projected years, it is predicted that increasing internet use, smart TV, smartphones, 5G infrastructure, original media content, and others would present profitable potential for market expansion.

Besides, the growing use of internet-based applications is anticipated to fuel market expansion. Meanwhile, throughout the anticipated period, the market expansion is predicted to be aided by rising demand for online streaming content, such as live news, movies, sports, and other entertainment (Ulin 2013). For instance, Firstlight Media and the top service provider Struum worked together to launch a cloud-native streaming platform in January 2021. This partnership aimed to provide content across several platforms via a single Struum membership.

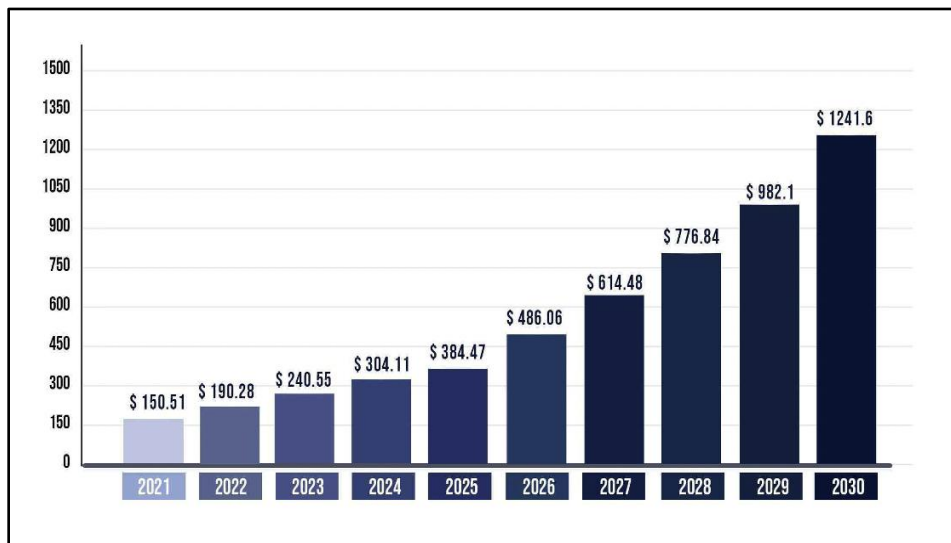


Figure 1: OTT Market Size from 2021 to 2030 (in USD Billion) (Source: Precedence Research 2023)

The rise in popularity and usage of these platforms has led to an undebatable surge in content creation in order to deliver an unparalleled variety of content to the audience. However, this freedom related to content creation has also raised concerns about the applicability of censorship in the OTT industry. While OTT platforms are not subject to the same regulatory frameworks as traditional media, they have come under scrutiny from governments, societal groups, and viewers over their content choices.

The primary concern around censorship in OTT platforms is the potential for objectionable content, such as sexually explicit or violent material, to be made available to viewers, including children and minors (Kaur 2022). Unlike traditional media, which is subject to ratings and guidelines enforced by regulatory bodies, OTT platforms have largely been self-regulated. Most of these OTT platforms have their content guidelines, which vary considerably. Accordingly, there is no uniform standard that all platforms should adhere to. This has led to calls for greater regulation and oversight of OTT content. As a result, sovereign governments worldwide have lately attempted to exert control over OTT platforms by imposing regulations or censoring content that they deem politically sensitive or objectionable. For instance, the Chinese government has imposed strict regulations on alien OTT providers to prevent the distribution of content that they perceive to be harmful to their national interests and security. Similarly, the Indian government recently introduced regulations requiring OTT platforms to comply with a code of conduct and self-regulatory mechanisms. Considering the scenario, the subsequent section will discuss contemporary trends in censoring and regulating OTT platforms in the UK, India, and China while analyzing the various legal and regulatory frameworks that govern its content and the nexus between freedom of expression and creative freedom in each nation.

ILLICIT CONTENTS

There have been various instances wherein OTT platforms have featured violent or graphical content depicting murder, assault, genocide, and self-harm. Such content proved to be distressing for some viewers, particularly children. In addition, some of the published content was considered offensive and harmful to the class of people, such as racial or ethnic minorities, LGBTQ+ individuals, or religious groups. This content has been particularly damaging and hurtful to targeted people (Kumar et al. 2021, 299-318). Likewise, some of the content on OTT has been alleged to spread false or misleading information, such as conspiracy theories or fake news. This has caused severe consequences, particularly in the context of public health information and political campaigns. At the same time, some platforms have received sturdy objections to publishing content like pornography, sexual violence, exploitation of minors, cyberbullying, and others (Henry, Flynn, and Powell 2020, 1828).

In 2018, a British national was imprisoned for 32 years for using an OTT platform to commit multiple offenses, i.e., the production, distribution, and possession of child sexual abuse material. This man had utilized the platform to communicate with other individuals and was found guilty of sharing images and videos related to child abuse. Similarly, in the year 2019, an investigation initiated by the BBC revealed that various popular OTT platforms were being used to harass and bully young people (Lee and Darcy 2021, 563). It was found that users used the platforms to post abusive and threatening messages, share private information, and encourage others to join in the harassment.

After that, an inquest in the UK discovered that a young woman had committed suicide after being exposed to content containing self-harm on a renowned OTT platform. Later, her cyber footprints further revealed that she had been exposed to significant harmful content. In 2020, Ofcom released the result of a fieldwork survey that determined the attitude of adults and teenagers towards online and on-demand content. In this report (Figure 2), it can be observed that foul language is considered a concern among adults and teenagers, followed by bullying and victimization of others. In addition, over 18 more concerns were pointed out by the respondents.

Consequently, almost 44% and 38 % of adult and teenage respondents have stopped consuming OTT content, and only 9% have filed a complaint to the appropriate authorities. In 2021, a report released by the Centre for Countering Digital Hate (CDH) conveyed that few OTT platforms host highly racist content, such as white supremacist propaganda, Holocaust denial, and anti-Semitic material. This report has established that these platforms have deliberately failed to take adequate measures to remove this inappropriate content in spite of receiving repeated warnings from social campaigners and other stakeholders (Sanfilippo and Strandburg 2021, 960).

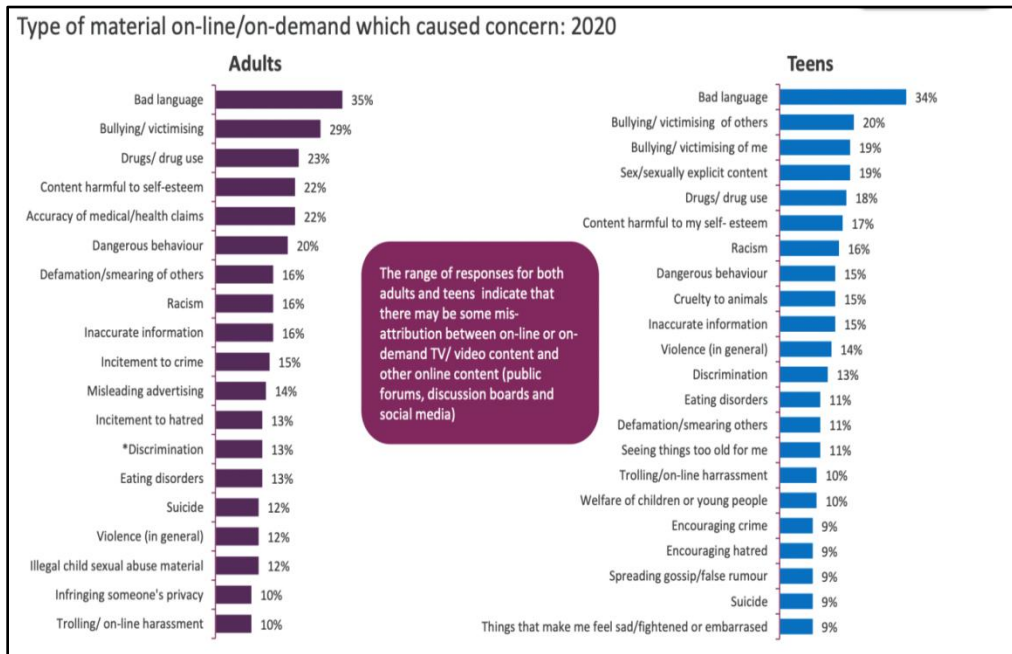


Figure 2: Concerns of Online/On-Demand Content among Adults and Teenagers in the UK (Source: Ofcom Research 2022)

The content published on OTT platforms in India has also come under the scanner and received backlash from various stakeholders. For instance, a web series titled “Tandav” was released on a renowned OTT platform in 2020. This series depicted fictional political scenarios criticized by a few groups for allegedly hurting religious sentiments. Subsequently, the makers of the series were charged with several offenses, including promoting enmity between different groups and insulting religious beliefs (Devasundaram 2022). Similarly, a much-admired series, “Mirzapur,” was often criticized for its fictional depiction of a town in India that is a hub of violence and lawlessness. A serial titled “Gandi Baat” was also condemned for depicting infidelity and promoting voyeurism.

In the year 2021, an OTT platform received a strong retaliation for releasing the film, which was accused of promoting violence and harming children's mental health.

In this reference, the Chinese government has been proactively monitoring the publication of illicit content on the OTTs. In 2020, the concerned government cracked down on several OTT platforms promoting online gambling. As a matter of fact, online gambling is illegal in China. Hence, the promotion and facilitation of online gambling on OTTs led to the imposition of criminal punishments on several officials, including the content creators. Likewise, an investigation initiated by the Chinese government in 2018 established that several popular OTT platforms were hosting violent or inappropriate content, such as pornography and violent video games (Steckman 2020).

Consequently, they were ordered to remove this content and revamp the moderation process. Additionally, as a part of their political ideology, the Chinese government closely monitors online content for any political dissent or criticism of the government. Accordingly, Chinese OTT platforms are often required to censor content that is critical of the government or dissenting from government policies.

CENSORSHIP FRAMEWORK OF OTT CONTENTS

The censorship of OTT content has been a contentious issue in recent years, with numerous nations adopting different approaches to regulate the content published on these platforms. For instance, the UK government has recently proposed new legislation that would give the Office of Communications, i.e., Ofcom, the authority to regulate the content available on OTT platforms. The proposed legislation, known as the Online Safety Bill, would require OTT platforms to comply with Ofcom's broadcasting code of conduct, which includes rules related to offensive content, harmful material, and the protection of children and minors. According to various provisions of the proposed legislation, these OTT platforms would be compelled to adhere to a "duty of care", which would require them to take reasonable steps to protect their users from consuming illegal and harmful content (Woods 2021, 77-98).

This would include content related to terrorism, child sexual exploitation and abuse, and cyberbullying. Concerning the gravity, the Online Safety Bill also empowers Ofcom to issue pecuniary fines of up to £18 million or 10% of a company's global turnover, whichever is higher, for companies that fail to comply with their duty of care obligations. Furthermore, Ofcom would also be empowered to block access to websites that do not comply with the new regulations. Some provisions of the legislation would also mandate OTT platforms to appoint a designated person responsible for ensuring compliance with the new regulations and disclose the annual reports detailing their efforts to protect their users from harmful content (Watney 2022, 194-201).

This bill has been widely appreciated and embraced by the sect of society, including child protection campaigners who are concerned about online safety. In comparison, a few critics have also opined their concerns about the potential impact of this bill on the right to free speech and artistic expression. Responding to these acquisitions of the critics, the concerned government officials have stated that the proposed legislation is not technically intended to stifle free speech; instead, it will ensure that end-users are protected from consuming harmful content (Wu 2019, 15-61).

In India, the content curated on OTT platforms does not require any pre-screening or certification before distribution, in contrast to conventional push media like cinema, where films must

have been pre-certified by the Central Board of Film Certification and the Cable Television Networks (Regulation) Act of 1995 which applies to satellite television in India, does not require any previous authorization for OTT platforms to broadcast content or to follow its regulations. Hence, the content available on OTT platforms is majorly regulated by the Ministry of Information and Broadcasting (MIB) under the provisions of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules establish a code of ethics and a complaint redressal mechanism for digital media platforms, including OTT platforms. Under these rules, all the OTT platforms are required to self-classify their content into various categories such as U (Universal), U/A 7+ (universal/adults above seven years), U/A 13+ (universal/adults above 13 years), U/A 16+ (universal/adults above 16 years), and A (adult). They are also expected to implement parental locks for content classified as U/A 13+ or higher. According to the provisions, If a person has a complaint against the specific content on a particular OTT platform, they can file a complaint through the platform's grievance redressal mechanism. The platforms must appoint a grievance officer to address the complaints within a specified time frame. Suppose the complainant is not satisfied with the response or resolution provided by the platform. In that case, they can escalate the complaint to the self-regulatory body called the Digital Media Content Regulatory Council (DMCRC), an industry-led body established to oversee adherence to the self-regulatory mechanism. It has the authority to impose penalties and warnings and even suspend or revoke the registration of a platform in case of non-compliance with the rules (Bhardwaj and Rana 2021).

Likewise, In China, the regulation of OTT content is carried out by various sovereign bodies such as the National Radio and Television Administration (NRTA) and the Cyberspace Administration of China (CAC). In reference to regulation, the Chinese government exercises direct and strict control over media content to ensure that it aligns with the government's policies, cultural values, and social stability. Accordingly, the government maintains a comprehensive content censorship system that monitors and controls what can be broadcast or streamed. Content deemed politically sensitive, sexually explicit, violent, or violating social norms is subject to censorship. Moreover, the OTT platforms are expected to obtain licenses from the NRTA to operate and distribute audio-visual content in Chinese territory legally (Wang and Lobato 2021, 356-371). These licenses specify the scope of operations and content categories and may impose specific restrictions. The licensing and registration of platforms are instituted through real-name registration systems to verify the identities of their users. This measure helps government authorities track and regulate online activities and hold individuals accountable for violations. In addition, the platforms are responsible for self-censorship and moderation of content as they must employ internal mechanisms to review and filter content before making it available to users. Besides, the NRTA and CAC are empowered to conduct regular inspections and audits of OTT platforms to ensure compliance with regulations. Any apparent violations can result in penalties, fines, content takedowns, or even suspension or revocation of licenses. Hence, various critics argue that the regulatory approach in China is highly centralized and focused on maintaining social stability and adhering to the principles of the Communist Party of China (Pieke 2012, 149-165).

CREATIVE FREEDOM AND LEGISLATIVE FRAMEWORKS

The term “creative freedom” refers to the liberty and autonomy of individuals to express themselves through the means of artistic, literary, or creativity. It generally encompasses the right to explore, create, and share ideas, emotions, and perspectives through various forms of expression, such as writing, painting, music, film, and theatre. It further recognizes the importance of individual self-expression, cultural diversity, and the enrichment of society through artistic and creative works. Meanwhile, it is closely interlinked with freedom of speech and expression as mutually reinforcing concepts. Besides, they both involve the fundamental right of individuals to express themselves and contribute to the exchange of ideas and the development of a vibrant society.

Furthermore, they enable individuals to challenge established norms, question authority, and explore alternative viewpoints. The freedom to express diverse and dissenting opinions, artistically and verbally, has often encouraged the growth of an inclusive and pluralistic society (Pless and Maak 2004, 129-147). Freedom of speech and expression generally provides the legal and societal framework for exercising creative freedom; in turn, it also contributes to the vitality and scope of public discourse. The interplay between these concepts is vital for fostering a thriving and democratic society that values individual expression, diverse perspectives, and the transformative power of art and ideas.

The UK does not have a specific constitutional document like the United States First Amendment. However, freedom of speech and expression is protected and recognized through various laws, conventions, and judicial decisions. The primary legislation governing freedom of speech and expression in the UK is the Human Rights Act 1998, which incorporates the European Convention on Human Rights (ECHR) into UK law. Article 10 of the ECHR aims to protect the right to freedom of expression. However, this is not an absolute right as it can be subjected to certain limitations.

As a consequence of the legal framework, creative freedom in the UK is valued and protected by allowing individuals to express themselves through various artistic mediums and without undue interference or rigid censorship. Moreover, the nation has a rich cultural heritage that fosters a diverse and vibrant creative sector encompassing literature, visual arts, music, film, and theatre. It has also benefitted from various institutions that promote and support creative freedom, such as the Arts Council of England, Creative Scotland, Arts Council of Wales, and Arts Council of Northern Ireland. Other bodies, such as the British Film Institute, the National Theatre, and the British Library, also play an important role in nurturing creative expression and preserving cultural heritage. However, this freedom is often subject to certain limitations and responsibilities as the country has stringent laws to address sensitive issues such as hate speech, incitement to violence, and the promotion of terrorism, which can restrict the scope of creative expression when it infringes upon the rights and safety of other persons. In addition to this, the legal considerations related to defamation, privacy, and intellectual property rights also impact creative pursuits (Neelands et al. 2015).

Likewise, the freedom of speech and expression is a fundamental right that has been guaranteed to the citizens of India under Article 19(1)(a) of the Constitution. This right is considered an essential component of a democratic society and is crucial in promoting individual liberty, democratic governance, and the free exchange of ideas. Nonetheless, just like any other right, this fundamental right is also subjected to certain reasonable restrictions, which are mentioned in Article 19(2) of the Constitution.

These restrictions include the sovereignty and integrity of India, security of the state, friendly relations with foreign countries, public order, decency, morality, contempt of court, defamation, and incitement to an offense (Annappa 2021, 119-134). Over the years, India had a robust tradition of free speech and a vibrant media landscape. Herein, citizens can express their opinions, criticize the government, and debate various issues publicly (Kanojia et al. 2023). India also has a diverse and active media sector, such as print, broadcast, and digital media, which largely contributes to the pluralistic and democratic discourse in the country. However, there have been instances where the country's freedom of speech and expression has been challenged or restricted. For instance, specific laws like the sedition law encompassed under Section 124A of the Indian Penal Code and laws pertaining to defamation have been criticized for being misused to stifle dissent and curtail free speech.

Moreover, online censorship and surveillance have also raised concerns about freedom of expression on digital platforms. Meanwhile, the Cinematograph Act of 1952 and various certification boards, such as the Central Board of Film Certification (CBFC), are authorized to regulate the content and presentation of film. There have been various circumstances where filmmakers have faced difficulties in obtaining certification due to objections raised by the censor board regarding certain scenes, dialogues, genres, or themes (Bhowmik 2013, 297-310). These instances have raised concerns about the curtailment of creative freedom and the need for a more liberal and progressive approach.

On the other hand, the judiciary in India has played a decisive role in safeguarding creative freedom through the various judgments upholding the importance of artistic freedom and the right of artists to express themselves freely. In 2015, while deciding the matter between Shreya Singhal v. Union of India, the Court struck down Section 66A of the Information Technology Act, which had been used to curb online speech. This judgment emphasized the importance of protecting freedom of speech and expression in the digital age. Meanwhile, in the case of Prakash Jha Productions v. Union of India, the court emphasized that films are an essential medium for expression and should be allowed to portray reality, which may include sensitive and controversial subjects. The court also held that the role of the censor board is to certify films, not to censor or cut scenes based on subjective considerations (Suleman 2015, 170).

On the contrary, the ruling government has heavily restricted the Freedom of speech and expression in China for many years. The Chinese Communist Party (CCP) maintains a tight grip on the media, Internet, and public discourse to control information flow and suppress dissenting voices. The Chinese government exercises extensive censorship over all forms of media, such as newspapers, television, radio, and online portals. The state employs a vast apparatus of internet controls, referred to as the "Great Firewall of China," which blocks access to foreign websites and monitors domestic online activity. Numerous websites and social media platforms, such as Facebook, Twitter, YouTube, and Google, are blocked in China. In this regard, the government employs sophisticated surveillance systems to monitor and track its citizens' online activities (Griffiths 2021).

Meanwhile, internet service providers and technology companies must comply with government regulations. This surveillance apparatus identifies and punishes individuals who engage in online dissent or share information deemed sensitive by the government. Furthermore, there are explicit restrictions on the content that can be produced and consumed (Ruan et al. 2021, 133-157). Specific sensitive topics, like criticism of the government, human rights issues, Tibet, Taiwan, the Tiananmen Square protests, and religious or ethnic sensitivities, are susceptible and strictly censored.

At the same time, depictions of violence, explicit sexuality, or themes that challenge social stability or traditional values may also face censorship or restrictions. Accordingly, the artists or creators who produce works that violate government guidelines can face various consequences, such as censorship, fines, professional bans, imprisonment, or even disappearance. Due to the pervasive climate of censorship and fear of reprisals, individuals in China practice self-censorship to prevent gruesome punishment. Consequently, people often refrain from expressing accurate opinions on sensitive topics, both in public and online, to protect themselves and their families from potential consequences.

FREEDOM INDEX AND DISCUSSION

The UK provides a relatively favorable environment for artistic and creative expression as it has a long-standing tradition of valuing and protecting freedom of expression. Similarly, while creative freedom exists in India, it is subject to certain limitations and occasional challenges as India's legal framework includes some restrictions on content that may be deemed offensive, defamatory, or harmful to public order. Nonetheless, due to its diverse cultural landscape with a rich tradition of artistic expression, the Indian constitution has guaranteed every citizen the right to freedom of speech and expression. In contrast, creative freedom in China is subject to significant constraints and the risk of punitive measures as the government exercises extensive censorship and control over all forms of artistic expression. Subsequently, artists and creators must adhere to strict government guidelines and self-censorship to avoid punishment. The UK generally offers a high level of artistic freedom with limited legal restrictions. India provides a comparatively favorable environment for creative expression, but there are instances of censorship and restrictions. Conversely, China has a highly controlled environment with extensive censorship and limitations on artistic freedom.

The World Press Freedom Index is an annual report published by Reporters Without Borders (RSF), an international non-governmental organization that promotes and defends freedom of information and the press. This index evaluates the state of press freedom in countries worldwide and provides rankings based on several criteria. According to this index, the United Kingdom generally ranks high regarding press freedom and freedom of expression. While India has a mixed record regarding censorship, China is known for its extensive censorship and control over media and artistic expression (Table 2). Similarly, the Freedom House conducts research and advocacy on democracy, political rights, and civil liberties worldwide. They produce an annual report called "Freedom in the World", which assesses the state of political rights and civil liberties in countries around the world.

According to its analysis, Freedom House has historically ranked the United Kingdom as a free country. It has consistently scored well in terms of political rights, civil liberties, and freedom of the press. Whereas, India has generally been assessed as a "partly free" country as it has faced challenges related to freedom of expression, attacks on journalists, and occasional instances of government interference in media and civil society.

Lastly, China has consistently been ranked as "not free". The Chinese government exercises strict control over political rights, civil liberties, and freedom of expression.

Table 2: Perception of Civil Liberties in the UK, India, and China (Source: Reporters Without Borders and Freedom House 2022)

Countries	World Press Freedom Index – Reporters Without Borders (2022)		Freedom in the World - Freedom House (2022)
	Score	Rank	
United Kingdom	78.51	26	Free Country
India	36.62	161	Partly Free
China	22.97	179	Not Free

Recommendation for Balancing Freedom and Content

Balancing the need for freedom of expression and access to information with responsible content management and regulation is a complex challenge. It requires careful consideration of various factors to strike a reasonable and fair balance. In order to achieve this balance, it is imperative to legislate a well-defined legal framework that can outline the boundaries of freedom of expression and set guidelines for responsible content management, such as mechanisms for content takedown, moderation, and appeals (Lemieux and Trapnell 2016). This framework should also consider international human rights standards, such as the International Covenant on Civil and Political Rights, while also considering local cultural and societal norms. Furthermore, in developing and implementing these regulations, there should be an active involvement of various stakeholders such as government representatives, civil society, industry experts, and academia. This participation would ensure a diversity of perspectives and help avoid the concentration of power in the hands of a few. Besides, the nations should try to avoid or repeal the overly broad or vague as they can lead to arbitrary enforcement and unintended consequences. Meanwhile, from the perspective of end-users, digital literacy programs can be promoted to teach individuals how to assess the reliability and credibility of information sources.

This approach can encourage responsible consumption and reduce reliance on heavy-handed content management measures (Ladley 2019).

Lastly, the respective nations can embrace technological innovations, such as artificial intelligence and machine learning, to assist in content management and moderation processes by collaborating with technology companies to develop tools and algorithms to efficiently identify and mitigate harmful content while minimizing the risk of false positives and discriminatory practices (Dwivedi et al. 2021).

CONCLUSION

In conclusion, the comparative analysis of creative freedom and censorship of OTT platforms in the UK, India, and China reveals distinct approaches in each country. The UK embraces a liberal approach to creative freedom, valuing freedom of expression and relying on self-regulation by the industry. The British Board of Film Classification (BBFC) provides guidelines for content classification and age ratings but does not impose extensive governmental control or interference. In comparison, India recognizes creative freedom while also imposing certain limitations to respect religious and cultural sensitivities. The Central Board of Film Certification regulates content across various media

platforms. The government has recently increased scrutiny and implemented stricter regulations for OTT platforms to balance creative freedom with responsible content management.

In contrast, China operates under a framework of state control and censorship, with limited creative freedom compared to the UK and India, as the Chinese government exercises significant control over media and entertainment to promote ideological values and maintain social stability. Hence, the approach of these countries is influenced by their socio-political and cultural context, resulting in varying degrees of creative freedom and censorship on OTT platforms. Therefore, in order to achieve objectivity in censorship and balance the need for creative freedom, these countries can recognize the global nature of the Internet and the contemporary need for international cooperation in addressing content management challenges by engaging in multilateral discussions to develop shared principles and guidelines while respecting the diverse cultural, legal, and political contexts.

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