



THE RECAP
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INTRODUCTION

In the late 1950s, a few filmmakers in Paris made a departure from the traditional way of making films by adopting path-breaking approaches to editing, visual style, narrative, and engagement with socio-political themes. This evolution in storytelling has come to be known as the 'French New Wave Cinema' and is considered to be one of the most significant film movements in the history of motion pictures.¹ French film director Jean-Luc Godard was a pioneer of this movement and one of his famous quotes not only encapsulates his approach to filmmaking but also highlights the freshness that the French New Wave Cinema brought to world cinema: *"a story should have a beginning, a middle and an end, but not necessarily in that order."*

The trajectory of law is not too dissimilar. However, an approach that is captivating for viewers of cinema can be confounding for followers of law. It is not always easy to trace the genesis, continuation, and culmination of a piece of legal news unless one is reminded of a certain connection in the narrative which can make things clearer. To quote Jean-Luc Godard again, *"there is no point in having sharp images when you have fuzzy ideas."*

Keeping this in mind, we bring to you a new volume of *The Recap*, your bi-monthly reminder of all that's important and unmissable from the legal point of view for India's media & entertainment ("**M&E**") and gaming industries. This volume covers legal updates from the months of March and April 2022 and like its predecessors, is an eclectic mix of lawsuits, legal tussles, orders, and judgments. A crisp Parliament capsule at the end provides insights on what transpired in the final sittings of this year's budget session of Parliament.

1. Richard Neuper, *A History of the French New Wave Cinema*, Wisconsin Studies in Film, The University of Wisconsin Press, 2002. Excerpts available [here](#).



Delhi High Court reinstates RMPL as a copyright society for sound recordings while directing the Centre to reconsider PPL's application

In the ongoing legal tussle for recognition as a copyright society for sound recordings, the Delhi High Court ("**Delhi HC**"), by its order dated April 11, 2022,² has granted, as a *pro tem* measure, a stay on the decision of a single judge order to the extent that it disallows Record Music Performance Limited ("**RMPL**") from functioning as a copyright society. The division bench also directed the central government to reconsider the registration application of Phonographic Performance Limited ("**PPL**").

Up until 2012, PPL functioned as the sole registered copyright society under the Indian copyright law for public performance rights and broadcasting for sound recordings. *The Copyright (Amendment) Act, 2012* introduced new requirements for existing societies such as the obligation to get re-registered in order to continue management on behalf of rightsovers. In compliance with the amendments, PPL filed an application for re-registration as a copyright society in March 2013. Before the application for re-registration could be granted by the government, in May 2014, PPL filed an application for withdrawal of its registration application. In the said application, PPL cited the fact that their original license had expired and that they were no longer desirous of continuing to operate as a copyright society as the grounds for withdrawal. However, the Registrar of Copyrights ("**RoC**") rejected the withdrawal application on the basis that the interests of rightsholders were involved and hence, PPL could not take a unilateral decision on its status as a copyright society. Subsequent to this refusal, PPL filed a fresh application for re-registration in 2018.

On May 25, 2021, the central government refused to allow PPL's re-registration on the grounds that PPL had withdrawn its application, and that PPL's subsequent application for re-registration in 2018 was belated. Soon thereafter, the RoC accepted RMPL's application for registration as a copyright society for sound recordings. Since the central government is not ordinarily required to register more than one society for the same class of works, in this case, sound recordings, as per Section 33(3)³ of the *Copyright Act, 1957*, PPL filed two writ petitions before the Delhi HC – (i) challenging central government's order rejecting PPL's re-registration application; and (ii) the order allowing registration of RMPL as a copyright society.

By its common order dated March 9, 2022, the single judge set aside central government's order allowing the registration of RMPL as a copyright society and directed the central government to re-consider the application of PPL for re-registration on merits.⁴

The single judge observed that there was a sheer non-application of mind by the central government in rejecting PPL's application as it had, *inter alia*, ignored correspondences exchanged between PPL and the central government in 2018. These correspondences had clarified and assured PPL that its application for re-registration would not be rejected. Further, according to the court, the rejection of application was contrary to the principles of natural justice given that the *Copyright Rules, 2013* nowhere state that re-registration application can be determined without providing an opportunity to be heard.

In the appeal filed by RMPL, the division bench observed that the central government's conduct of rejecting PPL's withdrawal of application as a copyright society while granting registration to RMPL contributed to the muddle and that the central government, through its hasty actions had gotten into fray both RMPL and PPL. Noting that RMPL has been functioning as a copyright society for close to a year, the division bench stayed the decision of the single judge order to the extent that it disallowed RMPL from functioning as a copyright society. The division bench held that the best way forward in the matter could only be a *pro tem* measure, directing the central government to consider the application of PPL for re-registration pending the outcome in the appeal. The division bench also clarified that the registration and continuing operations of RMPL should not prejudice the central government's decision on registration of PPL. The matter has been scheduled for further hearing on July 28, 2022.

You can access the Delhi HC single judge order [here](#).

You can access the Delhi HC division bench order [here](#).

2. *Recorded Music Performance Ltd. vs. Phonographic Performance Ltd. & Ors.* LPA Nos. 243 & 244 (2022)

3. Section 33(3) of the *Copyright Act, 1957* reads – "The Central Government may, having regard to the interests of the authors and other owners of rights under this Act, the interest and convenience of the public and in particular of the groups of persons who are most likely to seek licences in respect of the applicants, register such association of persons as a copyright society subject to such conditions as may be prescribed: Provided that the Central Government shall not ordinarily register more than one copyright society to do business in respect of the same class of works."

4. *Phonographic Performance Ltd. vs. Recorded Music Performance Ltd.* W.P. (C) IPD 41 (2021)

Kerala HC holds that mere similarities do not attract Section 14 of the Copyright Act, 1957

The Kerala High Court (“**Kerala HC**”) dismissed an appeal of a popular Malayalam sitcom, ‘Uppum Mulakum’ seeking an injunction against the broadcast of another sitcom ‘Erivum Puliyum’ on grounds of copyright infringement.⁵

The appellants claimed copyright over the popular programme, ‘Uppum Mulakum’, a show about the life of a Hindu family – which ended in January 2021. In late 2021, the defendants telecasted four episodes of a new show by the name, ‘Erivum Puliyum’ wherein the actors of the show ‘Uppum Mulakum’ played very similar characters. In lieu of the similarity, the appellants addressed a notice to the defendants requiring them to stop further telecast of their show.

On receipt of the notice, the defendants changed only some elements of their show but continued airing the sitcom. Aggrieved by the continued telecast, the appellants approached the trial court seeking a temporary injunction against the defendants airing ‘Erivum Puliyum’. The appellants argued that even though the narrative of the show was altered from depicting an originally Hindu family to a Christian Anglo-Indian family, along with an addition of a few characters, the theme, the characters’ storylines, and the actors playing them remained similar to ‘Uppum Mulakum’. It was further argued that since there was a close resemblance to their original programme and the same actors had been employed by the defendant, it would create an opinion in the minds of the viewers that both programs were set in the same theme and atmosphere.

The trial court granted an injunction in part, directing that the infringing four episodes of Erivum Puliyum not be further telecasted. However, it refused to grant an injunction for the remaining part of the programme which would’ve been telecasted in future. Aggrieved by the order, the appellants approached the Kerala HC challenging the trial court’s decision. The appellants submitted that the act of the respondents would come under the purview of Section 14(a)(vi)⁶ of the *Copyright Act, 1957* as an adaptation of ‘Uppum Mulakum’.

The Kerala HC reiterated the well-established principle that there cannot be any copyright in an idea, subject matter, themes, plots, or historical or legendary facts; and in such circumstances, the violation of copyright stands confined only to the form, manner, arrangement, and expression of the idea by the author of the copyrighted work. The Kerala HC observed that when an idea originates or develops from a common source, similarities are bound to occur, and unless there are fundamental or substantial aspects of the mode of expression adopted in the copyrighted work, the same cannot be brought under the purview of Section 14 of the *Copyright Act, 1957*. In order to attract Section 14(a)(vi), it is necessary that there be evidence or *prima facie* satisfaction regarding the alleged adaption made.

Observing that mere employment of the same actors in a show depicting the day-to-day life of a family by itself is not sufficient to attract the understanding of copyright under Section 14 in this case, the Kerala HC dismissed the appeal.

Kerala HC directs all film production houses to set up Internal Complaints Committee for sexual harassment cases

The Kerala HC has ordered film production houses to form an Internal Complaints Committee (“**ICC**”) as per the *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*.⁷ Kerala’s Women in Cinema Collective (“**WCC**”) filed a petition in the Kerala HC seeking a directive to the Association of Malayalam Movie Artists (“**AMMA**”) to constitute a grievance redressal mechanism against sexual harassment as per the Vishaka guidelines⁸ of the Supreme Court. The petitioners claimed that the members of WCC have no sufficient remedy available at their disposal to combat sexual harassment faced by them in their profession, and the continued non-constitution of such a redressal system by the AMMA was a violation of the rights of its members. Observing that each film unit in an industry is an ‘establishment’ and the setting up of an ICC is necessitated within such establishments, the Kerala HC held that if the number of women at any other related associations as employees is more than ten, it is mandatory for such association to constitute an ICC.

High Courts refuse to entertain petitions seeking stay on film releases

- Bombay HC dismissed plea to stay the release of ‘The Kashmir Files’

The Bombay High Court (“**Bombay HC**”) has dismissed a Public Interest Litigation (“**PIL**”) filed by Intezar Hussain Sayed seeking a stay on release of the film ‘The Kashmir Files’ which is based on the exodus of Kashmiri Pandits during the Kashmir insurgency. The petitioner alleged that the trailer indicated that the film had the potential to not only hurt the religious feelings of the Muslim community but also cause communal violence and therefore, the film should be stayed. Refusing to consider the merits of the case, the Bombay HC dismissed the PIL on the ground that the petitioner had neither found out whether a censor

5. *Suryansh Broadcasting Pvt Ltd. & Anr vs. Zee Entertainment Enterprises Ltd. & Anr. F.A.O. No. 9 (2022)*

6. Section 14(a) (vi) of the *Copyright Act, 1957* reads - “For the purposes of this Act, ‘copyright’ means the exclusive right subject to the provisions of this Act, to do or authorize the doing of any of the acts in respect of a work or any substantial part thereof, namely, to make any adaptation of the work.”

7. *Women in Cinema Collective & Anr vs. State of Kerala & Ors. W.P. (C) 34273 (2018)*

8. *In the case of Vishakha and others vs. State of Rajasthan [SC 3100 AIR(1997)], the SC prescribed some guidelines to deal with the sexual harassment against women at workplace which came to be referred to as the ‘Vishaka guidelines.’*

certificate had been issued to the film by the Central Board of Film Certification (“**CBFC**”) through a Right to Information (“**RTI**”) request, nor challenged the censor certificate. The bench directed the petitioner to seek redressal from the central government, as per due process.

You can read more on this development in this report by India Today [here](#).

- Delhi HC refused to entertain plea seeking title change of movie ‘Prithviraj’

The Delhi HC refused to entertain a PIL seeking to change the title of the upcoming movie ‘Prithviraj’, produced by Yash Raj Films, starring Akshay Kumar.⁹ The petitioners, Rashtriya Pravasi Parishad sought directions against the filmmakers of the film to change the title of the film from ‘Prithviraj’ to ‘Great Emperor Prithviraj Chauhan’. The petitioners argued that since Prithviraj was a great emperor, using his name without respectful prefixes was ‘indecent and defamatory’, hurt the sentiments of the Rajput community, and is in violation of the *Cinematograph Act, 1952*. However, when the division bench of the Delhi HC refused to issue notice against the respondents and indicated their intention to levy expenses upon the petitioner, the petitioner voluntarily withdrew the PIL, and the matter was disposed of as withdrawn.

You can access the official copy of the Delhi HC order [here](#).

Kerala HC holds that WhatsApp group admins not liable for objectionable posts by members

The Kerala HC recently ruled that the admin of a WhatsApp group, merely acting in that capacity, cannot be held vicariously liable if a member of the group posts objectionable content in the group.¹⁰ In the case, the petitioner was the creator and one of the administrators of a WhatsApp group in which another administrator posted a video depicting children engaged in sexually explicit acts. The city police registered a case against the accused for offences under Sections 67B¹¹ of the *Information Technology Act, 2000* (“**IT Act**”), and several provisions of the *Protection of Children from Sexual Offence Act, 2012* (“**POSCO Act**”). The petitioner was arrayed as the second respondent since he was the creator and co-administrator of the group. Aggrieved by this, the petitioner moved the Kerala HC, challenging the legality of the proceedings against him.

The Kerala HC examined the question of whether the administrator of a WhatsApp group had vicarious liability and observed that in the absence of a special penal law creating vicarious liability, an administrator of a WhatsApp group cannot be held liable for the objectionable post by a group member. The Kerala HC observed that the only privilege enjoyed by the administrator of a WhatsApp group over other members is that he can either add or

delete members from the group; he does not have physical or any control otherwise over what a member of a group is posting thereon. Hence, the petitioner, being a WhatsApp group administrator, cannot be equated to an ‘intermediary’ under the IT Act as there was nothing on record to suggest that the petitioner had published or transmitted or caused to be published or transmitted in any electronic form, the alleged obscene material or had browsed or downloaded the said material or, in any way, facilitated abusing children online. Allowing the petition, the court directed that the proceedings pending against the petitioner to be set aside.

Interestingly, in a similar petition seeking to set aside criminal proceedings against a WhatsApp group administrator in whose group, a member sent a morphed image of PM Narendra Modi, the Allahabad HC declined to interfere. Observing that the petitioner was a group administrator and a ‘co-extensive member of the group’, the Allahabad HC dismissed the petition.

You can read more on the Allahabad HC development in this report by The Times of India [here](#).

9. *Rashtriya Pravasi Parishad and Ors. Vs. Union of India and Ors.* W.P. (C) 3514 (2022)

10. *Manual vs. State of Kerala* CRL. MC No. 3654 (2021)

11. Section 67B, *Information Technology Act, 2000* reads – “Whoever:

- a. publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children engaged in sexually explicit act or conduct; or
- b. creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges, or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or
- c. cultivates, entices, or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or
- d. facilitates abusing children online, or
- e. records in any electronic form own abuse or that of others pertaining to sexually explicit act with children, shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees.”

Karnataka challenges the Karnataka HC order before the Supreme Court

The state government of Karnataka has filed a Special Leave Petition (“**SLP**”) appealing against the judgement¹² of the Karnataka High Court (“**Karnataka HC**”) which struck down substantive provisions of the *Karnataka Police (Amendment) Act, 2021* on grounds of it being unconstitutional.

In its appeal, the state argued that due to the increase in reported suicides and financial debts attributed to online gaming, it is necessary to enact a law for maintaining public order and keep the ill-effects of online gaming in check. The state contended that the Karnataka HC erred in its judgement by failing to consider the evidence produced by police authorities against online gaming operators who are allegedly misleading the public to part with huge sums of money under the guise of online gaming. The state also believes that the Karnataka HC incorrectly interpreted certain provisions of the amendment act and erred in observing that online gaming does not have a demonstrable effect in causing excessive harm to others. The matter is yet to be heard before the Supreme Court and is the second instance this year where a state government has appealed against a High Court order quashing amendments to its state gaming law, with Tamil Nadu filing its appeal earlier in the year.

You may read IndusLaw’s short analysis of the Karnataka HC Judgement [here](#).

You can read more on the development in this report by Deccan Herald [here](#).

Ministry of Information and Broadcasting sets up AVGC Promotion Task Force

In furtherance of the announcement made during the Union Budget 2022-23, the Ministry of Information and Broadcasting (“**MIB**”) has set-up the Animation Video Gaming Comics (“**AVGC**”) Promotion Task Force (“**Task Force**”). The objective of the Task Force is to recommend ways to realize and build domestic capacity for serving the AVGC markets at home and abroad. The Task Force has been constituted inter alia to create a national AVGC policy, boost employment opportunities in this sector, and recommend AVGC educational courses from graduation to doctoral level. The Task Force has been given 90 days to submit its first action towards achieving these objectives.

The Task Force will be headed by MIB Secretary Apurva Chandra and will have representation from the state governments of Karnataka, Maharashtra, and Telangana, heads of education bodies such as All India Council of

Technical Education, National Council of Educational Research and Training, and industry representatives of Federation of Indian Chambers of Commerce & Industry (FICCI), Confederation of Indian Industry (CII) and Media & Entertainment Skills Council (MESCC). Some notable industry partners will also include senior employees of Hungama Digital Media Entertainment, Redchillies VFX, Whistling Woods International, and Zynga among others.

You can access the press release issued by MIB [here](#).

Centre looking to introduce a skill gaming regulator and impose KYC compliance for real-money gaming operators

As per news reports, the central government is planning to establish a skill gaming regulator at the union level for monitoring money laundering activities and protecting user interests. The government is of the opinion that while gaming operators must be regulated, it need not be by a financial sector regulator (like the RBI or SEBI) as this task may not be suitable to their core competency.

In addition to this, the Centre is also seeking to bring online skill based real-money gaming operators under the purview of the *Prevention of Money Laundering Act, 2002* (“**PMLA**”). If implemented, this would effectively make gaming operators ‘reporting entities’¹³ under the PMLA and require adherence to Know-Your-Customer (“**KYC**”) norms while onboarding users on to their platform. The gaming operators will need to maintain a record of all documents received from users and all transactions¹⁴ that they undertake with the operator, for a period specified in the PMLA. They will also need to share details of all suspicious transactions with the Financial Intelligence Unit (“**FIU**”) within 7 days of being satisfied that the transaction is suspicious.¹⁵

You can read more on this development in this report by News18 [here](#).

12. *All India Gaming Federation v State of Karnataka W.P. No. 18703 (2021)*

13. Section 2 (1) (wa), *Prevention of Money Laundering Act, 2002* reads - “A reporting entity means a banking company, financial institution, intermediary, or a person carrying on a designated business or profession.”

14. Rule 2 (1) (g), *Prevention of Money Laundering (Maintenance of Records) Rules, 2005* reads - “Suspicious transaction” means a transaction referred to in clause (h), including an attempted transaction, whether or not made in cash, which to a person acting in good faith- (a) gives rise to a reasonable ground of suspicion that it may involve proceeds of an offence specified in the Schedule to the Act, regardless of the value involved; or (b) appears to be made in circumstances of unusual or unjustified complexity; or (c) appears to have no economic rationale or bona fide purpose; or (d) gives rise to a reasonable ground of suspicion that it may involve financing of the activities relating to terrorism.”

15. Rule 8 (2), *Prevention of Money Laundering (Maintenance of Records) Rules, 2005* reads - “The Principal Officer of a reporting entity shall furnish the information promptly in writing or by fax or by electronic mail to the Director in respect of transactions not later than seven working days on being satisfied that the transaction is suspicious.”

IPL 2022: BCCI prohibits teams from carrying real-money gaming and cryptocurrency sponsors; ASCI flags violation by gaming advertisements by gaming advertisements

As the annual Indian Premier League (“IPL”) fanfare grips the country, sponsors have amplified their marketing campaigns to grab the spotlight for promoting their brands. Keeping this in mind the Board of Control for Cricket in India (“BCCI”) has issued a set of regulations and guidelines for all players and franchisees to follow while onboarding sponsors.

The *Clothing and Equipment Rules and Regulations* is one such set of regulations which is updated by the BCCI prior to the start of every edition. The notable inclusions to this year’s regulations are the inclusion of the term ‘cryptocurrency’ and an addition to the definition of the term ‘Betting Logo’. The term ‘cryptocurrency’ has been defined as “a digital currency in which transactions are verified and records maintained by a decentralized system using cryptography, rather than by a centralized authority. In this context, it also includes any blockchain service provider/ application/ Non-Fungible Tokens/ fan tokens that are directly/indirectly affiliated to the cryptocurrency sector.” Further, a Betting Logo is “a logo that is either perceived, or likely to be perceived, by spectators and viewers, as being associated or connected in some way with betting, real money gaming or gambling of any kind.” (emphasis supplied).

As a result, a player’s bat cannot carry a real-money gaming or cryptocurrency logo. Further, the manufacturer of cricket clothing or equipment is prohibited from carrying any real

money gaming logo as well as any direct/surrogate brand promoting any entity having any kind of association or operating in the cryptocurrency sector. It is unclear what ‘real money gaming’ means under these regulations but the market appears to have interpreted it to mean chance-based games played with money since multiple skill-based online gaming companies are continuing to sponsor IPL franchises and their clothing equipment.

On a related note, the Advertising Standards Council of India (“ASCI”), a self-regulatory body for advertisements in India, has found 14 online real-money gaming advertisements aired on TV during the first week of the IPL as violative of the ASCI Code for Self-Regulation in Advertising (“ASCI Code”) and the *ASCI Guidelines for Online Gaming for Real Money Winnings* (“ASCI Gaming Guidelines”). The ASCI Code and the ASCI Gaming Guidelines require real money gaming advertisements to caution viewers that the games involve an element of financial risk, may be addictive, and this disclaimer must be spoken at a normal speaking pace. The ASCI believes some of these advertisements are not adhering to these requirements and have urged the online gaming industry bodies to take up this issue with their members and rectify the violative portions of the advertisements.

You can access a copy of the BCCI Clothing and Equipment Regulations [here](#).

You can read ASCI’s press release taking cognizance of the aforesaid violations [here](#).



During the recently concluded 2022 Budget Session of Parliament, Members of Parliament (“MPs”) posed some pertinent questions to various ministries of the central government on online gaming and the recent protests by journalists against the *Central Media Accreditation Guidelines, 2022*. The session also saw the tabling of *The Online Gaming (Regulation) Bill, 2022*, a private member’s bill drafted by a Congress MP from Kerala. We list below some of the other key queries and responses.

1. Inquiry on whether the government is planning to ban gaming or formulate a national gaming policy:

The Ministry of Electronics and Information technology (“MeitY”) highlighted that online gaming platforms are intermediaries¹⁶ under the *IT Act* and must adhere to the due diligence requirements under the *IT Rules, 2021*. They responded that they do not have any specific proposal for a national gaming policy nor have the right to ban online gaming platforms, as it is a right vested with each state government.¹⁷

2. Inquiry on whether the government is aware of the number of suicides among children due to their alleged addiction to online gaming:

Referring to a study by the National Commission for Protection of Child Rights (“NCPCR”), the MeitY acknowledged that there has been an increase in the time spent by children on the internet including for playing online games. While the MeitY mentioned that it does not maintain data on the number of child suicides due to online gaming addiction, it shared a report from the National Crime Record Bureau which claims that from 2017 to 2020, 7 cases (5 from Tamil Nadu and 1 each from Andhra Pradesh and Madhya Pradesh) have been registered that involve abetment of suicide through online games.

3. Inquiry on whether the government proposes to make India an online gaming hub and if so, what steps are being taken towards promoting Indian games:

The government responded that India is home to 7000 start-ups with gaming accounting for 1000 of them. Through the Software Technology Park of India (“STPI”), the MeitY has set up a center of excellence for gaming, animation and VFX in Hyderabad in partnership with the government of Telangana, to support the development and growth of Indian start-ups. The MIB has also set-up the AVGC Promotion Task Force to bolster employment

and build domestic capacity for serving the AVGC market at home and abroad.

4. Inquiry regarding the veracity and reasons for protests by journalists and Press Trust of India against the Central Media Accreditation Guidelines, 2022 (“CMA Guidelines”):

The *CMA Guidelines, 2022, inter alia*, make accreditation available to journalists living in the national capital region (“NCR”) and who meet the prescribed criteria. They also prescribe that accreditation will be withdrawn or suspended if a journalist acts in a manner prejudicial to the country’s security, sovereignty and integrity, friendly relations with foreign States, public order or is charged with a serious cognizable offence. There have been reports of journalists protesting the *CMA Guidelines* on the grounds that they violate the existing guidelines framed by the apex media body Press Council of India; and that they are against the spirit of the Constitution of India and the freedom of speech and expression. The central government responded to the query by stating that the *CMA Guidelines* have been formulated only after taking into consideration the suggestions from stakeholders such as the Central Press Accreditation Committee, media associations, etc. The government has further denied allegations that the *CMA Guidelines* are an attempt at suppressing a journalist’s access to information and freedom of speech and expression.

In addition to the questions posed, Lok Sabha MP Dean Kuriakose tabled a private member’s bill¹⁸ - *The Online Gaming (Regulation) Bill 2022 (“Gaming Bill”)*. The Gaming Bill seeks to monitor the growth of online gaming in India by establishing a gaming commission at the union level. The gaming commission will, *inter alia*, issue licenses to the operators, oversee their functioning, and recommend ways to curb illegal

16. Section 2(1)(w), *Information Technology Act, 2000* reads - “intermediary, with respect to any particular electronic records, means any person who on behalf of another person receives, stores, or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places, and cyber cafes.”

17. Entry 34 of List II of the Seventh Schedule of the Constitution

18. Every member of Parliament who is not a Minister, is a Private Member and can table a private member bill in the Parliament.

19. The Sports (Online Gaming and Prevention of Fraud) Bill, 2018

gaming in India. This is the second instance in recent years where an MP has introduced a private member bill to regulate online gaming, the first one being from MP Shashi Tharoor in 2018.¹⁹ Private member bills may be effective in drawing attention of the government to the need for a law on a subject but rarely become a law. The last private member bill to be enacted as law was tabled in 1970.

You can access the question and response raised in the Lok Sabha on M&E [here](#).

You can access an official copy of the questions raised on gaming [here](#), [here](#), [here](#), [here](#) and [here](#).

You can access an official copy of the Online Gaming (Regulation) Bill 2022 [here](#).

You can access the study by NCPCR [here](#)

You can read more on the journalists' protests in this report by The Print [here](#).



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