**[Hope for content](https://nation.com.pk/27-Nov-2020/hope-for-content" \t "_new)**

Shakeel A. Malik November 27, 2020

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The seismic shift to digital on-demand forums has brought new hopes for diversification of high-value entertainment content. The streaming platforms that have jumped over-the-top into the media industry with a massive splash are set to smash long-held monopolies of entertainment television channels and advertising agencies. The OTT phenomenon with minimum advertising interruption has triggered a transition of media economy from distributors to content-producers.

The freedom of online entertainment content has flung open the doors for high quality productions as the shows are based on bespoke demands of customers. While in the developed world, the streaming services boom has further expanded the scope for experimentation with genres, it has rekindled hopes in the developing world for diversifying high value, original content. The unfolding scenario has received spirited welcome in our country where experimentation in entertainment content has been a no-go area.

As streaming services have yet to formally make their way into Pakistan, India’s Zee5 began to stream web series created by Pakistani production teams including Churails, and Aik Jhooti Love Story for regional and global viewership. More such shows are in the queue. Zee5 and other Indian digital platforms have captured a large market in South Asia. The OTT market in India alone is expected to cross 5 billion dollars in next three years. It is feared that new rules and restrictions on local, regional and global content could undermine the access and quality of the productions on digital sites.

Pakistani web series Churails was taken down by Pakistan Electronic Media Regulatory Authority for Pakistan-based consumers owing to use of strong language. The telecommunication regulator took the next step of terminating online subscription of payment to Zee5 apparently to stop business flowing to a digital platform owned by an Indian company. The industry folks fear that the next step could be a moratorium on Pakistani companies streaming their web series on foreign platforms or those that do not conform to national code and guidelines.

Meanwhile, “Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2020,” were recently notified under the Prevention of Electronic Crimes Act 2016. In a strong reaction to this move, Asia Internet Coalition, a group of global tech companies, warned that under these rules it would be “extremely difficult” for them to make their services available for Pakistani users. It is thought that in case this happens, the international OTT players would shift their investments to other markets in Asia.

The watchers of the entertainment industry are concerned about regulations’ impact on the creation, access and distribution of the content. The curbs with potential for misuse or overreach would harm our financial interests in a fiercely competitive environment. The possibility of legal battles between streaming companies and local watchdogs cannot be ruled out. At the outset, the Internet Service Providers in Pakistan have threatened to move the court of law against the news social media rules.

A few weeks back Minister for Science and Technology Fawad Chaudhry had announced to launch the first Pakistani PEMRA-controlled OTT service. But one wonders what value addition and diversity one would watch on a platform tied with stringent regulations. Of course, the viewers won’t subscribe to such a digital site only to watch likes of what is already available on television entertainment channels. Though Pakistani OTT service is said to be a public-private venture and, government’s role in facilitating its establishment will be fine, control could kill the objective of giving artistic independence and free voice to content creators.

The strong backlash from internet giants and digital rights activists is not as much in reaction to government’s intention to regulate online content, as on the harsh requirements and haste to promulgate rules without following the due process of “extensive and broad-based consultations” with stakeholders and within the parliament. They maintain that as was done in some countries, a consultative, a white paper should have been disseminated among local and global stakeholders for their feedback and subsequent brainstorming before the rules were finalised. This process should have been based on terms of reference including exact needs and clear objectives for the laws as well as the specific requirements of contemporary audiences. It appears that scant heed was accorded to feedback provided voluntarily by stakeholders since notifying of Citizens Protection (Against Online Harm) Rules, 2020 in the beginning of the year.

Since the OTT content market is in a nascent phase, our authorities should have first looked into the various models of regulations in other countries and their implementation before hurriedly coming up with their set of rules. There is a need to cherry-pick best suited elements for Pakistan from out of varying templates. There is also a need to separate political and national security content from purely entertainment stuff. It is thought that governments’ instinct to restrain digital content is triggered more by political reasons. Even in entertainment content it would not be easy for the government to unilaterally define parameters of several terms in the SRO.

The new rules reflect little attention given to the difference between online and offline services, and even between multiple online streaming sites, apps and services. The online and offline modes of content consumption are not as similar as they look. In traditional media, the audiences are not in control of the content whereas in online content, the viewers control what they want to choose to watch. Media experts say that in offline modes the content is pushed to consumers while they pull the desired content in online platforms. The outcry from internet companies comes from what they see as the government’s move to apply a regulatory approach for push-based consumption on pull-based online services.

Ideally, regulations regarding entertainment content should be left to streaming companies for smart solutions and the consumers as streaming services provide information to help them choose shows according to their age groups, gender or sensitivities. This type of self-regulation would compel content creators to steer clear of provocative themes, storylines, actions, situations or dialogues. The platforms would know well that consumers are not paying for specific service but their preferred content.

In whatever way the government plans to take forward the process of reviewing or implementing the rules, these should be in conformity with its vision of a creative economy in a digital Pakistan. Under the agenda of promoting ease of doing business, it is imperative to facilitate digital investors. In case the government is ready to give breathing space to streaming networks, our online-digital video (ODV) content, in addition to original content, would be watched on OTT sites across the world, generating a windfall for local content producers.

Essential safeguards should accompany the regulations whose principal purpose should be to protect local digital entertainment platforms. But at the same time regional and global players should be allowed opportunity to operate in our media ecosystem for the sake of healthy competition. This would, inter alia, create space for traditional content producers in the film and television industries.

Our movies and television series were at their zenith in the 1970s and 80s, mostly due to three ‘Rs” realistic, rational and relaxed operating conditions. As regulators started putting in more teeth in censorship with lesser checks, the decline of these two powerful mediums was steep and perfect. The emergence of on-demand services has offered a golden opportunity after a long time to flash Pakistan’s softer profile in an era of digital transformation. Would we want to waste away this moment too?

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