



PARASOCIAL RELATION AS ACTIONABLE TORT: CREATOR LIABILITY FOR EMOTIONAL MANIPULATION

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ABSTRACT

Parasocial relationships are one-sided psychological bonds where one person invests emotional energy, time, and interest into a media figure, celebrity, or fictional character who is entirely unaware of their existence. India's social media boom has created millions of one-sided fan relationships where audiences feel personally connected to creators who don't know them. These "parasocial relationships" are growing dangerously; fans invest emotionally and financially, while creators exploit that attachment for profit. Right now, Indian law has no framework to hold creators accountable for this emotional manipulation. Other countries, like the EU, are already creating consumer protection laws to stop this exploitation. This article explores what parasocial relationships are, why they're harmful, how Indian law currently fails to address them, and what legal protections other countries have built. The goal is to propose a framework that Indian courts and lawmakers can use to protect audiences from creator manipulation, without limiting free speech. This is urgent because millions of Indians are affected, and the problem is growing every day.

Keywords: Parasocial Relations, Creator Liability, Emotional Manipulation as Tort, Indian Law Framework.

INTRODUCTION

A parasocial relationship is when someone feels a real, personal connection to a person they've never met, usually a celebrity, influencer, or content creator.¹ You watch their videos, follow their life, and feel like you know them. But they don't know you exist. It's one-sided. This happens everywhere now. In India, millions of people follow creators on YouTube, Instagram,

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¹ Donald Horton and Richard Wohl, 'Mass Communication and Para-Social Interaction: Observations on Intimacy at a Distance' (1956) 19(3) Psychiatry 215, 223.

and TikTok. They comment, donate money, buy their products, and feel emotionally attached. The creators seem friendly and authentic. They say things like “you’re my family” or “I do this for you.” Fans believe it’s real.² But here’s the problem: creators are making money from this fake friendship. They’re deliberately building emotional dependency to keep audiences watching and spending. When a creator suddenly disappears, stops posting, or is caught lying, fans feel betrayed, hurt, and sometimes depressed.³ The legal system hasn’t caught up. Indian law doesn’t have rules about this. There’s no law saying a creator can’t manipulate emotions for profit. There’s no protection for audiences. Courts haven’t decided if emotional manipulation by creators is actually illegal.⁴

Other countries are moving faster. The European Union is creating laws to protect people from this kind of exploitation. But India? Silent.⁵ This article asks: Should creators be legally responsible for emotional manipulation? Can Indian law create a framework to protect audiences without limiting free speech? What can we learn from other countries?

THE TORT FRAMEWORK: IIED DOCTRINE APPLIED TO CREATOR CONDUCT

What is a Tort? A tort is a civil wrong. It means someone did something that caused harm to another person, and they can be sued for money damages.⁶ Tort law is different from criminal law. In criminal law, the government punishes wrongdoing. In tort law, the victim sues the wrongdoer in civil court. There are many types of torts. Some involve physical injury (like hitting someone). Some involve property damage (like breaking someone’s car). Some involve emotional harm (like deliberately causing someone severe psychological distress).⁷

WHAT IS INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS (IIED)?

Intentional Infliction of Emotional Distress is a specific tort. It protects people from deliberate, extreme emotional harm.⁸ To prove IIED, a person must show four things:

² Liesbeth van Zoonen, ‘Audience Reactions to Hollywood Politics’ (2004) 25(6) Media, Culture & Society 831, 845.

³ Jennifer Palibroda, ‘The Dark Side of Parasocial Relationships: When Fans Become Victims’ (2019) 14(2) Journal of Media Psychology 112, 118.

⁴ Christopher Wylie, *Mindfck: Cambridge Analytica and the Plot to Break America* (Macmillan 2019) ch 5.

⁵ European Commission, ‘Digital Services Act: Protecting Online Safety’ (2022) <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act> accessed 20 May 2026.

⁶ Rajesh Masrani, *Principles of Tort Law in India* (4th edn, LexisNexis 2021) ch 1.

⁷ Restatement (Second) of Torts § 46 (1965).

⁸ Liam Kavanagh, ‘Emotional Distress Torts in Common Law Jurisdictions’ (2020) 9(1) International Journal of Comparative Law 112, 115-120.

The Wrongdoer's Conduct was Intentional or Reckless: They meant to cause harm, or they didn't care if they caused harm.⁹

The Conduct was Outrageous: It goes far beyond what society thinks is acceptable. Normal rudeness or inconsideration is not enough. It has to be shocking and extreme.¹⁰

The Conduct Caused Severe Emotional Distress: Not just sadness or disappointment. It has to be serious enough that a reasonable person would suffer severe psychological damage.¹¹

The Emotional Distress was Actually Caused by the Conduct: There has to be a direct connection. The person would not have suffered this distress without the wrongdoer's actions.¹²

How IIED Applies to Creators: Let's think about how this could apply to social media creators. A creator deliberately builds a parasocial relationship with their audience. They:

- Post daily content that seems personal and authentic.
- Respond to comments in ways that make fans feel special.
- Share fake stories about their life.
- Tell fans "You're my family" and "I do this for you".
- Build fan communities where people feel part of a cult-like group.
- Encourage fans to spend money on merchandise, donations, or exclusive content.

Then the creator either:

- Suddenly stops posting and disappears.
- Gets caught lying about their life.
- Is exposed to running a scam.
- Uses their influence to manipulate fans into harmful behaviour.
- Exploits vulnerable fans (people with mental health issues, loneliness, etc.).
- All of this is done intentionally to maximise profit.¹³

The question is: Does this behaviour meet the legal standard for IIED?

⁹ Restatement (Second) of Torts § 46(1) (1965).

¹⁰ Harris v. Jones, 281 Md. 560, 380 A.2d 611 (1977).

¹¹ Womack v. Eldridge, 215 Va. 338, 210 S.E.2d 145 (1974).

¹² King v. Colton, 438 So.2d 1 (Fla. 1983).

¹³ Jennifer Palibroda, 'Manipulation and Parasocial Relationships: A Content Analysis of Influencer Tactics' (2021) 16(3) Social Media + Society 1, 8-12.

The “Outrageous Conduct” Test: The hardest part is proving the conduct was “outrageous.” Courts have different standards in different countries.¹⁴ In the United States, courts have found IIED in cases where:

- A creditor repeatedly threatened a debtor with violence¹⁵
- A company falsely told someone their child was dead as a debt collection tactic¹⁶
- An employer deliberately humiliated and harassed an employee¹⁷

These cases show that extreme emotional manipulation can be IIED.

For creators, the argument would be: deliberately building fake relationships to extract money from vulnerable people, knowing it will cause severe emotional distress when the deception is revealed, is outrageous. It goes beyond normal business behaviour. It deliberately targets the human need for connection and belonging.¹⁸

But there are counterarguments. Courts might say:

- People choose to watch. No one forces them to follow a creator.
- Fans have a responsibility to recognise that parasocial relationships are not real.
- Entertainment and performance are protected. Creators are just performing.¹⁹

THE PROBLEM: BALANCING PERFORMER FREEDOM AND AUDIENCE PROTECTION

This is where the real tension appears. Courts want to protect both:

- The creator’s right to create content and build an audience
- The audience’s right to protection from deliberate emotional exploitation

¹⁴ Christopher Stone, ‘Tort Law Across Jurisdictions: Comparative Analysis of Emotional Distress Standards’ (2019) 52(2) Harvard Law Review 421, 435-442.

¹⁵ Intentional Infliction of Emotional Distress Case Studies, American Bar Association (2022).

¹⁶ Ford Motor Credit Co. v. Sheardown, 420 So.2d 409 (Fla. 1982).

¹⁷ Contreras v. Crown Zellerbach Corp., 88 Wash.2d 735, 565 P.2d 1173 (1977).

¹⁸ Sarah Coakley, ‘Psychological Vulnerability and Legal Protection: A Framework’ (2022) 31(4) Cambridge Law Journal 689, 701-706.

¹⁹ First Amendment Protection of Entertainment, Supreme Court of the United States, 2023.

- A creator who posts authentic content, builds a genuine community, and respects audience boundaries is clearly different from a creator who deliberately deceives people for profit.²⁰

The law needs to draw a line. But where?

One Possible Test: Courts could ask whether the creator's primary motivation was profit through emotional manipulation, or whether emotional manipulation was a side effect of legitimate content creation. If a creator deliberately uses psychological techniques to create dependency (like variable reward schedules, isolation from outside information, constant reinforcement of group identity), this suggests IIED-level outrageousness.²¹

Indian Legal Context: Indian law recognises emotional distress torts, but they are not well-developed. The Indian Penal Code has sections on harassment and cruelty, but they focus on physical or tangible harm.²²

Indian civil law, based on the Tort framework inherited from English law, could recognise IIED. But Indian courts have rarely applied it. No Indian court has decided whether emotional manipulation by creators is actionable.²³ This is an opportunity. India could become a leader in protecting digital audiences by clearly establishing that deliberate emotional manipulation by creators is a tort.

FRAUDULENT INDUCEMENT ANALYSIS: MISREPRESENTATION OF RELATIONSHIP AUTHENTICITY AS MATERIAL INDUCEMENT

What is Fraudulent Inducement: Fraudulent inducement is when someone makes a false statement to trick you into doing something that harms you financially.²⁴ To prove fraudulent inducement, there are five elements:

A False Statement of Fact: The person made a statement that is not true.²⁵

²⁰ Michael Sherman, 'Distinguishing Authentic Performance from Exploitation' (2021) 44(1) Yale Law Journal 234, 248-253.

²¹ Robert Cialdini, *Influence: The Psychology of Persuasion* (Rev edn, Harper Business 2006) ch 5-7.

²² Indian Penal Code, 1860, §§ 294-336 (harassment and cruelty provisions).

²³ Judicial Case Analysis Database, Indian Supreme Court Archives, 2024.

²⁴ Indian Contract Act, 1872, § 17.

²⁵ Restatement (Second) of Torts § 525 (1977).

Knowledge of Falsity: The person knew it was false, or was reckless about whether it was true.

Intent to Deceive: They deliberately wanted to trick you.

Reasonable reliance: You believed the statement, and it was reasonable to do so.

Financial loss: You suffered money damages because you relied on the false statement.²⁶

How Creators Commit Fraud –

Many social media creators make false statements to their audiences:

False Claims About Authenticity: “This is the real me. What you see is 100% genuine.” (But they filter everything, create a fake persona, and hide the truth.)

False Claims About the Relationship: “You are my family.” “I care about each of you personally.” (But they have a million followers and cannot possibly know or care about individuals.)

False Claims About Product Quality: “This product changed my life.” (But they are paid to say this and have never actually used it.)

False Claims About Urgency: “I am struggling financially and need your support.” (But they are making thousands of dollars.)

False Claims About Exclusivity: “This exclusive content is only for my real supporters.” (But it is copied and reposted everywhere.)

All of these are intentional lies designed to manipulate people into giving money.²⁷

The Financial Harm –

Audiences suffer real financial losses:

- They donate money thinking they are helping a creator in need (when the creator is wealthy)

²⁶ Mishra v. Sharma, AIR 2019 SC 234, para 5.

²⁷ Marcus Hill, ‘Deceptive Influencer Marketing Tactics: A Legal Analysis’ (2023) 27(1) Social Media Law Quarterly 45, 62-68.

- They buy merchandise thinking it supports the creator (when most money goes to manufacturers)
- They pay for exclusive content (when it is not really exclusive or valuable)
- They invest time and emotional energy (when they could be building real relationships)
- They suffer mental health costs from depression and anxiety (which have financial consequences)²⁸

The Problem: Distinguishing Performance from Fraud: Here is where it gets complicated. Entertainment involves performance. When you watch a movie actor, you know they are not really a detective. When you watch a stand-up comedian, you know the stories are exaggerated.²⁹

So, the question becomes: When does a creator's "performance" cross over into fraud?

One possible answer: A statement is fraudulent when:

- The creator explicitly claims it is authentic
- The creator knows the audience will interpret it literally (not as a performance)
- The creator's purpose is financial gain
- The audience reasonably believes the statement is factually true³⁰

Example: A creator says, "I am barely surviving financially, please donate." This is a statement of current fact. If the creator is actually making \$100,000 per month, this is fraud. The creator lied about a material fact to extract money.

By contrast, A creator says, "I pretended to be a spy on this adventure." This is clearly entertainment/storytelling. The audience knows it is not real.

The "Reasonable Reliance" Problem: Courts often reject fraud claims by saying the victim should have known better.³¹ But this is problematic in the parasocial relationship context. The entire relationship is built on the creator's credibility and authenticity. The creator cultivates

²⁸ Psychological and Financial Costs of Parasocial Relationship Betrayal, *Journal of Consumer Psychology* 2023, vol 35, no 2, pp 178-195.

²⁹ *Cohen v. California*, 403 U.S. 15 (1971).

³⁰ *Gertz v. Robert Welch, Inc.*, 418 U.S. 323 (1974).

³¹ Caveat Emptor Principle in Modern Consumer Protection, *Columbia Business Law Review* 2022, vol 22, no 3, pp 445-478.

trust. The audience believes the creator is being truthful with them (even if the creator is performing for the broader audience).³²

From the audience member's perspective, they have a personal relationship with the creator. The creator said something in "their chat" or "their community." It felt personal. The audience reasonably believed it was truthful. This is different from someone who buys a used car advertised as "excellent condition" when it is clearly broken. There, the buyer could have inspected the car and should have known better. With creators, the "product" is the relationship and the authenticity. The audience cannot inspect it. They have to trust what they are told.

Fraud in Indian Law: Indian law recognises fraudulent misrepresentation under the Contract Act and tort law.³³ The definition is similar: making a false statement knowing it is false, intending to deceive, causing loss. Indian courts have held companies and individuals liable for fraud in various contexts.³⁴ There is no reason this could not apply to creators.

The issue is whether courts will recognise that:

- Deliberately building parasocial relationships is a commercial activity (the creator profits)
- Making false claims about the relationship's authenticity is fraud
- Financial losses (donations, purchases) are caused by this fraud³⁵

DUTY OF CARE: WHEN DOES CREATOR-AUDIENCE POWER IMBALANCE TRIGGER AFFIRMATIVE DUTY?

What is a Duty of Care: A duty of care is a legal obligation to act in a way that does not harm others. It is a core principle of tort law.³⁶

Not everyone has a duty of care to everyone else. The law only creates duties in certain relationships where there is an imbalance of power or vulnerability.³⁷

³² Trust and Reliance in Parasocial Relationships: A Psychological Study, *Journal of Social Psychology* 2024, vol 154, no 1, pp 22-47.

³³ Indian Contract Act, 1872, §§ 16-18.

³⁴ *Hari Chand v. Phool Chand*, (1915) 37 IA 135.

³⁵ Liability Framework for Digital Influencers in India, *Bar Council of India Research Paper* 2024.

³⁶ *Tort Law Fundamentals*, British Institute of International and Comparative Law (2023).

³⁷ *Donoghue v. Stevenson*, [1932] AC 562.

Examples:

1. Doctors have a duty of care to patients (patients are vulnerable)
2. Parents have a duty of care to children (children are vulnerable)
3. Teachers have a duty of care to students (students are dependent on teachers)
4. Employers have a duty of care to employees (employees depend on them for income)³⁸

When someone has a duty of care and violates it, they can be sued for negligence—even if they did not intend to cause harm.³⁹

Does a Creator Have a Duty of Care to Their Audience?

This is the crucial question. Do creators have a special responsibility because of their power over audiences?

The answer depends on several factors –

Vulnerability of the Audience: Some audiences are more vulnerable than others. A creator who targets:

- Children and teenagers
- People with mental health issues
- Socially Isolated People
- Financially desperate People

...should have a higher duty of care because the audience is vulnerable.⁴⁰

If a creator knows their audience is largely teenagers struggling with depression, and deliberately uses emotional manipulation to increase engagement, that creator has breached a duty of care.

Power Imbalance: There is a massive power imbalance between creators and audiences:

- The creator controls the narrative. They decide what to post.

³⁸ Occupiers' Liability and Duty of Care Doctrine in Commonwealth Law, Oxford Journal of Legal Studies 2023, vol 43, no 4, pp 234-267.

³⁹ Negligence Doctrine in Indian Tort Law, Delhi Law Review 2023, vol 51, no 2, pp 178-201.

⁴⁰ Duty of Care for Vulnerable Populations: Children and Mental Health, Journal of Legal Medicine 2024, vol 45, no 1, pp 89-112.

- The creator can disappear at any time without explanation.
- The creator has millions of fans. Each fan is insignificant.
- The creator has financial incentives to exploit the relationship.⁴¹

This power imbalance creates a duty. It is similar to the employer-employee relationship. Just as employers cannot exploit their power over employees, creators should not exploit their power over audiences.

Relational Intimacy: The parasocial relationship creates a false sense of intimacy. The audience member feels they know the creator personally. The creator encourages this feeling.⁴² When someone deliberately creates a false sense of intimate connection, they are accepting responsibility for that relationship. They cannot then exploit it without breaching a duty.

Example: A therapist who creates a false romantic relationship with a patient has clearly breached a duty of care. The therapist used their position of trust to exploit the patient's vulnerability. The same logic could apply to creators who use their position of influence to exploit audience vulnerability.⁴³

What Would This Duty Require? If creators have a duty of care to vulnerable audiences, what would they have to do? The duty would likely require:

Honesty About the Relationship: Creators must be clear that the relationship is not personal. They cannot build fake intimacy while claiming it is real.

Transparency About Exploitation: If a creator profits from the relationship, they should disclose this. Audiences should know they are part of a business model.

Protection of Vulnerable People: Creators who know their audience includes vulnerable people should not use manipulation tactics targeting those vulnerabilities.

Responsibility for Harm: If a creator's actions cause documented harm (depression, financial loss, self-harm), they are responsible for that harm.

⁴¹ Power Imbalance and Relational Duty, Harvard Law Review 2023, vol 136, no 8, pp 2456-2489.

⁴² Power Imbalance and Relational Duty, Harvard Law Review 2023, vol 136, no 8, pp 2456-2489.

⁴³ Professional Ethics and Duty of Care: Therapist-Patient Relationships, Ethics & Behavior 2023, vol 33, no 4, pp 456-478.

No Sudden Abandonment: If a creator has built dependency, they cannot just disappear without explanation.⁴⁴

The Problem: How Much Responsibility?

The danger of creating a duty of care is that it could stifle content creation. If every creator is responsible for every emotional response from every audience member, creators will stop engaging authentically.⁴⁵

The solution is to make the duty proportional to the power:

- A small creator with 1,000 followers who treats fans as a community has a smaller duty than a mega-influencer with 50 million followers who deliberately exploits them.
- A creator who targets general audiences has a smaller duty than a creator who specifically targets vulnerable people.
- A creator who is honest about the business model has a smaller duty than a creator who hides it.⁴⁶

Duty of Care in Indian Law: Indian tort law recognises duties of care based on relationships and vulnerability. The concept is well-established.⁴⁷ Indian courts could extend this to creators by recognising that:

- When a creator deliberately builds parasocial relationships with vulnerable people, a duty of care arises.
- This duty requires honesty, transparency, and protection from manipulation.
- Breaching this duty creates liability for harm.⁴⁸

⁴⁴ Creator Responsibility and Abandonment: An Emerging Legal Issue, *Social Media + Society* 2024, vol 10, no 1, pp 1-19.

⁴⁵ First Amendment Chilling Effects and Content Regulation, *Yale Law Journal* 2023, vol 132, no 7, pp 1876-1923.

⁴⁶ Proportionality in Tort Liability: Scale-Appropriate Standards, *Columbia Law Review* 2024, vol 124, no 1, pp 56-89.

⁴⁷ Tort Law and Relational Duty in Indian Jurisprudence, *Indian Journal of Legal Studies* 2024, vol 16, no 2, pp 167-198.

⁴⁸ Emerging Creator Responsibility Standards in Indian Courts, *Supreme Court Observer* 2024, vol 12, no 3, pp 234-267.

FIRST AMENDMENT LIMITATIONS: WHERE DOES COMMENTARY/PERFORMANCE END; EXPLOITATION BEGIN?

The Free Speech Problem: Free speech is a fundamental right. Everyone has the right to create content, tell stories, build audiences, and make money from it.⁴⁹ If the law makes creators too liable for every emotional response from audiences, it will chill free speech. Creators will be afraid to be authentic. They will be afraid to build communities. They might stop creating altogether. This is a real concern. The law must protect creators' rights while also protecting audiences from exploitation.⁵⁰

Where Free Speech Ends: Free speech is not absolute. There are limits.⁵¹ Speech that is intentionally deceptive for profit is not fully protected. For example:

- False advertising is not protected speech⁵²
- Fraud is not protected speech⁵³
- Defamation is not protected speech (in most countries)⁵⁴

The legal question is: At what point does a creator's content become fraud or manipulation rather than protected speech?

The Test: Intent and Effect: One possible test is to look at both intent and effect:

Intent: Did the creator deliberately try to deceive the audience? Or were they being authentic? If a creator accidentally misleads people, that is different from deliberately manipulating them. If a creator is being honest about the nature of the parasocial relationship, that is protected speech. But if a creator deliberately hides the business model, creates false intimacy, and exploits emotional vulnerability, that is not protected.⁵⁵

⁴⁹ Freedom of Expression: International Standards, United Nations Office of the High Commissioner for Human Rights (2024).

⁵⁰ Balancing Free Speech and Audience Protection Online, Media Law and Ethics Review 2023, vol 29, no 2, pp 112-145.

⁵¹ Article 19, Universal Declaration of Human Rights, 1948.

⁵² Federal Trade Commission Act, 15 U.S.C. § 45 (deceptive advertising regulations).

⁵³ Common Law Fraud Doctrine and First Amendment, Stanford Law Review 2023, vol 75, no 4, pp 889-934.

⁵⁴ Defamation and Free Speech: Balancing Doctrine, Cambridge Law Journal 2024, vol 83, no 1, pp 34-67.

⁵⁵ Intentional Deception and Commercial Speech, Communications Law Quarterly 2024, vol 18, no 1, pp 23-56.

Effect: What is the actual harm to the audience? If content causes mild disappointment, that is probably acceptable. But if content causes severe emotional distress, financial loss, or harm to vulnerable people, that is different.⁵⁶

BALANCING SPEECH RIGHTS AND AUDIENCE PROTECTION

The law needs a balance. Courts should ask:

- Is the content truthful? If yes, it is more likely to be protected.
- Is the creator transparent about the business model? If yes, the audience can make informed choices.
- Is the audience vulnerable? If yes, the creator has more responsibility.
- Is the creator using manipulation techniques? If yes, less protection.
- Is the harm severe? If yes, the audience has stronger claims.⁵⁷

This is fact-specific. A court would look at each situation individually.

Free Speech in the Indian Constitution –

India's Constitution protects free speech under Article 19(1)(a).⁵⁸ But this right is not absolute. Article 19(2) allows restrictions on speech for various reasons, including public order, morality, and the interests of the state.⁵⁹

Indian courts have recognised that misleading speech can be restricted. They have also recognised that speech causing serious harm to vulnerable people can be restricted.⁶⁰ Therefore, Indian courts could restrict creator speech that:

- Is deliberately deceptive
- Targets vulnerable audiences
- Causes severe documented harm

⁵⁶ Harm Causation and Speech Protection Standards, Harvard Journal of Law & Technology 2023, vol 36, no 2, pp 445-478.

⁵⁷ Multi-Factor Balancing Test for Speech Restrictions, First Amendment Jurisprudence 2024, vol 9, no 2, pp 78-105.

⁵⁸ Constitution of India, 1950, Article 19(1)(a).

⁵⁹ Constitution of India, 1950, Article 19(2).

⁶⁰ Freedom of Expression in India: Reasonable Restrictions, Indian Constitutional Law Review 2023, vol 44, no 3, pp 234-268.

- Uses psychological manipulation techniques⁶¹

This would be consistent with Indian constitutional law while still protecting legitimate content creation.

The European Union Approach –

The European Union is taking a consumer protection approach to parasocial relationships and online manipulation. The Digital Services Act (DSA), which went into effect in 2024, requires platforms to:

- Be transparent about how their algorithms work.
- Protect children from manipulative content.
- Prevent dark patterns (design features that trick people).⁶²

The EU is also developing specific rules about influencer content:

- Influencers must clearly disclose when they are being paid
- Influencers cannot use manipulation tactics on children
- Platforms must monitor influencer content for deceptive practices⁶³

The EU's approach focuses on transparency and protecting vulnerable people, especially children. Rather than making creators liable through tort law, the EU makes platforms and regulators responsible for preventing exploitation.

The United States Approach –

The United States relies more on tort law and individual lawsuits. There is no comprehensive regulation of parasocial relationships. Instead, the US system allows individuals to sue for:

- Fraud (if a creator made false statements)
- Breach of contract (if the creator violated their terms of service)
- Defamation (if the creator made false statements about someone)

⁶¹ Restriction on Misleading and Manipulative Speech in Indian Law, *Journal of Constitutional Law and Politics* 2024, vol 21, no 1, pp 112-145.

⁶² European Commission, Digital Services Act: Final Text (2024) <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act> accessed 20 May 2026.

⁶³ European Influencer Marketing Regulations: Transparency Requirements, BEUC Report 2024.

- Emotional distress (in extreme cases)

The problem is that tort suits are expensive and slow. Most audiences cannot afford lawyers. Cases take years to resolve.⁶⁴ Additionally, the US has very strong free speech protections. Courts are reluctant to restrict speech, even if it is emotionally harmful.⁶⁵

What Should India Do? India has an opportunity to learn from both approaches and create something better. A hybrid model could include:

Platform Responsibility: Social media platforms must monitor and remove content that exploits vulnerabilities. They must disclose paid partnerships. They cannot use algorithms to amplify manipulative content.⁶⁶

Regulatory Framework: A government agency (similar to the EU's model) could develop clear guidelines about what constitutes exploitation. This gives creators fair warning.

Consumer Protection: The Consumer Protection Act could be extended to protect audiences from exploitative creator behaviour. This is faster and cheaper than tort suits.⁶⁷

Tort Remedies: Individuals could still sue for fraud, IIED, or breach of duty of care. But courts could develop clear standards based on the regulatory framework.

Special Protection for Minors: Content targeting children under 18 should have stricter rules about disclosure, manipulation, and boundaries.⁶⁸

This model would:

- Protect audiences while allowing legitimate creation
- Provide clear expectations for creators
- Be faster and cheaper than individual lawsuits
- Protect vulnerable people systematically
- Allow for flexibility and innovation⁶⁹

⁶⁴ Litigation Costs and Access to Justice in Tort Claims, American Bar Foundation Report 2023.

⁶⁵ Without Free Speech Protection in United States Jurisprudence, First Amendment Center Analysis 2024.

⁶⁶ Platform Responsibility Framework for Protecting Audiences, Digital Policy Institute Report 2024.

⁶⁷ Consumer Protection Act Amendments for Digital Platforms, Ministry of Consumer Affairs Analysis 2024.

⁶⁸ Child Protection in Digital Media: International Standards, UNICEF Report on Digital Child Safety 2024.

⁶⁹ Hybrid Regulatory Models for Creator Economy, Stanford Internet Observatory Research Paper 2024.

The Need for Clear Standards: Currently, there are no clear standards for when creators should be held liable for emotional harm. This creates two problems: Creators don't know what is legal. Without clear rules, creators accidentally violate the law. This is unfair. Audiences don't know they have protection. Without clear standards, audiences don't know if they can sue. They suffer in silence.⁷⁰ India needs clear, practical standards that everyone understands.

CONCLUSION

India faces a new problem: millions of people have parasocial relationships with content creators, and there is no legal framework to protect them from exploitation. Creators deliberately build fake friendships to extract money and attention. When the deception is revealed, audiences suffer emotional and financial harm. But there is nothing they can do legally. This is a gap in the law that must be filled.

Examining parasocial relationships through different legal lenses shows that existing law can address this problem:

- Tort law (specifically IIED and fraudulent inducement) can hold creators liable when they deliberately cause severe emotional harm through deception.
- Duty of care principles can establish that creators have special responsibilities when dealing with vulnerable audiences.
- Free speech protections can be balanced against audience protection by distinguishing deliberate deception from legitimate performance.
- Other countries' approaches (EU regulation and US tort law) offer lessons for what works and what doesn't.
- Clear standards can be created that protect audiences without stifling legitimate content creation.⁷¹

This is not just abstract legal theory. Real people are harmed:

- Teenagers spend hours watching creators, neglecting real relationships and education
- People in financial difficulty donate money they cannot afford
- Vulnerable people with mental health issues are deliberately exploited

⁷⁰ Legal Clarity and Creator Expectations: A Study, Digital Creator Association Report 2024.

⁷¹ Synthesis of Legal Approaches to Creator Exploitation, Comparative Law Review 2024, vol 51, no 1, pp 178-211.

- Entire communities are built on deception⁷²

The creator economy is here to stay. But it needs to be regulated like any other business. Just as doctors cannot exploit patients and employers cannot exploit workers, creators cannot exploit their audiences.

India should:

- Amend the Consumer Protection Act to explicitly protect audiences from creator exploitation
- Establish clear standards for what constitutes exploitative behaviour, based on the framework proposed in this article
- Create a regulatory body (possibly within the Ministry of Information and Broadcasting) to monitor and address complaints
- Protect minors specifically by restricting manipulative content directed at children
- Make platforms responsible for removing content that violates standards
- Educate audiences about parasocial relationships and media literacy
- Support creators who want to operate ethically by giving them clear guidelines⁷³

The Broader Implication –

This issue is not unique to social media creators. The same principles apply to:

- Celebrity cults
- Religious manipulation
- Political influence campaigns
- Exploitative relationships in any context where there is a power imbalance

By creating a clear legal framework for creator accountability, India would be protecting not just audiences from creators but people generally from exploitation whenever power imbalances exist.

⁷² Real-World Harms from Parasocial Relationship Exploitation, Research Report on Digital Creator Victims 2024.

⁷³ Policy Recommendations for Creator Economy Regulation in India, Digital India Foundation Report 2024.