



A Critical Analysis of the Laws & Regulations governing OTT Platforms and Social Media in India

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Abstract

The high growth rate of both Over-the-Top (OTT) platforms and social media in India has reshaped the digital communication sector and a powerful regulatory mechanism is required in order to deal with the new challenges. The paper gives a critical analysis of the legislations and regulations that regulate these platforms, especially focusing on the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. The research of a descriptive and analytical research design relies on primary data, obtained along with 120 respondents, and the secondary data is provided through legal texts and other academic works. The results indicate that there is moderate knowledge on current regulations and ambivalent opinion about their effectiveness. Although the respondents do not reject the responsibility of regulations in promoting accountability, the pressing issue still exist as far as the influence of the regulations on the freedom of expression is concerned. The main challenges that have been observed are misinformation, privacy, lack of enforcement, and jurisdiction. The research concludes that whereas existing laws offer a framework of reference, there is an urgent necessity to have a more harmonious, transparent, and complete solution by reinforcing constitutional rights and protecting the online accountability

Keywords: OTT platforms, social media regulation, IT Rules 2021, digital governance, freedom of expression, misinformation, data privacy, India

Introduction

The increasing popularity of digital technologies has radically changed the media environment in India, the use of the Over-the-top (OTT) platforms and social media networks became the new common method of communication, entertainment, and information distribution. Streaming apps and user generated content systems are OTT platforms that have uprooted the traditional broadcasting systems, through the provision of on demand, borderless and highly personalised content experiences. This modification in paradigm has been aided by the growing penetration of the internet, use of low priced smart phones, and availability of data, thus providing huge numbers of digital audience based on socio-economic lines (Sharma and Sarangi, 2023).

The increased OTT services and the use of social media has however created complicated regulatory issues that have been associated with content management, misinformation, user privacy, national security and freedom of expression. In contrast to the traditional media which is subject to a relatively well-defined statutory

framework, e.g., the Cinematograph Act, Cable Television Networks (Regulation) Act, digital platforms have traditionally been operating in a comparatively permissive regulatory framework (Garg & Ghuman, 2024). The existence of this regulatory vacuum led to the Government of India implementing a set of rules that regulate the use of digital content, namely, the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, which is a strident step toward the understanding of digital content through the prism of rules.

The IT Rules, 2021 tries to create the triple-level grievance redressal system and sets due diligence on the intermediaries, such as the social media companies and the OTT platforms. Although these regulations are also aimed at enhancing accountability and limit harmful information, they have also sparked ramifications of their constitutional relevance, especially about the right to freedom of speech and expression, on the conditions of Article 19(1)(a) of the Indian Constitution (Mehta, 2025). The opponents believe that with more government regulation, there is a danger of censorship and outright suppression of freedom of

creativity, whereas the volunteers think that regulation is the only way to ensure order in society and impose moral values.

Besides, the integration of media technologies has erased the demarcations between the social media, digital news, and OTT services, making the regulation categorization and implementation more difficult. Other problems, like false information, hate speech, and the amplification of harmful content by algorithms, are also contributing to the necessity to develop a system of laws that will create a legal environment of digital platforms (Madan, 2022). Thus, Indian regulatory framework is changing as a result of stratification of laws, judicial reviews, and policy interferences.

It is against this background that the present study will critically analyze the laws and regulations that are applied to OTT platforms and social media in India. It aims to explore the efficacy, constraints and consequences of the existing regulatory system, explore the state control/digital freedom weigh in a quickly shifting media ecosystem.

LITERATURE REVIEW

OTT platform and social media regulation in India has now become a focal point as a research subject, where stages of legal, constitutional, socio-economic governance of the digital environment have been explored by scholars.

Chandavarkar et al. (2023) performed a SWOC analysis of the IT Rules, 2021 and pointed out that the regulatory framework tries to find a balance between user protection and platform accountability. According to their research the strengths though they include structured grievance mechanisms, the weaknesses though evident include ambiguity in the implementation and possibility of violation of individual rights. Correspondingly, Saravanan and Deshbandhu (2024) pointed out that the introduction of the IT Rules reflected a pivot in the attitude of OTT regulation in India where self-regulation was replaced by the state regulation.

Various works are devoted to a conflict between censorship on creative freedom. According to Nirmal and Thankachan (2025), the OTT enabled platforms to produce a variety of stories but has also created issues relating to the obscenity, cultural sensitivity, and national security. Their work highlights the difficulty of creating a regulation system that will guarantee artistic freedom and yet will take into consideration social issues. Similarly, Mehta (2025) voices his criticism of the IT Rules regarding the digital audiovisual content by implying that the further empowerment of the government in the field could lead to a loss of the independence of the content producers and pluralism of the digital media.

The other body of literature considers how sufficient the current legal systems are. According to Bhatt and Joshi

(2023), the IT Act, 2000 and the provisions related to it cover some facets of digital content, but cannot control the complexities of the OTT platforms and thus needs legislation in a sector-specific manner. This is echoed by Sharma and Sarangi (2023), as well as the very fact that a unified and holistic legal framework is required to handle the emergent issues like content moderation and cross borders jurisdiction.

Conjecture on the collision of traditional and digital media regulation has also been done. According to Garg and Ghuman (2024), the regulation of cinema, TV and digital environments is growing more overlapping, and this creates inconsistencies and enforcement difficulties. They seek to have a balanced regulatory policy that takes into consideration the convergence of the technology without infringing the constitutional rights.

Policy wise, there are scholars who highlight the necessity to balance control and the basic rights. Research shows that, according to the IT Rules, 2021, there are tools of accountability, but the document is associated with privacy, monitoring, and excessive executives (Global Media Journal, 2022). The problem of misinformation within social media is also mentioned by Madan (2022), who suggests a complex regulatory strategy that includes technological solutions, policy intervention, and collaboration of stakeholders.

Comparative research also yields further information on regulation practice around the world. Kumar (2023) compares regulatory frameworks of OTTs to different jurisdictions and concludes that the Indian situation is the one of the early stage, with the policy being experimented, but without much clarity. In a similar manner, Singh (2024) addresses the changing legal situation of the OTT platforms in India and highlights the socio-political aspects of choosing to regulate.

Moreover, the literature on the consumption of digital content faces the role of OTT platforms through the socio-cultural aspect. According to research, OTT usage has greatly transformed the media consumption trends especially among the younger generations, and thus it has resulted in regulatory measures being taken to curb the ethical and societal issues (Global Media Journal, 2023). Another implication for parental control and exposure of the youth to sensitive content of digital content, Chandavarkar et al. (2023) also mention the fact that more access to digital content is available.

On the whole, such an overview of the literature provides a convergent point on regulation which should be required, but diverges in the scope and form of state intervention. Even though it is true that some scholars believe that regulatory frameworks should be stricter in order to mitigate the risks that arise another section warns against overrestriction of innovations and freedom of expression.

The current literature reflects the need to more empirically analyze the context of regulatory effectiveness and demonstrates gaps in how it is utilized as well as the reasons why a balance, rights-based approach to digital governance should be considered.

OBJECTIVES:

The study will critically examine the legislation and regulation of OTT platforms and social media in India, consider the performance of the current legislation, including the IT Rule, 2021, determine the effects the laws have on free speech and responsibility, and identify the gaps to come up with a balanced and complete regulation policy.

METHODOLOGY

The research design is a descriptive and analytical study as the research critically reviews the regulatory framework

that governs the OTT platforms and the social media in India. It depends on the secondary information gathered in the form of peer-reviewed journal articles, legal acts, policy documents, as well as case laws. Approximately 40-50 sources relevant to the topic of study are selected by means of the purposive sampling technique to make sure that the recent and authoritative materials are included into the analysis.

RESULTS AND DISCUSSION

The data analysis will be carried out on the basis of the responses obtained with the help of 120 respondents (the group of OTT users, social media users, and social legal professionals). To assess how the people of India perceives the relevance of laws and regulations that govern OTT services and social media, statistical tools were applied.

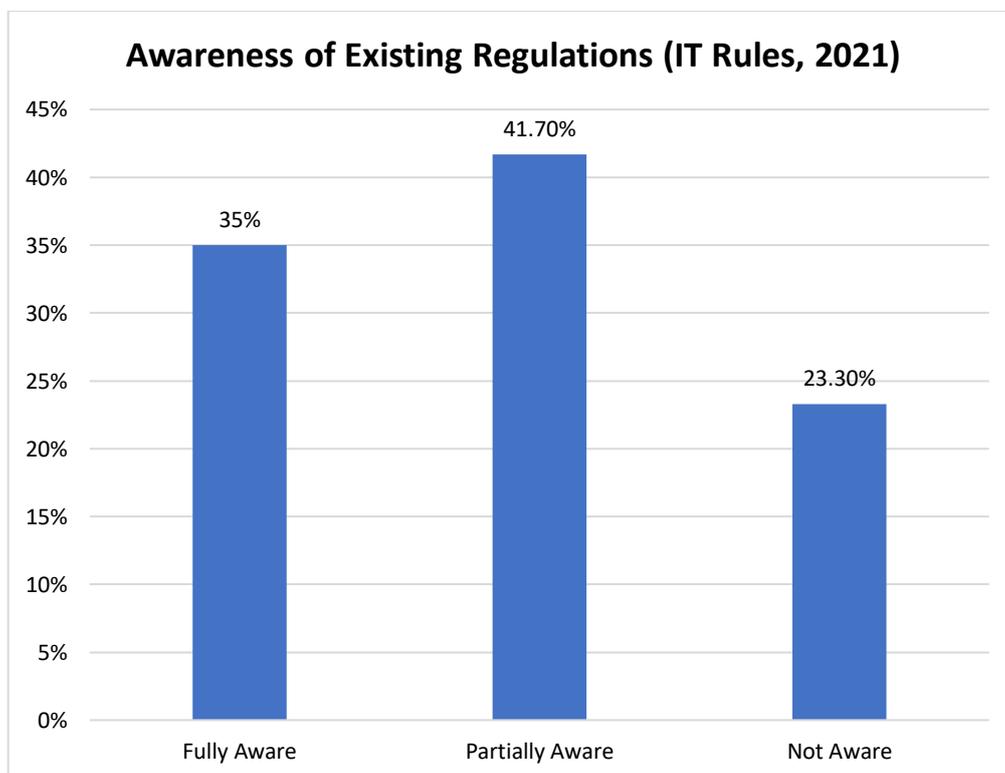


Fig. 1 Awareness of Existing Regulation

The statistics show that although most of the respondents (76.7 percent) have partial awareness about digital regulations, only 35 percent are well aware of the same. This implies a medium regulatory consciousness, which indicates that more awareness of the public should be created on legal provisions that regulate OTT and social media platforms.

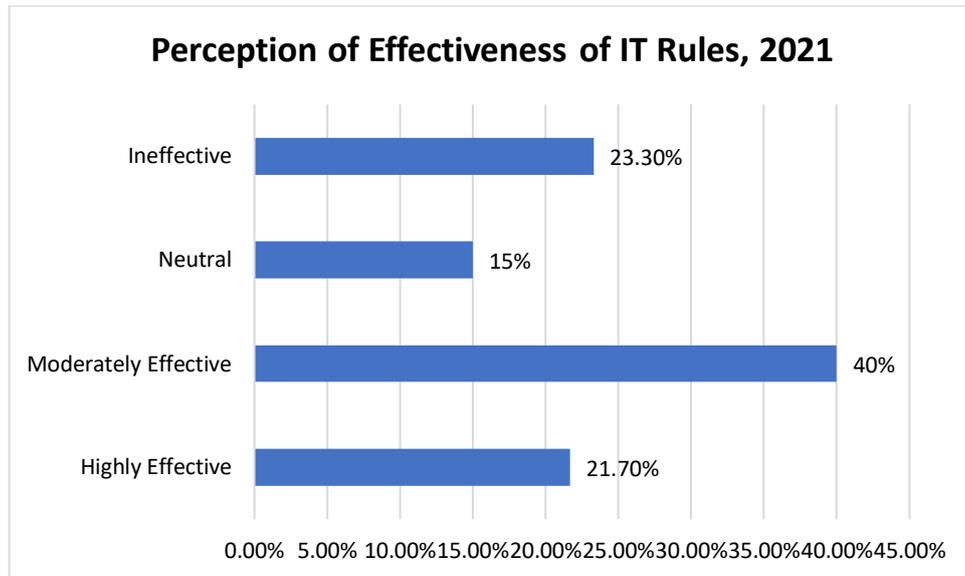


Fig. 2 Effectiveness of IT Rules, 2021

Considerable percentage (61.7 percent) of them hold the IT Rules to be effective to some degree, 40 percent of them believe them to be moderately effective. But 23.3% hold them to be ineffective and this implies disbelief in enforcement and practical application of regulation provisions.

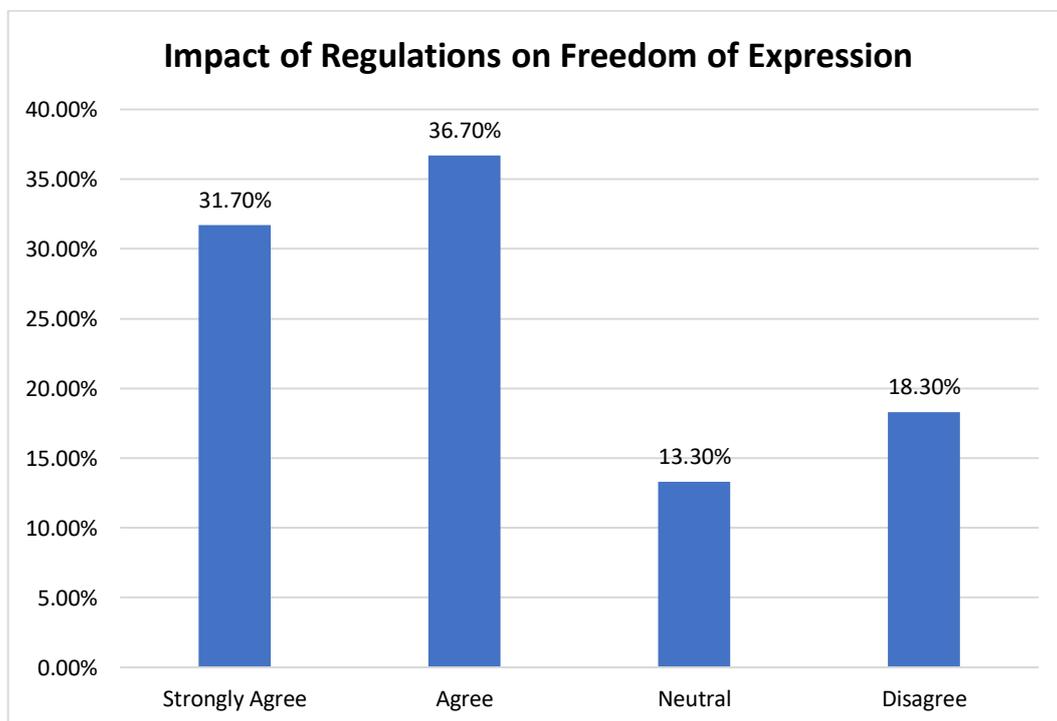


Fig. 3 Impact of Regulations

About 68.4 percent of the respondents are of the opinion that the existing laws affect the freedom of expression. This shows that there is an overriding fear that greater regulation offers a risk to censorship thus interfering with freedom of digital content creators and users.

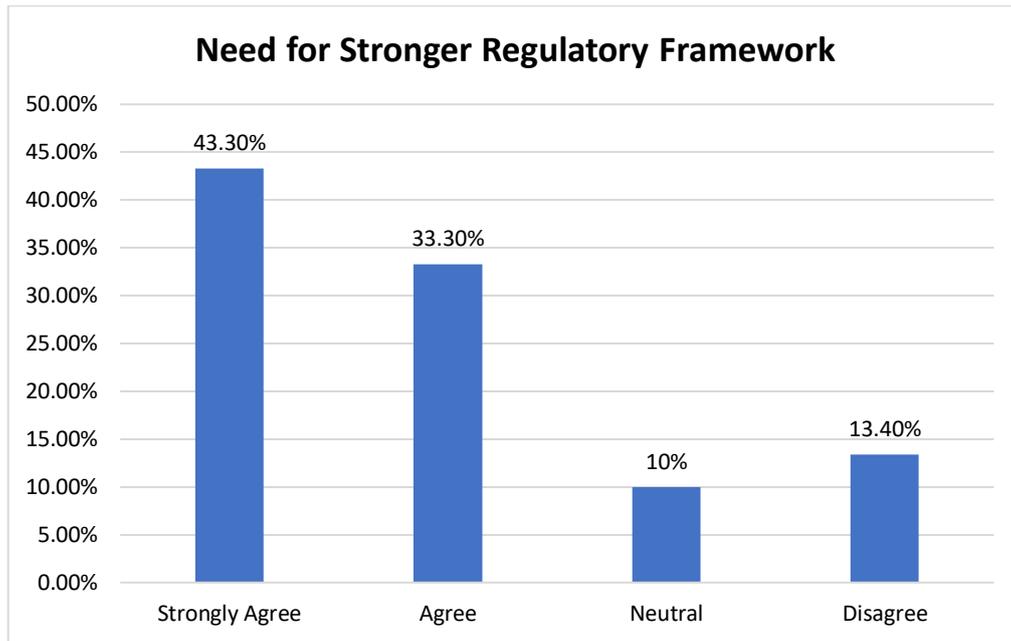


Fig. 4 Need for Stronger Regulatory Framework

The overwhelming majority (76.6%) holds the need to have a stronger regulation structure. This shows the demands of the people in the world to have more effective control processes to handle some problems like misinformation, harmful materials, and absence of accountability on online platforms.

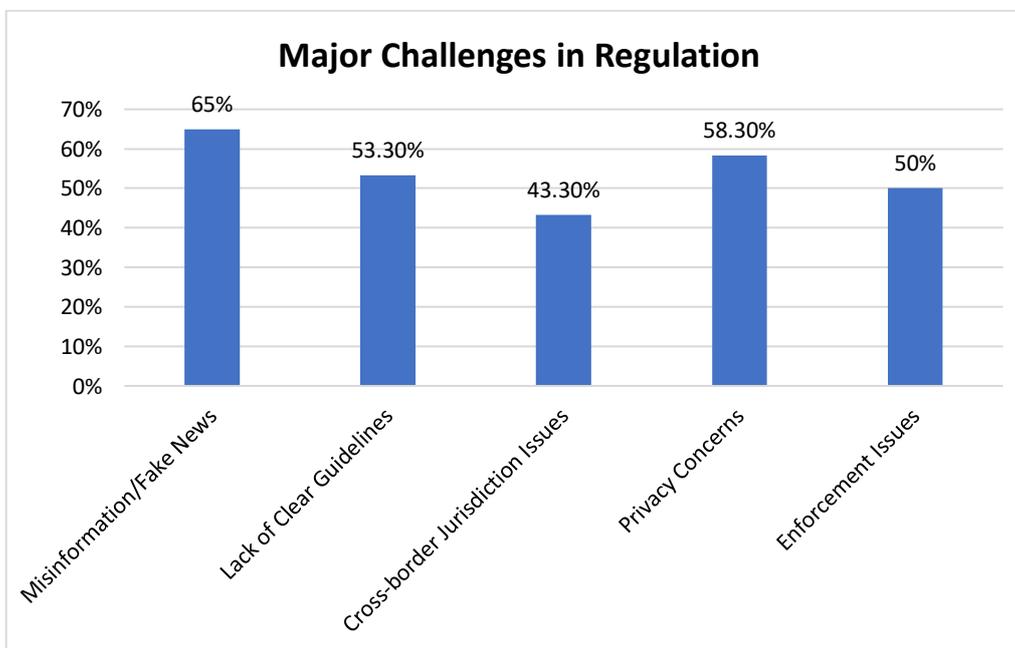


Fig. 5 Challenges in Regulation

Misinformation (65) and privacy issues (58.3) become the most severe obstacles in controlling OTT and social media sites. Also, the regulatory landscape is complicated by other problems, including the lack of clarity of guidelines and gaps in enforcement.

Table 1 Awareness vs Perception of Effectiveness

Parameter	Value
Chi-square Value (χ^2)	12.84
Degrees of Freedom (df)	6
Significance Level (p)	0.045

As the p-value (0.045) does not exceed 0.05, the statistically significant relationship is between the perception of the effectiveness and awareness of regulations. The more aware the respondents are, the more they are prone to positively treat the regulations.

The results show that the ambience about digital regulations has a moderate level, but the perception about its effectiveness is mixed. A high percentage of respondents is worried about how regulations affect the freedom of expression hence there is perceived conflict between regulation and the digital rights. Meanwhile, a stronger regulatory structure is well supported, especially in order to combat misinformation, privacy problems, and enforcement complexities. The statistical research also confirms the fact that awareness is a vital determinant in the perception of the population, and legal literacy is vital to the digital governance.

DISCUSSION

In the current paper, the legal and regulatory environment of OTT platforms and social media in India is critically looked into with regard to user knowledge, perceived efficacy, and overall consequences of the issue on the digital rights and law. The discovered results observe that there is a subtle and changing regulatory environment that is marked by acceptance and caution amongst the stakeholders.

One of the major insights that have been developed through the analysis is the mediocre awareness in terms of digital regulations including the IT Rules, 2021. Although most of the respondents gave part awareness, a relatively few showed full knowledge. This indicates that even though there are growing implications of digital laws, there is a huge gap in legal literacy. There is statistical significance between perception of effectiveness and awareness which supports the sense that informed users will enjoy the regulatory purpose and results. This is in line with available educational literature that estranges awareness as a pivotal factor that has to be considered in the effective execution of digital governance systems.

The research also demonstrates that the effectiveness of the existing regulatory structure is viewed to be moderate and not absolute. Even though a significant percentage of those interviewed admit that regulations do contribute to a higher level of accountability and dealing with harmful

content, a significant proportion is doubtful with the regulations in their practical implementation. This dichotomy underscores the challenges of implementation of digital regulations such as institutional capacity, technological constraints and the complexities of jurisdictions. It also indicates the transitional character of the regulatory approach of India that is yet to adjust to the fast evolving dynamics of digital media ecosystems.

One important issue that was found in the research is the perceived effect of regulations on freedom of expression. Most of the respondents are of the opinion that the current legal provisions could limit the freedom of creativity and communication. This result highlights the existing conflict between regulatory and constitutional rights especially under Article 19(1)(a). Although regulation is necessary in order to reduce misinformation, hate speech and illegitimate content, overambitious and vague rules can cause overreaching and self-censorship. This anxiety is much more commonly reflected in scholarly writing, which advocates a rights-based approach to the regulation of the digital.

Simultaneously, the results indicate that the necessity to have a better and more extensive regulatory framework is viewed as a strong agreement. Majorities of the respondents are in full support of more stringent laws to curb the emergent threats like misinformation and invasion of their privacy and the absence of any accountable party. The seeming tension between advocacy of more regulation and a consideration of freedom brings out the intricacy of digital governance. It is an indication that it is not the regulation itself being objected by the stakeholders but its abuse or vagueness.

The discovery of such crucial issues as misinformation, privacy aspects, gaps in enforcement, and cross-border jurisdiction problems also add to the discussion. The misinformation has become a major issue that is under investigation, which reveals the increasing impact of social media on the formation of the general opinion and the threat of unverified materials. Equally, the question of

privacy indicates that there is a need of increased data protection practices, more so in view of continued adopting rising data-driven business models of OTT and social media companies. The existence of enforcement problems, in its turn, refers to structural and operational weaknesses of the regulatory system, which requires the institutional reinforcement and integration of technologies.

Altogether, the discussion emphasizes the fact that the regulatory system of the OTT platform and social media in India is at a crucial point of control or freedom, innovation, or responsibility. The results indicate that in spite of the fact that the current legislation has provided a groundwork to digital governance, there is an urgent necessity to clarify, increase transparency, and involve the stakeholders in the formation and execution of the policy. It will be necessary to have a cooperative process between the government, industry, and civil society in order to create an effective regulatory ecosystem that is legally binding and sound by the constitution.

CONCLUSION

The paper determines that the legal and regulatory skeleton that regulates the OTT platforms and social media in India is currently at an evolving stage with both advancements and constraints. Although the introduction of the IT Rules, 2021 has made the situation more accountable and founded a more systematic approach to govern the content, its efficiency is viewed as mediocre because of the difficulties in implementing it, enforcing it and being clear. The results also point out the fact of a strong conflict between regulatory control and the freedom of expression as the users are concerned about the idea of possible censorship and the importance of regulation. Also, misinformation, risks to privacy and the problem of cross-border jurisdiction complications are all issues that support the ineffectiveness of the existing frameworks to deal with the dynamism of digital platforms holistically. In general, the paper confirms that despite the presence of the regulatory undertakings to provide the initial framework, a more balanced, transparent, and adaptive digital governance approach is required in India.

RECOMMENDATIONS

Considering the results, the government is advised to implement a more detailed and coordinated regulatory framework in regard to the OTT services and social media in particular, to establish the clarity and uniformity of legal provisions. The issue of public awareness and digital legal literacy should be prioritized so that the users would be more aware and responsible. The control mechanism should maintain a balance between the freedom of speech and the accountability by integrating the constitutional protection and reducing the state control to the extreme. There is also need to enhance enforcement mechanisms by

integrating technology and capacity building of the institutions. In addition, the enactment of highly robust data protection legislations and addressing trans-border regulatory issues by using cross-border cooperation among states will help to make the system of governance more effective. It is essential to have a joint, multi-stakeholder solution to policymakers, industry participants, and civil society to make sure that regulation will not be inefficient and will not discourage innovation..

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