

News

Madras High Court bats for Australia-like rule banning social media for kids under 16



"As far as children are concerned, the vulnerability is high, so the parents' responsibility is higher," the Court said in a case concerning easy access to pornography.

The Madras High Court recently urged the Central government to consider enacting a rule similar to the recent Australian legislation that bans children under 16 from using social media platforms such as X, Facebook, Instagram and TikTok [S Vijayakumar v. Union of India]

A Bench of Justices G Jayachandran and KK Ramakrishnan said that until the Union

government explores the chance of enacting a law like the one passed by Australia, there should be awareness campaigns about the menace of child pornography.

"Union of India may study possibility of passing legislation like Australia. Till such legislation is passed, the authorities involved shall accelerate their awareness campaign more effectively, they shall take the message to the vulnerable group through all available medias. We hope that the Commission [for Protection of Child Rights] both at State and in Central will draw an action plan in this aspect and implement the same in word and spirit," the Court ordered.

Under the law that recently came into effect in Australia, social media companies are required to stop children under 16 from having accounts on their platforms or risk serious fines. The law does not target children or their parents.

The Court made the suggestion while disposing of a petition concerning the easy availability of pornographic material on the internet. The plea before the Madurai bench of Madras High Court also asked that internet service providers (ISPs) be directed to provide a parental control or "**parental window**" service.

Considering the submissions and papers filed before it, the Court opined that child rights commissions were not properly discharging their responsibilities under the National Commission for Protection of Child Rights Act, 2005.

"No doubt, certain awareness programs go around focusing children at schools. However, the said effort is not adequate," the Court added.

However, the Court did not pass any major directions or guidelines as it noted that the Supreme Court in a similar case last year made suggestions to the Centre and other stakeholders, in respect of the rights of child sexual abuse victims.

"As far as Internet Service Providers [ISP] are concerned, they are governed by separate statute and the Counsel appearing for some of the ISPs submits that periodically the intermediaries review the situation and pursuant to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, necessary actions taken and whenever it is brought to the notice of the concerned ISP regarding objectionable websites, the said websites are blocked."

Noting that websites with child sexual abuse material (CSAM) continue to stay available and active, the Court observed there must be control at the user end. The same can be achieved only if there is a parent control app available in the device, it added.

"Compulsorily for the said purpose, the end users should be made aware about the menace of child pornography and measures to avoid it. Ultimately, it is the individual choice and right to access such obnoxious material or to avoid it. As far as children are concerned, the vulnerability is high, so the parents' duty is higher," the Court said as it disposed of the plea.

Senior Advocate KPS Palanivel Rajan with Advocate K Prabakaran presented for the petitioner.

Advocates B Deepa, J Ashok, Chevanan Mohan, Madhan Babu, RG Shankar Ganesh and MD Poornachare represented different respondents.