



REGULATING MINORS' ACCESS TO THE DIGITAL ENVIRONMENT: LEGAL FRAMEWORK IN INDIA AND GLOBAL REGULATORY TRENDS

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ABSTRACT

Digitalization pervades every human activity. Digital services have made our lives easier, and their importance lies in the fact that access to the internet has been recognized as a fundamental right in the Constitution of India and other International human rights instruments. Despite this one cannot ignore the negative effects of online world. This issue becomes more concerning when it involves children, as it may lead to various psychological problems. Moreover, they may fall victim to numerous cyber crimes. Among the younger generation, having a costly smartphone has become a status symbol. Children's keen areas of interest include social media and online gaming, causing them to remain active in virtual spaces for long hours. They don't even want to be parted from their smartphones while going to school. As the saying goes, 'excess of everything is bad,' and it has become the need of the hour to regulate children's digital engagements. To this end, India has passed various legislations, and the Digital Personal Data Protection Act, 2023 deserves special mention here. Moreover, advisory and guidelines have also been issued to parents and teachers from time to time to monitor digital access of children and students in India. On a global scale, US's Children's Online Privacy Protection Act (COPPA), 1998, European Union's General Data Protection Regulation, 2016, Australia's Online Safety Amendment (Social Media Minimum Age) Act, 2024 etc., are significant developments in this regard.

Key Words: Digital Environment, Minors' Access, Digital Rights, Online Risks, Indian Statutes, Global Regulatory Trends

1. INTRODUCTION

The world entered its digital age in the middle of the 20th century. Beginning with the crude binary computing systems, the digital age progressed through the development of circuit chips, home computers, the internet, the World Wide Web, social media platforms, and most recently, smartphones.¹ Enabled by digital technology, the digital environment is a complex network that includes hardware like phones and computers, infrastructure such as the internet, and platforms and content like social media and virtual worlds.² Nowadays, digital platforms have inundated the whole world with their services, which impact our lives in diverse ways. We use them for communicating with each other, shopping, ordering food, finding information, watching movies, listening to music, and so on.

Everyone is at risk of online harms, but when it comes to children, this matter demands special attention from the legislators, judiciary, psychologists, parents, educators, researchers, and NGOs. This is because younger generations are more vulnerable to the effects of digital environment, which may give rise to various health issues, including mental disorders, insomnia, anxiety, obesity, depression, suicidal tendencies, illicit substance use, high-risk sexual behavior, and learning impairment.³

Apart from psychological problems, children, when they enter in the digital landscape, may become victims of several cybercrimes such as cyber blackmailing, threatening, harassment, fake profiles, cyber pornography, publishing obscene sexual material depicting children, cyber stalking, bullying, and internet crimes committed through online games. According to data from the National Crime Records Bureau (NCRB) 2022, 1,823 cases of these offences were reported in India. Karnataka topped the list with 239 cases, followed by Kerala and Rajasthan, which each had 182 cases.⁴

Anti-government protests, primarily led by Gen Z, the first digital generation born roughly 1997-2012, recently forced K.P. Sharma Oli to step down as the Prime Minister of Nepal. The immediate trigger for this unrest was the government's ban on nearly 26 social media outlets.⁵ Given the obsession with social media among digital generations, it becomes a very arduous task for any country to regulate this sensitive aspect of life.

Considering this alarming situation, the researcher has endeavoured to delve into the legal mechanism in India regulating minors' access to the digital environment. Moreover, laws passed by other countries in this regard have also been explored.

1. Digital Environment: An Evolutionary Component in Environmental Health, available at: https://www.researchgate.net/publication/361685256_Digital_environment_An_evolutionary_component_in_environmental_health (last visited on September 26, 2025).

2. Digital Environment - An Overview, available at: <https://www.sciencedirect.com/topics/computer-science/digital-environment> (last visited on September 25, 2025).

3. "The Use of Social Media in Children and Adolescents: Scoping Review on the Potential Risk" *International Journal of Environmental Research Public Health* 1 (2022) available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC9407706/> (last visited on September 13, 2025).

4. Data.gov.in, available at: <https://www.data.gov.in/search?title=cyber%20crimes%20against%20children&type=resources&sortby=score> (last visited on August 16, 2025).

5. "Nepal PM expands cabinet with three new Ministers, orders probe into violence", *The Hindu*, September 16, 2025.

2. DIGITAL RIGHTS OF CHILDREN IN INDIA: CONSTITUTIONAL PROVISIONS AND JUDICIAL DECISIONS

Under Part III of the Constitution of India dealing with Fundamental Rights, inter alia, the State is entrusted with power to make special provisions for children.⁶ Further, the Right to freedom of speech and expression under article 19 (1) (a) of the Constitution of India encompasses the various rights associated with digital environment. This right includes the right to express one's convictions and opinions freely by word of mouth, printing, pictures or any other mode.⁷ Importantly, it also covers the right to propagate one's views (freedom of circulation)⁸, freedom of commercial advertisements⁹, right against tapping of telephonic conversation¹⁰, right to post information or videos on the internet/social media¹¹, right to access to the information through internet¹², right to acquire and disseminate information using any medium, including print, electronic, and audiovisual formats.¹³ However, the aforesaid right to freedom of speech and expression is subjected to certain restrictions imposed by the State on the grounds of sovereignty and integrity of India, security of the State, friendly relations with Foreign States, public order, decency or morality, contempt of court, defamation, and incitement to an offence.¹⁴ From a plain reading of Article 19(1) of the Constitution, it can be inferred that the fundamental right enshrined under clause (a) of Article 19(1) is available only to citizens of India, including the children having Indian citizenship". Further, the Supreme Court of India has taken a wide interpretation of article 21 of the Constitution of India dealing with protection of life and personal liberty.¹⁵ The court held that the right to privacy of an individual, including that of children, is an indispensable part of article 21 of the Constitution.¹⁶

Furthermore, article 39(f) of the Constitution, which pertains to the Directive Principles of State Policy (DPSP), mandates the State to provide opportunities for the healthy development of children and to protect childhood and youth against exploitation and moral and material abandonment.¹⁷ In the present time, given the rising cases of cybercrimes against children and psychological illnesses stemming from social media use, the supra cited article is particularly relevant. It reminds the State to live up to these directives through its legislative efforts.

With regard to law making power, the Central Government has exclusive power to enact law on any recently emerged subject which has not been enumerated in the State or Concurrent List under the Seventh Schedule of the Constitution of India.¹⁸ Accordingly, the Union Government has regulated, through its different legislations, newly developed subject of information technology encompassing social media, e-commerce, and so on, which has a direct

⁶. The Constitution of India, art. 15 (3).

⁷. M Laxmikant, *Indian Polity* 85 (McGraw Hill Education India, Pvt. Ltd., Chennai, 7th edn., 2024).

⁸. *Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal*, AIR 1995 SC 1236.

⁹. *Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd.*, (1995) 2 SCC 148.

¹⁰. *People's Union for Civil Liberties v. Union of India*, (1997) 1 SCC 301.

¹¹. *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637.

¹². *Ibid.*

¹³. *Supra* note 8.

¹⁴. *Supra* note 6, art. 19(2).

¹⁵. Article 21 says that no person shall be deprived of his/her life or personal liberty except according to procedure established by law.

¹⁶. *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.

¹⁷. The first aspect of this point was added by the 42nd Constitutional Amendment Act of 1976.

¹⁸. *Supra* note 6, art. 248.

bearing with online safety of children.

3. LEGAL REGIME IN INDIA REGULATING CHILDREN'S DIGITAL ACCESS

There is no comprehensive legislation in India governing the minors' access to the digital world. Several statutes regulating different facets of this issue such as data protection, verifiable consent of parents, addictive behavior, threats of online gaming to children, screen time limitations etc. are discussed hereunder.

3.1. Digital Guardianship for Children

In virtual spaces, personal data of an individual has become fuel for companies to run their businesses. Personalized customer experiences, automated marketing messaging, and science-driven innovations, all depend upon the quantity and quality of information provided by the people.¹⁹ Seeing its importance, personal data can be misused by these companies, which may lead to various offences i.e. identity theft, fraud, loss of control over personal information etc. This issue becomes very serious when it involves the personal data of children. Due to their immaturity about life, it is very normal thing for children to be caught in the hoax when they share their personal information on digital platforms.

Considering the Online Safety of individuals, including children, the Union Government brought the Digital Personal Data Protection Act, 2023 (hereinafter referred to as DPDP Act).²⁰ However, this Act is not yet fully in force. Despite the fact, its provisions aimed at safeguarding the personal data of children on digital platforms need to be discussed here.

Under this legislation, the 'Digital Majority' age is 18 years.²¹ This means that any person who has completed this age is eligible to use any social media platform. In case a 'Data Fiduciary'²² intends to process the data of a child for lawful purpose, who has not attained the Digital Majority age, the verifiable consent for the same of her parent or lawful guardian, as the case may be, is necessary to be taken.²³

Further, a Data Fiduciary is not allowed to process the data, which may trigger harm to the well-being of a child.²⁴ Section 9(3) of the DPDP Act categorically prohibits Data Fiduciaries from engaging in tracking, behavioural monitoring, or targeted advertising directed at children. The Data Protection Board of India set up under section 18 of said Act is empowered to impose the penalty up to Rs. 200 crores on Data Fiduciary in the case of violation of section 9 of this very Act.²⁵ Furthermore, the 'Data Principal'²⁶ has been given right to correction, completion, updating and erasure of her personal data for the processing of which she has previously given consent.²⁷

¹⁹. What is data privacy- and why is it important, available at: <https://www.integrate.io/blog/what-is-data-privacy-why-is-it-important/> (last visited on September 19, 2025).

²⁰. Act No. 22 of 2023.

²¹. *Id.*, s. 2(f).

²². *Id.*, s. 2(i). 'Data Fiduciary' means any person who alone or in conjunction with other person determines the purpose and means of processing personal data.

²³. *Id.*, s. 9(1).

²⁴. *Id.*, s. 9(2).

²⁵. *Id.*, s. 33 read with Entry 3 of the Schedule 1.

²⁶. *Id.*, s. 2(j). "Data Principal" means the individual to the personal data relates and where such individual is – (i) a child, includes the parent or lawful guardian of such child.

²⁷. *Id.*, s. 12(1).

With a view to verifying Parent's or guardian's identity and age, Data Fiduciaries can employ any of the two technological methods e.g. (a) from reliable identity and age details already available with Data Fiduciary. This method applies in cases where parent or guardian is a registered user on any social media platform and has already provided her identity and age details; (b) in the absence of the first situation, parent or guardian can voluntarily provide identity and age details or a virtual token mapped to the same, which is issued by an entity entrusted by law or the Central Government or a State Government with the maintenance of such details or a person appointed or permitted by such entity for such issuance, and includes such details or token verified or made available by a Digital Locker service provider.²⁸ Noting that the Central Government may forbid the Data Fiduciaries to process the data of individuals including children to such country or territory outside India as may be so notified²⁹ subject to some exceptions under the DPDP Act.

This means that the Act does not prohibit children from using social media platforms. Instead, it provides safeguards in the interest of children so that they can use these platforms without being victims of cybercrimes. However, the legislation's provisions do not apply where a Data Principal voluntarily makes her personal data publicly available on any social media platform.³⁰ It is interesting to note that the DPDP Act uses the pronoun "she" for every individual, regardless of gender, as a step toward women's empowerment.³¹

3.2. Online Gaming and Children

Games have always been keen area of interest among children. Physical games are an integral part of school curriculum due to their positive impacts on physical and mental well-being of pupils. With the passing of time, online games have started prevailing over physical games. It goes without saying that the Covid-19 lockdown expedited the use of online gaming as a source of virtual entertainment and social interaction. The eSports has been recognized at various National and International sports events e.g. Commonwealth Games 2022, Asian Games, and Dreamhack Hyderabad 2024, however, its negative impacts on children cannot be overlooked. Shockingly, online gaming apps have a potential to hijack brain's reward system, triggering intense 'highs' from substantial wins and giving rise to a cycle of 'chasing losses'. Such sort of situation may lead to monetary ruin, mental distress, and suicidal tendency. According to nationwide study, 87% of students regular play online games. And 23% of youth experience stress and negative thoughts. In 2020, a 17 years old boy lost 17 lakh while playing PUBG, which resulted in economic and emotional distress.³² Besides this, Seema Haider, a Pakistani citizen and mother of four minor children, entered India illegally via Nepal in 2023 following relation with Sachin Meena on PUBG.³³ Such kinds of incidents raise serious concern about national security of India.

²⁸. The Digital Personal Data Protection Rules, 2025, rule 10.

²⁹. *Supra* note 20, s. 16 (1).

³⁰. *Id.*, s. 3 (c).

³¹. *Id.*, s. 2 (y).

³². Regulating India's Online Gaming Industry, available at: <https://www.drishtiias.com/daily-updates/daily-news-editorials/regulating-india-s-online-gaming-industry> (last visited on September 20, 2025).

³³. PUBG: India-Pakistan Gaming Love Story Ends in Jail, available at: <https://www.bbc.com/news/world-asia-india-66117548> (last visited on September 22, 2025).

In 2021, the Union Government issued an advisory to parents and teachers to monitor their children and students, helping them avoid harmful online gaming atmosphere. The "Don'ts" section of the advisory includes the following: no in-game purchases without parental consent; using OTP-based payment methods in line with RBI recommendations; not sharing credit and debit card details on apps; advising children against making direct purchases from their gaming devices; avoiding unknown websites for downloading software and games; not clicking on suspicious links or images; not communicating with strangers on online platforms; and discouraging prolonged gaming sessions to prevent health problems and addiction. Additionally, the advisory offers the following "Dos" for parents and teachers: take screenshots of inappropriate content and report it; help children use a screen name that does not reveal their real identity; use antivirus and spyware programs; activate parental controls and safety features on devices and browsers to restrict access and limit in-game spending; check the age rating of games; encourage children to block, mute, or unfriend suspicious individuals; and discuss the consequences of online gambling with them.³⁴

In addition, the Information Technology Act, 2000 empowers the Central Government to block access to outlaw websites and links.³⁵ Further, the Directorate General of Goods and Services Tax (GST) Intelligence is empowered to direct intermediaries to block access to non-compliant and unregistered gaming platforms.³⁶ Furthermore, the Central Consumer Protection Authority (CCPA) under the Consumer Protection Act, 2019 has issued an advisory for preventing celebrities and influencers from promoting online gambling and betting.³⁷ Importantly, the Promotion and Regulation of Online Gaming Act, 2025 has banned all types of real money games in India, while promoting and providing legal support to online social games and eSports.³⁸

3.3. Screen Time Guidelines for Parents and Teachers

Screen time is the total time spent per day in watching screens like mobile phone, television, computer, tablet, or any hand-held or visual device. In the course of Covid-19 lockdown, the Ministry of Information and Broadcasting in association with National Council for Education, Research and Training (NCERT) issued PRAGYATA guidelines in respect of screen time for online learning. In 2021, the medical fraternity, including the Indian Academy of Pediatrics (IAP) published its guidelines about screen time in the light of recommendations of World Health Organization (WHO), which are discussed as follows³⁹:-

- Children below the age of 2 years: Zero screen time, with the exception of occasional video calls with relatives.

³⁴. Advisory to Parents and Teachers on Children's Safe Online Gaming, available at: <https://www.pib.gov.in/PressReleaseIframePage.aspx?PRID=1780177> (last visited on September 20, 2025).

³⁵. Act No. 21 of 2000, s. 69A.

³⁶. The Integrated Goods and Services (Amendment) Act, 2023 (Act 31 of 2023), s. 14(A)(3).

³⁷. "Consumer Authority Warns Celebrities, Influencers to Refrain from Promoting Betting, Gambling" *The Indian Express*, March 6, 2024.

³⁸. Promotion and Regulation of Online Gaming Bill, 2025, available at: <https://static.pib.gov.in/WriteReadData/specificdocs/documents/2025/aug/doc2025821618101.pdf> (last visited on October 1, 2025).

³⁹. Indian Academy of Pediatrics Guidelines on Screen Time, available at: <https://www.indianpediatrics.net/mar2022/235.pdf> (last visited on September 22, 2025).

- Between 2 and 5 years: A maximum of 1 hour of supervised screen time per day, the lesser the better.
- Between 5 and 10 years: Less than 2 hours of recreational screen time per day.
- For older and adolescents: Screen time should be balanced with other important activities i.e. 1 hour of play time, quality sleep time such as 8-9 hours of uninterrupted sleep at night for adolescents, time for schoolwork, meals, hobbies and family.

3.4. Smartphone Usage in Schools

‘Education’ falls under Entry 25 of the Concurrent List in the Seventh Schedule of the Constitution of India.⁴⁰ And there is an absence of any single uniform national policy or legislation pertaining to smartphone usage in schools in India. However, it would be worthwhile citing Delhi High Court’s recent decision⁴¹ publishing guidelines emphasizing on balanced approach regarding aforesaid matter such as regulated and monitored use of smartphones, and voluntary arrangements for their safekeeping in schools, prohibition on use of smartphones in class rooms, no use of their cameras and recording facilities in common areas of school as well as in school vehicles, making aware the students about detrimental effects of smartphones, allowing students to use smartphones only for connectivity purposes and co-ordination given their safety (but no use for entertainment), policy formulation by schools in consultation with all stakeholders i.e. parents, educators and experts, discretionary powers to schools to implement the policy, possible consequences for transgression of rules include forfeiture of smartphones for certain time-period, or barring student from carrying smartphone for specified number of days etc., and periodic review and revision of policy. Of late, the Himachal Pradesh Government has banned mobile phones for teachers and students during school hours.⁴²

3.5. Digital Detoxification Centers and Other Initiatives

In an attempt to prevent technological gadgets addiction among Indian citizens, a Private Member’s Bill titled the Prevention of Addiction of Technological Gadgets Bill, 2015 was introduced in the Rajya Shaba. The Bill made the provision for the establishment of “Digital Detoxification Centers” in every district for patients suffering from technological gadgets addiction and to provide them adequate medical facilities for rehabilitation, food, adequate care, protection, lodging, and boarding.⁴³ A minor suffering from the said addiction could also be admitted in the centre with the consent of his/her nominated representative.⁴⁴ Notably, this Bill could not become Act, but remained successful to draw an attention of the government about this evolving mental illness in Indian society.

More so, the Ministry of Electronic and Information Technology, Government of India, has rolled out the

⁴⁰. Substituted by the Constitution (Forty-second Amendment) Act, 1976, w.e.f. 3-1-1977.

⁴¹. *Y V v. Kendriya Vidyalaya*, (2025) SCC Del 1285.

⁴². Himachal Pradesh Imposes Complete Mobile Phone Ban during School Hours, available at: <https://www.tribuneindia.com/news/himachal/himachal-pradesh-imposes-complete-mobile-phone-ban-during-school-hours/> (last visited on September 23, 2025).

⁴³. The Prevention of Addiction of Technological Gadgets Bill, 2015, s. 5. available at: <https://sansad.in/getFile/BillsTexts/RSBillTexts/Asintroduced/tecgadgt-237w-E.pdf?source=legislation> (last visited on September 24, 2025).

⁴⁴. *Id.*, s. 7 (7).

“Cyber Swachhta Kendra” in 2017 under “Digital India” initiative with a view to creating a secure cyber space by detecting botnet infections in India and to notify, enable cleaning and securing systems of end users so as to prevent further infections. The said Kendra is established in line with the objectives of the “National Cyber Security Policy” aimed at developing a secure cyber eco system in India.⁴⁵

4. LEGAL POSITION IN OTHER JURISDICTIONS

The growing digital engagement of children, especially after Covid-19, has become a major cause of concern throughout the world. Therefore, the efforts of almost every country are underway to cope with the challenges arising out of this issue. Under this heading, an attempt is made to explore the laws enacted by different countries in this respect.

4.1. Complete Ban on Social Media Use for Children in Australia

Australia has become the first country of the world, which has passed a Bill to ban Australians under the age of sixteen (hereinafter referred to as child/children) to use social media platforms in order to avoid detrimental effects of digital devices on their physical and mental health.⁴⁶ Earlier, with a view to improving and promoting online safety of its residents including children, Australian government enacted the Online Safety Act, 2021.⁴⁷ The offences of “cyber-bullying”⁴⁸ and “cyber-abuse”⁴⁹ targeting children have categorically been defined under this legislation. Further, the authority, that is, eSafety Commissioner, is empowered to receive complaints and investigate in such cases⁵⁰.

Owing to the emergence of Artificial Intelligence (AI), increasing online interactions (like social media posts, direct messages, stories, or snaps), concerns about child sexual abuse material, gradually changing online safety environment, among other reasons, there arose need to make amendment in the Online Safety Act, 2021. Therefore, the Online Safety Amendment (Social Media Minimum Age) Act, 2024 was brought into being.⁵¹ Considering the aforesaid reasons, Australian government has placed an obligation on certain social media platforms to take reasonable steps to restrict the children under the age of sixteen years from having accounts on banned social media platforms viz. Snapchat, Tiktok, Facebook, Instagram etc.⁵² These platforms are given 12 months time to comply with this provision after the day this section begins.⁵³ In case the provider of “age restricted social media platform” fails to meet this condition, the civil penalty of 30,000 penalty units (presently equal to \$ 9.9 million) will be imposed on him.⁵⁴ If the provider is a body corporate, this penalty increases to 150, 000 penalty units (currently equivalent to \$ 49.5 million) subject to the application of section 82 of the Regulatory Powers

⁴⁵. Cyber Swachhta Kendra, available at: <https://www.csk.gov.in/> (last visited on September 24, 2025).

⁴⁶. “Australia World’s First Country to Ban Social Media for Children under 16”, *The Times of India*, November 29, 2024.

⁴⁷. Act No. 76 of 2021, s. 3.

⁴⁸. *Id.*, s. 6.

⁴⁹. *Id.*, s. 7.

⁵⁰. *Id.*, part 3, division 2, ss. 30, 31.

⁵¹. Statutory Reviews of the Online Safety Act, 2021, available at: <https://www.infrastructure.gov.au/sites/default/files/documents/online-safety-act-2021-review-issues-paper-26-april-2024.pdf> (last visited on July 14, 2025).

⁵². The Online Safety Amendment (Social Media Minimum Age) Act, 2024, ss. 5, 4.

⁵³. *Id.*, s. 63E.

⁵⁴. *Id.*, s. 63D, Division 2, Part 4A.

(Standard Provisions) Act, 2014.⁵⁵ Noting that such huge amount of penalties is intentionally fixed by the Australian government in order to ensure the compliance of the provisions of the Online Safety (Social Media Minimum Age) Amendment Act, 2024 seeing the gravity of online harms.⁵⁶

Further, certain limitations are imposed on social media platforms for the use of information of children gathered by the former for the purpose of preventing the latter to have an account on age restricted social media platforms. Such platforms cannot hold and disclose this information without the crystal clear consent of the concerned child. Otherwise it will have to be annihilated after its use.⁵⁷ Breach of this provision is considered as a serious transgression with the privacy of an individual, and a complaint may be made against it under section 36 of the Privacy Act, 1988.⁵⁸ The point to be noted here is that the Minister has power to make rules to spare any electronic service from the category of “age restricted social media platform” in view of its utility in education, health, and other sectors of life.⁵⁹ These electronic services may be messaging apps, online games, Youtube etc.⁶⁰

Furthermore, as per Australia’s National Guidelines for Screen Time being spent by children on televisions, e-games, digital tablets, smartphones, and the like, parents are advised to keep their children under the age of 2 away from digital items. Two hours per day for screen time are suggested for the children between the ages of 2 and 5. No more than two hours per day of sedentary recreational screen time for children and young people aged 5–17 years (excluding schoolwork) is recommended. The objective of these guidelines was to connect children with more physical activities so that they could steer clear of negative impacts of the digital devices in the long run. Notably, Australian boys between 10 and 14 years usually spend their time on e-games. While the girls of the same age spend their leisure time watching TV, using computers, and social networking.⁶¹

4.2. European Union’s General Data Protection Regulation and Regional Laws

Compared to Australia, the European Union (EU) has adopted lenient approach towards children considering their fundamental rights. It has not imposed complete ban on minors to use social media platforms. Instead, the European Commission has published its guidelines in the light of Digital Services Act, 2022, for the purpose of protecting minors from online harms. All online platforms ought to follow these guidelines barring the micro and small enterprises. The Commission emphasizes on making changes in privacy settings of online platforms while they are used by minors. In order to protect them from unsolicited contact by strangers, the minor’s account is made ‘private’ by default. Nobody can add the children to groups without their explicit consent. They are given option to block and mute any user so that they could escape from cyber bullying. In a bid to tackle the problem of virtual sexual

⁵⁵. Online Safety Amendment (Social Media Minimum Age) Bill 2024-Fact Sheet, available at: <https://www.infrastructure.gov.au/sites/default/files/documents/social-media-minimum-age-and-age-assurance-trial-fact-sheet.pdf> (last visited on July 16, 2025).

⁵⁶. *Ibid.*

⁵⁷. *Supra* note 52, s. 63A, Division 1, Part 4A.

⁵⁸. *Id.*, s. 63F, Division 3, Part 4A.

⁵⁹. *Id.*, s. 63C (6).

⁶⁰. *Supra* note 55.

⁶¹. Too Much Time on Screens? Screen Time Effects and Guidelines for Children and Young People, available at: <https://aifs.gov.au/resources/short-articles/too-much-time-screens> (last visited on July 17, 2025).

abuse, account holders on social media platforms are disabled to download or take screenshots of content posted by minors. Considering the lack of commercial literacy in children, it is ensured that they are not exploited to commercial practices, which may be manipulative, give rise to addictive behaviour. Further, these guidelines recommend an effective ‘age verification method’ in order to restrict the access of minors to pornographic content and gambling in violation of National Rules determining minimum age i.e.18 years to access such material on online platforms. It is plausible to add here that these guidelines are voluntary in nature, and do not automatically guarantee compliance by the social media platforms.⁶²

The European Union’s General Data Protection Regulation (GDPR), 2016 is based on its Charter of the fundamental rights, whose provisions apply to all its member countries. These intend to create a uniform and equal level for the protection of personal data. There exists data protection officer to keep a tab on compliance of the rules.⁶³ GDPR makes the special provision in respect of online safety of children. It ascertains that children between 13 and 16 can give their go ahead to the personal data being processed for the use of information society services viz. social media or chat programs. Every member country of EU has a liberty to decrease this age up to 13 years.⁶⁴ It is necessary to make it clear here that the consent of minor is not always sought, but it is at times mandatory e.g. if anyone wants to process personal data, he therefore needs to find relevant provision in the regulation, that provides support for what he intends to do, otherwise the processing is outlaw. For want of any legal provision in this respect, the consent may be the only alternative.⁶⁵ The principles of GDPR lay down certain conditions for service providers accountable for the processing of data of children e.g. gathering personal data for clearly mentioned and legitimate ends, restriction on processing of personal data more than necessary, ensuring accuracy of data, deletion of no more needed data, not to give access of personal data to unauthorized persons, and ensuring compliance of the provisions of GDPR.⁶⁶ Further, video-sharing, and video-on-demand platforms like Youtube and Tiktok, are directed to not send any harmful content to minors including from harmful advertisements, which shows alcoholic beverages, and minors consuming them. Furthermore, gratuitous violence and pornography are kept under the category of most harmful content, and are subjected to the strictest measures.⁶⁷ Notably, the children could use an app namely “European Digital Identity Wallet” to be rolled out by the member states by 2026 to prove their age eligibility to use the social media platforms. It allows users to digitally recognize themselves, and store and manage identity data and official documents like driving licences, educational diplomas and medical prescriptions.⁶⁸ The point to be noted here is that the providers of online platforms are required to ensure high level of privacy, safety, and security of minors.⁶⁹

⁶². Commission Publishes Guidelines on the Protection of Minors, available at: <https://digital-strategy.ec.europa.eu/en/library/commission-publishes-guidelines-protection-minors> (last visited on July 18, 2025).

⁶³. The General Data Protection Regulation, 2016, art. 39.

⁶⁴. *Id.*, art. 8.

⁶⁵. *Id.*, art. 6.

⁶⁶. *Id.*, art. 17.

⁶⁷. The Audiovisual Media Services Directives, 2018, art. 6a.

⁶⁸. The European Digital Identity Framework, Regulation (EU)2024/1183, art. 5a.

⁶⁹. The Digital Services Act, 2022, art. 28.

Given the large number of member states of the European Union, it becomes herculean task to explore national laws of every member country protecting minors from negative consequences of social media platforms. However, certain important steps in the respect taken by some prominent member states are discussed hereunder:

In Sweden, three main agencies i.e. the Swedish Authority for Privacy Protection, the Ombudsman for children and the Swedish Media Council, work collectively to provide safe environment to children in online world.⁷⁰ With respect to online shopping, nobody is allowed to send direct advertisement to children under the age of 16 years, and to target direct purchase prompts to minors.⁷¹ Further, certain limitations are imposed on traditional media like Television and Radio for depiction of violence and obscene content easily accessible by children.⁷² The Swedish Media Council has set the age limit for movies, which are screened in public, and the broadcasting licences, which regulate the hours of the day when certain kinds of content can be broadcast through linear television. Aside from, there exist codes of conduct in Sweden apply, for instance, to combat online hatred, and voluntary agreements with industry stakeholders, such as ethical rules in regard to special caution in marketing communications targeted to children and young people.⁷³ Social Welfare and Public Health Ministry of Sweden government has advised that children up to the age of 2 years should not be given any digital device. It is need of the hour for the development of their health and innocence. It further stated that we should return their childhood. As per Screen Time Report of Sweden, children below the age of 2 years should be totally debarred from mobile use screen time. For children between 3 and 5, this time should be only 1 hour per day. In respect of children between 6 and 12 years, this time has been fixed as 2 hours per day. In the case of adolescents, this time is 3 hours daily, not more than that. It further said that there should be a responsibility of parents to keep a vigil on the activities of their children. Furthermore, it is recommended that screens should not be allowed in bedrooms to ensure better sleep quality.⁷⁴

France has brought “Digital Majority Law” in 2023 banning the social media platforms for children under the age of 15 years, unless the consent for the same is granted by one of the holders of the parental authority i.e. parents or guardian. They can also ask to suspend the social media account with regard to which they have given consent. It is the responsibility of the service providers to verify the age of end users with the help of technical solutions in the light of reference system drawn up by the Audiovisual and Digital Communication Regulatory Authority after consultation with the National Commission on Information Technology and Freedoms. In the event of failure to meet this condition, the concerned service provider shall be fined not exceeding 1% of its worldwide turnover of the last financial year.⁷⁵

The Spanish government has passed a Preliminary Draft Organic Law to restrict children from accessing digital devices which employ random reward mechanisms e.g. loot boxes. These loot boxes lure the players of video games

⁷⁰. The Rights of Children in Online World, available at: https://www.imy.se/globalassets/dokument/rapporter/the-rights-of-children-and-young-people-on-digital-platforms_accessible.pdf (last visited on July 20, 2025).

⁷¹. *Ibid.*

⁷². The Swedish Radio and Television Act, 2010, ch. 5 read with ch. 9.

⁷³. *Ibid.*

⁷⁴. “Sweden limits screen time for children. Here’s why, and see if you should do the same”, *The Economics Times*, September 3, 2024.

⁷⁵. LOI No. 2023-566 of 7 July 2023 to establish digital majority and combat online hatred, art. 4.

to get virtual rewards on a random basis. Further, it mandates the online service providers to use “age verification and parental control systems” activated by default so as to save children from online harmful content. Apart from it, public authorities are obliged to chalk out national strategy to safeguard the rights of the children in online world, particularly to hold awareness camps about detrimental effects of pornographic material. Pointing that the aforesaid draft law has criminalized the pornographic deepfakes such as the dissemination of images and audios created by Artificial Intelligence or any other technology without any authorization.⁷⁶

On December 30, 2024, the Greek government presented a “National Strategy for the Protection of Minors from Internet Addiction” after consultations with stakeholders such as children, parents, teachers etc. It aims at taking help of technology to verify the age of end users (minors) rather than imposing complete ban on them to use social media. With a view to achieve this objective, Greece planned to initiate “Kids Wallet”, an application, designed to help parents manage their children’s access to social media platforms. Moreover, this strategy places a moral obligation on parents to counsel their children about the dark side of the social media. This counseling may also be helpful in instilling a sense of trust between parents and children. Besides this, “Internet Rehabilitation Program” has been organized by the National Agency for the prevention and handling of addiction with the cooperation of Ministry of Health.⁷⁷

Interestingly, Italy has made rules to regulate, inter alia, the earnings of “Baby Influencers”, for example, if parents make profit by sharing the images of their children, then they would have to transfer the same to a bank account in the child’s name, which could be withdrawn by the child after attaining the age of 18. In addition, children are prohibited to use mobile phones in schools.⁷⁸

Likewise Italy, various other countries such as Germany, Latvia, Hungary, Netherlands and Portugal, have imposed a partial ban on use of smartphones in schools by taking into account the stages of schools like elementary school, secondary school etc. Further, this ban is not equally imposed on all grades. Mostly, pupils of grades ranging from 1 to 6 are completely restricted to use mobile phones in schools. It is an appropriate place to add here that this ban is subject to some exceptions e.g. their use in health related emergency and educational purposes. Notably, schools are at discretion to implement this ban according to their own terms. Further, some member states i.e. Belgium, Germany, Spain etc., have not imposed this ban throughout their respective spheres, but rather in some of their autonomous regions and federal states.⁷⁹

4.3. Protection of Personal Information of Children in the United States

In comparison with other countries, USA anticipated very early about the unfair and deceitful acts and practices pertaining to the personal information of children collected through online means. To regulate this technological

⁷⁶. The Government approves the Preliminary Draft Organic Law for the protection of minors in Digital Environments, *available at*: <https://www.mpr.gob.es/prencom/notas/Paginas/2024/04062024-proteccion-menores-entorno-digital.aspx> (last visited on July 23, 2025).

⁷⁷. Presentation of National Strategy for the Protection of Minors by Internet Addiction, *available at*: <https://www.mindigital.gr/archives/7076> (last visited on July 25, 2025).

⁷⁸. Protecting Children Online-Selected EU, National and Regional Laws and Initiatives, *available at*: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/769570/EPRS_BRI\(2025\)769570_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/769570/EPRS_BRI(2025)769570_EN.pdf) (last visited on July 25, 2025).

⁷⁹. *Ibid.*

risk, the Children's Online Privacy Protection Act, 1998 (COPPA), was brought into existence. This legislation ensures the online safety of personal information⁸⁰ of children under the age of 13 years.⁸¹ The Federal Trade Commission has been given teeth under section 553 of Title 5, United States Code, to promulgate the regulations, to require the operator of any website or online service directed to children which intentionally gathers the personal information from a child, to provide a notice on website as to what kind of information is collected from children by the operator, how he uses it, and his disclosure practices for such information. If he (operator) wants to collect, use, and disclose such information, the verifiable parental consent is compulsory to be taken by him. Otherwise his act shall be deemed to be in contravention with foregoing regulations. Further, conditioning a child's participation in a game, the offering of a prize, or another activity on the child disclosing more personal information than reasonably necessary to participate in such activity is restricted. It is important to add here that disclosure of the personal information of the child in good faith upon the request of the concerned child's parents in line with the reasonable procedure shall not be considered as the violation of any Federal and State laws in the United States.⁸²

Some federal Acts making provisions for the online safety of children are under consideration. Similar to European Union countries, Section 103 of the Bill namely the Kids Off Social Media Act (KOSMA) (under debate in USA) aims at restricting children under the age of 13 to create an account on social media platforms. It lays the responsibility on social media platforms to terminate such accounts already in existence. Further, Section 104 prohibits the use of personalized recommendation system on child or teen above the age of 12 and under the age of 17. Furthermore, to curtail the use of social media in schools, the Eyes on the Board Act of 2025, is in the pipeline in the United States.⁸³ In the similar vein, the proposed Bill in US such as Protecting Kids on Social Media Act puts restriction on social media platforms to use personal data of an individual under the age of 18 in an Algorithmic Recommendation System.⁸⁴ For online safety of children, several States of US have also passed legislations in their respective realms e.g. California's Protecting Our Kids from Social Media Addiction Act, 2024, Louisiana's Social Media Regulation Act, 2024, Arkansas's Social Media Safety Act, 2023 etc.

5. CONCLUDING REMARKS

India's recent legal efforts to regulate children's access to the digital world, though well-intentioned, face significant challenges. The Digital Personal Data Protection (DPDP) Act, 2023, addresses the issue of minors providing false age information by mandating verifiable parental consent for data processing. However, this provision presents practical difficulties, as many parents lack the digital literacy to give informed consent, and the verification process raises concerns about identity theft and increased surveillance. Further, the DPDP Act's overreaching parental

⁸⁰. Title XIII of 1998, s. 1302 (8). The term "Personal Information" means individually identifiable information about an individual collected online, including (A) first and last name; (B) a home or other physical address including street name and name of a city or town; (C) an e-mail address; (D) a telephone number; (E) a Social Security number (F) any other identifier that the Commission determines permits the physical and online contacting of a specific individual; or information concerning the child or the parents of that child that the website collects online from the child and combines with an identifier described in this paragraph.

⁸¹. *Id.*, s. 1302 (1).

⁸². *Id.*, s. 1303.

⁸³. A Bill, available at: <https://www.britt.senate.gov> (last visited on August 12, 2025).

⁸⁴. S.1291-Protecting Kids on Social Media Act 118th Congress (2023-24), available at: <https://www.congress.gov> (last visited on August 12, 2025).

consent power risks enabling "sharenting" and the exploitation of children as "baby influencers" for financial gain, potentially exposing them to cybercrime. Similarly, the Promotion and Regulation of Online Gaming Act, 2025, which bans domestic real-money games, could backfire by driving players to unregulated foreign sites increasing the risk of fraud and money laundering. Further, an effective protection for children in the digital space depends not just on new legislation, but on a collective increase in digital literacy among parents and educators. This educational push is necessary to ensure responsible online monitoring and prevent the harms associated with digital world. Lastly, India should incorporate effective international regulatory strategies, while customizing them to suit local conditions. The swift pace of technological advancement poses a significant challenge to existing national laws, necessitating frequent legislative amendments. Disparate regulations between nations can result in cross-border child exploitation, emphasizing the need for harmonized international legislation.

