

# Screened Childhoods: Rethinking Internet Freedom and Child Protection in India

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## ABSTRACT

The unprecedented expansion of digital technology and smartphone accessibility has significantly transformed the lifestyle, communication patterns, and learning environment of children in India. While the internet has emerged as an essential medium for education, social interaction, and access to information, its unrestricted and unsupervised use among children below the age of sixteen has generated serious legal, psychological, and social concerns. Excessive exposure to smartphones and online platforms has contributed to rising incidents of cyberbullying, online gaming addiction, exposure to obscene content, social media dependency, mental health disorders, sleep disturbances, declining academic performance, and cyber exploitation of minors. Despite the increasing vulnerability of children in the digital ecosystem, India still lacks a comprehensive legal framework specifically regulating internet and smartphone usage by minors.

This research paper critically examines the necessity of introducing a specialized legal mechanism for regulating internet and smartphone use among children below sixteen years of age in India. The study adopts a doctrinal and socio-legal research methodology by analysing constitutional provisions, statutory frameworks, judicial pronouncements, policy developments, international practices, and contemporary social realities reflected through newspaper reports and empirical observations. The paper evaluates the effectiveness of existing legislations such as the Information Technology Act, 2000, the Protection of Children from Sexual Offences Act, 2012, the Digital Personal Data Protection Act, 2023, and the Information Technology Rules, 2021 in addressing digital harms faced by children.

The study further undertakes a comparative analysis of legal approaches adopted in jurisdictions such as the United States, the European Union, China, and Australia concerning age-based digital restrictions and child online safety. It argues that the doctrine of welfare of the child, constitutional morality, and the State's obligation under the principle of *parens patriae* justify reasonable regulatory intervention in children's digital access. The paper concludes that India urgently requires a balanced and child-centric legal framework that harmonizes technological freedom with the protection of minors, while ensuring responsible digital governance, parental accountability, and safe online environments for children.

**Keywords:** Children, Internet Regulation, Smartphone Addiction, Child Protection, Cyber Law, Digital Rights, Social Media Regulation

## 1. INTRODUCTION

“सा विद्या या विमुक्तये” - True knowledge is that which liberates.<sup>1</sup>

<sup>1</sup> *Vishnu Purana*, Ch. I, Verse 19.

The Indian philosophical tradition has historically regarded knowledge not merely as an instrument of information, but as a transformative force capable of shaping human character, intellect, morality, and civilization itself. Ancient scriptures, including the Vishnu Purana, emphasized that the ultimate purpose of education and knowledge is liberation — liberation from ignorance, irrationality, and social degradation. In contemporary society, however, the very instruments that claim to disseminate knowledge have increasingly become sources of psychological dependency, emotional instability, and social alienation, particularly among children. The emergence of smartphones, internet-based communication systems, artificial intelligence-driven algorithms, social media platforms, and immersive digital applications has fundamentally transformed the manner in which children think, communicate, learn, socialize, and perceive reality. While technological advancement has undoubtedly contributed toward educational accessibility, global connectivity, and rapid information exchange, the absence of effective regulation concerning children's exposure to digital environments has simultaneously generated profound legal, constitutional, and socio-psychological concerns.<sup>2</sup>

The twenty-first century may appropriately be described as the era of digital civilization. India, being one of the fastest-growing digital economies in the world, has witnessed an unprecedented increase in smartphone penetration and internet accessibility across urban as well as rural regions. The rapid expansion of affordable mobile devices, cheap internet services, social media applications, online gaming platforms, and short-video content ecosystems has ensured that digital exposure now begins at an increasingly early age. Children below the age of sixteen, many of whom lack emotional maturity and cognitive resilience, are routinely engaging with online platforms without adequate parental supervision, institutional safeguards, or legislative protection.<sup>3</sup> The COVID-19 pandemic further accelerated this transformation by normalizing online education, virtual interaction, and remote entertainment, thereby substantially increasing children's daily screen time. What initially emerged as a technological necessity for educational continuity gradually evolved into a culture of compulsive digital dependency.

The modern smartphone is no longer merely a communication device; rather, it functions as a psychological ecosystem capable of influencing emotional behaviour, social interaction, intellectual development, consumption patterns, and even identity formation among children. Social media algorithms, online gaming structures, and attention-driven digital applications are intentionally designed to maximize user engagement through persuasive technological architecture. These systems exploit neurological reward mechanisms by stimulating dopamine responses, thereby encouraging repetitive usage patterns and addictive behavioural tendencies.<sup>4</sup> Consequently, children increasingly become vulnerable to emotional isolation, reduced concentration, sleep disorders, anxiety, aggression, cyberbullying, and psychological manipulation. The digital environment, therefore, no longer remains a neutral technological space but emerges as an active socio-psychological force capable of shaping childhood itself.

Recent socio-legal realities reflected through newspaper reports and empirical observations reveal the alarming dimensions of this crisis. Local newspaper reports from Rajasthan and other regions of India indicate that children are spending nearly sixteen hours daily on smartphones and online platforms,

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<sup>2</sup> Sherry Turkle, *Alone Together: Why We Expect More from Technology and Less from Each Other* (Basic Books, New York, 1st edn., 2011), at pp. 278–281.

<sup>3</sup> UNICEF, *The State of the World's Children 2021: On My Mind – Promoting, Protecting and Caring for Children's Mental Health* (UNICEF, New York, 2021), at p. 43.

<sup>4</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at p. 54.

resulting in severe mental and behavioural disturbances. These reports describe digital addiction among minors as an emerging “महामारी” or epidemic capable of adversely affecting children’s emotional and cognitive growth. Medical experts and psychologists cited in these reports have warned that excessive screen exposure contributes to speech delay, social withdrawal, irritability, sleep deprivation, declining academic performance, attention deficiency, and reduced emotional resilience among children. The normalization of prolonged digital exposure has consequently created a generation of minors increasingly detached from real-world interaction and dependent upon virtual validation.

One of the most disturbing aspects emerging from these reports concerns the relationship between online gaming addiction and suicidal tendencies among children. Newspaper accounts discussing the tragic incident involving three minor sisters from Ghaziabad illustrate how immersive online gaming environments and fantasy-driven digital cultures can psychologically dominate vulnerable minors. According to reports, the children allegedly became deeply absorbed in online gaming structures and virtual behavioural systems to the extent that they gradually detached themselves from ordinary social reality. The incident highlighted not only the emotional vulnerability of children but also the dangerous manipulative potential of persuasive digital technologies. The children reportedly developed alternate virtual identities influenced by online content and digital fantasy environments, demonstrating the extent to which algorithmic ecosystems may shape the psychological consciousness of minors.

Such incidents are not isolated tragedies but indicators of a larger structural problem involving unregulated digital ecosystems targeting psychologically immature users. Globally, dangerous online phenomena such as the “Blue Whale Challenge,” cyber manipulation networks, violent gaming patterns, and social media-induced self-harm tendencies have already prompted several governments to reconsider the legal framework governing child digital exposure.<sup>5</sup> Modern digital platforms increasingly operate through algorithmic systems that prioritize prolonged engagement and emotional stimulation over child welfare or psychological safety. Consequently, children become susceptible to exploitative content structures, harmful online challenges, cyber predators, and emotionally manipulative virtual environments. The legal system, therefore, can no longer treat excessive smartphone and internet usage merely as a private parental issue; instead, it must be recognized as a significant constitutional, public health, and child welfare concern.

The constitutional framework of India provides substantial jurisprudential support for child protection against harmful environments. Article 21 of the Constitution guarantees the right to life and personal liberty, which the Supreme Court has expansively interpreted to include the right to live with dignity, mental well-being, and healthy development. Articles 39(e) and 39(f) further direct the State to ensure that children are protected against exploitation and moral abandonment and are provided opportunities for healthy growth in conditions of freedom and dignity.<sup>6</sup> These constitutional mandates impose a positive obligation upon the State to protect minors from environments capable of impairing their physical, emotional, and intellectual development.

The doctrine of *parens patriae* further strengthens the constitutional basis for State intervention in matters affecting children’s welfare. Under this doctrine, the State assumes the role of guardian for individuals who are legally or psychologically incapable of safeguarding their own interests. In **M.C. Mehta v. State**

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<sup>5</sup> Andrew E. Przybylski & Netta Weinstein, “Digital Screen Time Limits and Young Children’s Psychological Well-Being,” 7 *Child Development Perspectives* 1 (2019), at p. 4.

<sup>6</sup> INDIA CONST. arts. 39(e) & 39(f).

of Tamil Nadu<sup>7</sup>, the Supreme Court emphasized that children require special constitutional protection because of their vulnerability and developmental limitations. Similarly, in **Sheela Barse v. Union of India**<sup>8</sup>, the Court recognized that the State bears a continuing obligation to preserve the dignity, welfare, and protection of children. These judicial principles become particularly relevant in the digital age where children face unprecedented psychological and technological vulnerabilities.

The issue also intersects significantly with constitutional debates surrounding privacy, liberty, and freedom of expression. In **K.S. Puttaswamy v. Union of India**<sup>9</sup>, the Supreme Court recognized privacy as a fundamental right under Article 21 of the Constitution. However, constitutional rights are not absolute and must be harmonized with compelling State interests relating to child welfare, public morality, and mental health protection. Similarly, while Article 19(1)(a) guarantees freedom of speech and expression, Article 19(2) permits reasonable restrictions in the interests of morality and public order. Therefore, a child-centric regulatory framework governing internet and smartphone usage among minors cannot automatically be characterized as unconstitutional paternalism. Rather, such regulation may constitute a legitimate constitutional response aimed at protecting children from psychological exploitation, cyber manipulation, and digital harm.

Despite the increasing seriousness of the problem, India presently lacks a comprehensive legal framework specifically regulating internet and smartphone usage among children below sixteen years of age. Existing legislations such as the Information Technology Act, 2000, the Protection of Children from Sexual Offences Act, 2012, the Juvenile Justice (Care and Protection of Children) Act, 2015, and the Digital Personal Data Protection Act, 2023 provide fragmented protection against specific online harms but fail to address the broader phenomenon of digital addiction and unrestricted algorithmic exposure among minors. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 impose certain due diligence obligations upon intermediaries and social media platforms; however, these measures remain inadequate in addressing compulsive digital engagement, gaming addiction, and excessive screen-time exposure among children.

Moreover, the rapid commercialization of digital platforms has intensified concerns regarding child exploitation through algorithm-driven advertising systems, targeted content recommendations, and psychologically manipulative engagement strategies. Most social media and gaming applications are deliberately designed to maximize user retention, thereby encouraging repetitive behavioural consumption. Children, due to their developmental immaturity, become particularly susceptible to these manipulative systems. The absence of effective age-verification mechanisms, parental control structures, and digital literacy safeguards further aggravates the vulnerability of minors in cyberspace. Several educational institutions in India have already begun expressing concern regarding declining concentration levels, behavioural instability, and excessive smartphone dependency among students. Parents, meanwhile, often lack the technological awareness or institutional support necessary to effectively supervise children's online activities.

International legal developments indicate that several jurisdictions have begun recognizing excessive digital exposure among minors as a matter requiring legislative intervention. The United States enacted the Children's Online Privacy Protection Act (COPPA) to regulate online data collection involving minors

<sup>7</sup> M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 756.

<sup>8</sup> Sheela Barse v. Union of India, (1986) 3 SCC 596.

<sup>9</sup> K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

below thirteen years of age.<sup>10</sup> The European Union’s General Data Protection Regulation incorporates enhanced parental consent mechanisms for children using online services.<sup>11</sup> China has introduced gaming-hour restrictions for minors to prevent excessive online gaming addiction, while Australia has considered stronger age-verification systems for social media access among children. These comparative developments demonstrate an emerging global recognition that unrestricted digital exposure among minors cannot be left entirely to private regulation or parental discretion.

The present study emerges within this broader constitutional, social, and technological context. The research paper critically examines the necessity of introducing a specialized legal framework regulating internet and smartphone usage among children below sixteen years of age in India. The study seeks to analyse constitutional mandates, judicial approaches, statutory inadequacies, psychological implications, and comparative international practices relating to child digital protection. By integrating doctrinal legal analysis with contemporary socio-empirical realities reflected through newspaper reports, medical observations, and behavioural studies, the paper endeavours to examine whether reasonable restrictions upon children’s digital access may be constitutionally justified, socially necessary, and legally enforceable. The study further proposes that the welfare of the child, constitutional morality, and the State’s obligation under the doctrine of *parens patriae* collectively necessitate the formulation of a balanced, child-centric, and rights-sensitive legal framework capable of harmonizing technological advancement with the protection of children’s dignity, mental health, and future development in India.

#### • **Meaning and Scope of Internet and Smartphone Use**

The expression “internet and smartphone use” in contemporary society extends far beyond the traditional notion of telecommunication. In the digital era, smartphones function as multidimensional technological ecosystems through which users engage in communication, education, entertainment, financial transactions, social interaction, and virtual participation. For children below sixteen years of age, digital exposure generally refers to continuous interaction with internet-enabled devices such as smartphones, tablets, laptops, gaming consoles, and smart televisions that provide unrestricted access to online platforms and digital content.<sup>12</sup>

The scope of digital exposure among minors has expanded considerably with the emergence of social media platforms such as Instagram, Facebook, Snapchat, and X (formerly Twitter), which are specifically designed to maximize user engagement through algorithmic recommendation systems.<sup>13</sup> These platforms expose children to a continuous flow of personalized content capable of influencing emotional behaviour, social identity, and cognitive perception. Simultaneously, short-video applications and “reel culture” have contributed toward declining attention spans and compulsive scrolling behaviour among children.<sup>14</sup>

Online gaming platforms further constitute a major dimension of digital exposure. Multiplayer games, fantasy-based digital environments, and reward-driven gaming applications often operate through psychologically persuasive mechanisms intended to encourage prolonged participation and behavioural dependency. Several online games incorporate competitive reward structures, virtual identity systems, and

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<sup>10</sup> Children’s Online Privacy Protection Act, 15 U.S.C. §§ 6501–6506 (1998).

<sup>11</sup> General Data Protection Regulation, Regulation (EU) 2016/679, art. 8.

<sup>12</sup> UNICEF, *The State of the World’s Children 2021: On My Mind – Promoting, Protecting and Caring for Children’s Mental Health* (UNICEF, New York, 2021), at p. 43.

<sup>13</sup> Shoshana Zuboff, *The Age of Surveillance Capitalism* (Public Affairs, New York, 2019), at pp. 291–295.

<sup>14</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 61–64.

immersive social interactions that significantly affect children's emotional stability and psychological development.<sup>15</sup>

Additionally, Over-the-Top (OTT) platforms such as Netflix, Amazon Prime, and other streaming services have substantially increased children's exposure to unrestricted visual content, including violence, abusive language, and age-inappropriate material. The emergence of Artificial Intelligence-driven applications and algorithmic recommendation technologies has further intensified concerns regarding digital manipulation. AI-based systems continuously monitor user behaviour and curate personalized content capable of shaping children's preferences, emotional responses, and decision-making patterns.<sup>16</sup> Consequently, the modern digital ecosystem has evolved into an influential socio-psychological environment that directly affects the intellectual, emotional, and behavioural development of minors.

The newspaper reports examined in the present study further reveal that children increasingly remain engaged with digital platforms for prolonged durations extending beyond educational purposes. Such unrestricted digital engagement demonstrates that smartphone and internet usage among minors can no longer be viewed merely as instruments of communication or learning; rather, they have become powerful behavioural and psychological influences requiring serious legal and policy consideration.

#### • Statement of Problem

The rapid digitalization of Indian society has created unprecedented opportunities for communication, education, and technological advancement. However, the absence of an effective legal framework regulating internet and smartphone usage among children below sixteen years has simultaneously generated serious constitutional, psychological, and social concerns. Although children today possess greater digital access than any previous generation, the law has failed to evolve at a corresponding pace capable of protecting minors from the harmful consequences of excessive and unregulated digital exposure.<sup>17</sup>

India presently lacks a comprehensive legislation specifically governing children's access to smartphones, social media platforms, online gaming systems, and algorithm-driven digital applications. Existing statutes such as the Information Technology Act, 2000 and the Protection of Children from Sexual Offences Act, 2012 primarily address specific cyber offences and exploitative conduct but do not regulate broader issues such as digital addiction, excessive screen time, manipulative online algorithms, and psychological dependency among minors.<sup>18</sup> Consequently, the existing legal framework remains fragmented, reactive, and insufficient to address the contemporary realities of child digital vulnerability.

The unrestricted digital environment has also resulted in increasing cybercrimes involving children. Minors today are increasingly exposed to cyberbullying, online grooming, sextortion, identity theft, financial fraud, cyberstalking, exposure to pornographic material, and exploitative gaming systems.<sup>19</sup> The anonymity and accessibility of cyberspace have enabled offenders to target children through social media applications, gaming platforms, and online chat systems. In many cases, children themselves become

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<sup>15</sup> Mark D. Griffiths, "Gaming Addiction and its Psychological Impact on Adolescents," 27 *Journal of Behavioural Addictions* 15 (2020), at p. 18.

<sup>16</sup> Sherry Turkle, *Alone Together: Why We Expect More from Technology and Less from Each Other* (Basic Books, New York, 1st edn., 2011), at pp. 278–281.

<sup>17</sup> Andrew E. Przybylski & Netta Weinstein, "Digital Screen Time Limits and Young Children's Psychological Well-Being," 7 *Child Development Perspectives* 1 (2019), at p. 4.

<sup>18</sup> Information Technology Act, 2000; Protection of Children from Sexual Offences Act, 2012.

<sup>19</sup> Debarati Halder & K. Jaishankar, *Cyber Crimes against Children* (LAP Lambert Academic Publishing, Germany, 2013), at pp. 85–90.

victims without possessing adequate psychological maturity or technological awareness to recognize digital threats.

Simultaneously, internet addiction and excessive smartphone usage have emerged as significant mental health concerns affecting children's emotional and cognitive development. Contemporary newspaper reports analysed in this study indicate rising incidents of anxiety, depression, aggression, sleep disorders, speech impairment, social withdrawal, and suicidal tendencies linked to prolonged digital exposure among minors. The tragic Ghaziabad incident involving three minor sisters allegedly influenced by online gaming and virtual behavioural environments further demonstrates the dangerous psychological consequences of unregulated digital ecosystems.

Another significant concern arises from the absence of effective parental supervision and institutional digital literacy mechanisms. Many parents lack sufficient technological understanding to monitor children's online activities, while educational institutions remain inadequately equipped to address digital dependency and cyber safety concerns among students.<sup>20</sup> Consequently, children often navigate complex digital environments without meaningful guidance, regulation, or protection.

The central problem, therefore, lies in determining whether unrestricted internet and smartphone access for children below sixteen years can continue to remain solely a matter of private parental discretion or whether the State possesses a constitutional obligation to intervene through a specialized child-centric regulatory framework. The increasing magnitude of digital addiction, cyber exploitation, and psychological harm among minors demonstrates the urgent necessity of examining the adequacy of existing laws and the need for a balanced legal mechanism capable of protecting children while simultaneously respecting constitutional freedoms and technological progress.

#### • Research Questions

The present research paper seeks to examine the constitutional, legal, and socio-psychological dimensions relating to unrestricted internet and smartphone usage among children below sixteen years of age. In furtherance of this objective, the study addresses the following research questions:

1. Whether unrestricted smartphone and internet usage among children below sixteen years adversely affects child welfare, mental health, and constitutional protection principles?
2. Whether the existing legal framework in India is adequate to regulate harmful digital exposure and cyber risks affecting minors?
3. Whether India requires a specialized statutory framework imposing reasonable restrictions on internet and smartphone usage by children below sixteen years of age?
4. Whether parental supervision and consent-based regulatory models alone are sufficient to ensure child safety in the digital environment?
5. Whether reasonable restrictions upon children's digital access may be constitutionally justified under Articles 19(2), 21, and the welfare-oriented constitutional principles contained under Articles 39(e) and 39(f) of the Constitution of India?

#### • Research Methodology

Research methodology provides the systematic framework through which a legal issue is examined, interpreted, and analysed in an objective and scientific manner. The present research paper titled "Need for a Legal Framework Regulating Internet and Smartphone Use by Children Below Sixteen Years in India" examines the constitutional, legal, and socio-psychological implications arising from unrestricted

digital exposure among minors. Since the issue involves child rights, cyber law, constitutional law, mental health, and technological governance, the study adopts both doctrinal and socio-legal approaches.

The rapid growth of smartphones, social media platforms, online gaming systems, OTT platforms, and AI-driven applications has significantly transformed the lifestyle and behavioural patterns of children. While digital technology has contributed positively toward education and communication, excessive and unregulated usage has simultaneously resulted in concerns relating to digital addiction, cyberbullying, online exploitation, mental health deterioration, and social isolation among minors.<sup>21</sup> In the absence of a comprehensive legal framework specifically regulating children's digital exposure in India, the issue demands critical legal examination supported by constitutional principles, judicial interpretation, and socio-legal analysis.

The present study adopts a qualitative method of legal research based upon doctrinal interpretation, analytical evaluation, and comparative analysis. Constitutional provisions, statutes, judicial precedents, and international legal frameworks have been critically examined to determine whether the existing Indian legal system adequately protects children from harmful digital exposure.

The study also incorporates comparative analysis of legal frameworks adopted in jurisdictions such as the United States, the European Union, China, and Australia relating to child online safety and digital regulation. In addition, socio-legal analysis has been undertaken through newspaper reports and psychological studies concerning internet addiction and online behavioural risks among minors.

#### • Objectives of The Study

The present study seeks to achieve the following objectives:

1. To examine the impact of unrestricted internet and smartphone usage on children below sixteen years of age.
2. To analyse the constitutional and legal framework relating to child protection in cyberspace.
3. To examine the adequacy of existing Indian laws regulating harmful digital exposure among minors.
4. To study the psychological and social consequences of digital addiction, online gaming, and social media dependency among children.
5. To undertake a comparative analysis of international legal approaches relating to child digital safety.
6. To evaluate the necessity of a separate legal framework regulating internet and smartphone usage among minors in India.
7. To suggest legal and policy reforms for ensuring a safer digital environment for children.

#### • Hypotheses of The Study

1. The existing legal framework in India is inadequate to effectively regulate harmful internet and smartphone exposure among children below sixteen years of age.
2. A specialized legal framework imposing reasonable restrictions upon digital access for minors would strengthen child welfare and online safety in India.

#### • Scope of The Study

The scope of the present study is confined to examining the constitutional, legal, and socio-psychological dimensions relating to internet and smartphone usage among children below sixteen years of age in India.

The study focuses upon issues such as:

1. digital addiction,
2. social media dependency,

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<sup>21</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 54–67.

3. online gaming,
4. cyberbullying,
5. online exploitation,
6. and the adequacy of legal protections available to minors.

The study further examines comparative international approaches concerning child digital safety and evaluates their relevance within the Indian constitutional framework.

#### • **Limitations of The Study**

The present research is primarily doctrinal and qualitative in nature and does not involve extensive empirical surveys or statistical field investigations. The study substantially relies upon secondary sources including books, journal articles, governmental reports, and newspaper publications. Additionally, due to the rapidly evolving nature of technology and digital platforms, legal and policy developments relating to cyberspace continue to change dynamically.

Despite these limitations, the study attempts to provide a comprehensive constitutional and socio-legal analysis regarding the necessity of regulating internet and smartphone usage among children below sixteen years of age in India.

## **2. REVIEW OF LITERATURE**

The increasing use of smartphones and internet platforms among children has attracted considerable scholarly attention in the fields of cyber psychology, child rights, mental health, and cyber law. Existing literature highlights that while digital technology has enhanced communication and educational accessibility, excessive and unregulated digital exposure has adversely affected children's psychological, emotional, and social development.

**Jonathan Haidt**, in his influential work *The Anxious Generation*, argues that the transition from a "play-based childhood" to a "phone-based childhood" has significantly contributed to anxiety, depression, sleep disorders, and emotional instability among children and adolescents.<sup>22</sup> The author emphasizes that social media platforms and smartphone applications are intentionally designed to maximize user engagement through psychologically persuasive algorithms, thereby increasing digital dependency among minors.

Similarly, **Sherry Turkle** in *Alone Together: Why We Expect More from Technology and Less from Each Other* examines the growing emotional isolation caused by excessive digital interaction.<sup>23</sup> Turkle argues that children increasingly replace real-life communication with virtual engagement, adversely affecting empathy, social relationships, and emotional maturity.

Several studies on cyber psychology and behavioural addiction have also examined the harmful impact of online gaming and social media dependency among adolescents. **Mark D. Griffiths** observes that digital addiction shares characteristics similar to substance addiction, including compulsive usage, withdrawal symptoms, and emotional dependency.<sup>24</sup> Research studies further indicate that prolonged screen exposure contributes to reduced concentration, aggression, anxiety, and impaired cognitive development among children.

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<sup>22</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 42–67.

<sup>23</sup> Sherry Turkle, *Alone Together: Why We Expect More from Technology and Less from Each Other* (Basic Books, New York, 1st edn., 2011), at pp. 278–295.

<sup>24</sup> Mark D. Griffiths, "Gaming Addiction and its Psychological Impact on Adolescents," 27 *Journal of Behavioural Addictions* 15 (2020), at pp. 16–19.

International organizations have also recognized the mental health implications of excessive digital exposure. **The World Health Organization (WHO)** has warned that excessive screen time may negatively affect children's mental and physical health.<sup>25</sup> Similarly, **UNICEF's State of the World's Children 2021** report highlights that children in digital environments are increasingly exposed to cyberbullying, harmful online content, and emotional distress.<sup>26</sup>

Existing legal scholarship concerning child internet regulation primarily focuses upon online privacy, cyber safety, and the necessity of age-based digital safeguards. International frameworks such as the **Children's Online Privacy Protection Act (COPPA)** in the United States and the child consent provisions under the **European Union's General Data Protection Regulation (GDPR)** are frequently discussed as important models for child digital protection.<sup>27</sup>

Indian scholarship on cyber safety has also emphasized the increasing vulnerability of children in cyberspace. **Debarati Halder** and **K. Jaishankar**, in their work *Cyber Crimes against Children*, discuss issues such as cyberbullying, online grooming, pornography exposure, and digital exploitation affecting minors.<sup>28</sup> The authors argue that existing Indian cyber laws remain inadequate in addressing emerging digital threats faced by children.

The reviewed literature collectively demonstrates that unrestricted smartphone and internet usage among children has become a significant constitutional, psychological, and socio-legal concern. However, limited Indian legal scholarship specifically addresses the need for a comprehensive legal framework regulating smartphone and internet usage among children below sixteen years of age. The present study seeks to contribute to this emerging area of legal research by examining the constitutional validity and socio-legal necessity of introducing child-centric digital regulation in India.

### 3. CONCEPTUAL UNDERSTANDING OF DIGITAL ADDICTION AND CHILD VULNERABILITY

The rapid growth of smartphones, internet accessibility, and social media platforms has significantly transformed the lives of children in contemporary society. While digital technology has improved access to education, communication, and entertainment, excessive and unregulated digital exposure has simultaneously created serious psychological, behavioural, and social concerns among minors. Children below sixteen years are particularly vulnerable because they lack emotional maturity, cognitive stability, and awareness regarding online risks.<sup>29</sup> Consequently, digital addiction and cyber vulnerability have emerged as important socio-legal and public health concerns.

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<sup>25</sup> World Health Organization, *Guidelines on Physical Activity, Sedentary Behaviour and Sleep for Children under 5 Years of Age* (WHO, Geneva, 2019), at pp. 18–21.

<sup>26</sup> UNICEF, *The State of the World's Children 2021: On My Mind – Promoting, Protecting and Caring for Children's Mental Health* (UNICEF, New York, 2021), at pp. 43–48.

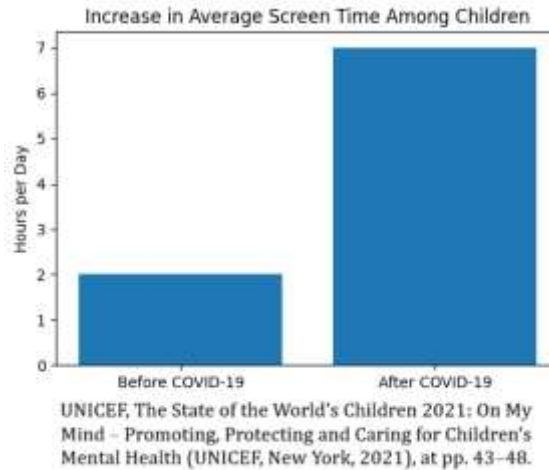
<sup>27</sup> Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501–6506 (1998); General Data Protection Regulation, Regulation (EU) 2016/679, art. 8.

<sup>28</sup> Debarati Halder & K. Jaishankar, *Cyber Crimes against Children* (LAP Lambert Academic Publishing, Germany, 2013), at pp. 85–102.

<sup>29</sup> UNICEF, *The State of the World's Children 2021: On My Mind – Promoting, Protecting and Caring for Children's Mental Health* (UNICEF, New York, 2021), at pp. 43–48.

• **Internet Addiction among Children**

Internet addiction refers to excessive and compulsive use of internet-enabled platforms that adversely affects an individual’s emotional, social, and psychological well-being.<sup>30</sup> Among children, this addiction commonly arises through prolonged engagement with social media platforms, online gaming applications, streaming services, and short-video content.



The widespread availability of smartphones and affordable internet services has normalized prolonged screen time among minors. Newspaper reports from Rajasthan and other parts of India indicate that children are spending several hours daily online, resulting in emotional dependency, social withdrawal, and behavioural instability. Psychologists argue that children are particularly vulnerable because digital platforms operate through reward-based mechanisms that stimulate dopamine responses and encourage repetitive usage patterns.<sup>31</sup> The above chart from UNICEF’s report “The State of the World’s Children 2021” shows the average screen time among children after COVID and before COVID.

• **Smartphone Dependency Syndrome**

Smartphone Dependency Syndrome refers to excessive psychological reliance upon smartphones for communication, entertainment, and social validation. Children increasingly remain continuously connected to social media applications, gaming platforms, and AI-driven digital ecosystems.

Common symptoms include compulsive phone checking, anxiety when separated from devices, irritability, reduced interpersonal interaction, and inability to focus on non-digital activities. Medical experts, cited in newspaper reports, have warned that excessive smartphone exposure among children contributes to speech delay, emotional aggression, and declining communication skills.

<sup>30</sup> Kimberly S. Young, *Caught in the Net: How to Recognize the Signs of Internet Addiction* (John Wiley & Sons, New York, 1998), at pp. 25–31.

<sup>31</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 54–67.

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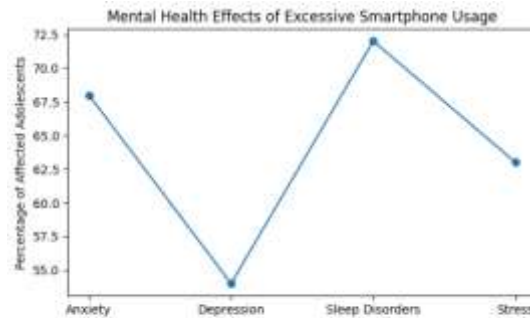


Figure 2:  
Ramesh Masthi et al., "Problematic Smartphone Use among Adolescents,"  
63 *Indian Journal of Psychiatry* 362 (2021), at pp. 364–366.

**(A) Mental Health:** Excessive smartphone and internet usage negatively affects children’s mental health by contributing to anxiety, depression, emotional instability, and loneliness.<sup>32</sup> Social media platforms often create unrealistic standards that increase emotional insecurity among minors.<sup>33</sup>

**(B) Attention Span:** Continuous exposure to short-video applications and fast-changing digital content reduces concentration levels and weakens children’s attention span.<sup>34</sup> Children gradually become accustomed to instant stimulation, affecting their cognitive patience and learning ability.

**(C) Academic Performance:** Digital addiction adversely impacts academic performance by diverting children’s attention from educational activities toward gaming, social media, and entertainment platforms. Sleep deprivation and digital distraction further reduce learning efficiency.

**(D) Sleep Cycle:** Excessive screen exposure disrupts children’s sleep cycle and causes insomnia, fatigue, and reduced cognitive functioning.<sup>35</sup> Late-night smartphone usage has become increasingly common among adolescents.

**(E) Aggression and Anxiety:** Studies indicate that excessive exposure to violent gaming content and online competition contributes to aggression, frustration, and anxiety among children.<sup>36</sup> Emotional dependency upon digital devices often results in irritability and impulsive behaviour.

<sup>32</sup> World Health Organization, *Guidelines on Physical Activity, Sedentary Behaviour and Sleep for Children under 5 Years of Age* (WHO, Geneva, 2019), at pp. 18–21.

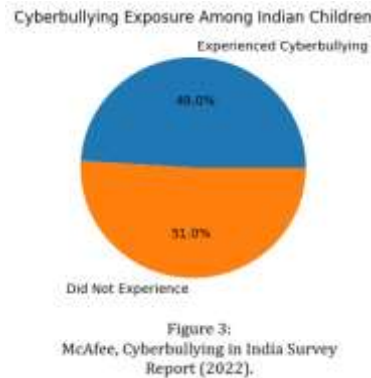
<sup>33</sup> Ramesh Masthi et al., "Problematic Smartphone Use among Adolescents," 63 *Indian Journal of Psychiatry* 362 (2021), at pp. 364–366.

<sup>34</sup> Andrew E. Przybylski & Netta Weinstein, "Digital Screen Time Limits and Young Children’s Psychological Well-Being," 7 *Child Development Perspectives* 1 (2019), at pp. 2–5.

<sup>35</sup> World Health Organization, *Guidelines on Physical Activity, Sedentary Behaviour and Sleep for Children under 5 Years of Age* (WHO, Geneva, 2019), at p. 19.

<sup>36</sup> Mark D. Griffiths, "Gaming Addiction and its Psychological Impact on Adolescents," 27 *Journal of Behavioural Addictions* 15 (2020), at pp. 16–19.

• **Cyber Risks Faced by Children**



(A) **Cyberbullying:** Children increasingly become victims of online harassment, humiliation, and intimidation through social media and gaming platforms. Cyberbullying often causes emotional trauma and social withdrawal.<sup>37</sup>

(B) **Online Grooming:** Predators frequently use digital platforms to emotionally manipulate and exploit children through online communication systems.

(C) **Pornographic Exposure:** Easy access to age-inappropriate and explicit content adversely affects children’s emotional and psychological development.

(D) **Gaming Addiction:** Online gaming addiction has emerged as a serious concern among minors. Reward-based gaming structures encourage compulsive participation and behavioural dependency. Newspaper reports relating to the Ghaziabad incident involving three minor sisters demonstrate the harmful impact of excessive gaming exposure.

(E) **Dark Web Exposure:** Children lacking digital awareness may unknowingly access dangerous online spaces involving illegal or harmful content.

(F) **AI-Generated Harmful Content:** Artificial Intelligence-driven platforms increasingly expose children to manipulated content, deepfakes, misinformation, and psychologically targeted recommendations.<sup>38</sup>

• **Sociological and Psychological Perspectives**

From a sociological perspective, excessive digital exposure has weakened family interaction and real-world socialization among children. Virtual communication increasingly replaces physical interaction, thereby affecting emotional development and interpersonal relationships.<sup>39</sup>

Psychologically, children remain highly susceptible to digital manipulation because their cognitive and emotional development is incomplete. Neurological studies suggest that adolescents are more responsive to reward-seeking behaviour and impulsive decision-making, making them particularly vulnerable to addictive digital environments.<sup>40</sup>

The newspaper reports examined in this study further indicate that unrestricted smartphone access, lack of parental supervision, and declining family interaction have collectively intensified digital dependency

<sup>37</sup> Debarati Halder & K. Jaishankar, *Cyber Crimes against Children* (LAP Lambert Academic Publishing, Germany, 2013), at pp. 85–90.

<sup>38</sup> Shoshana Zuboff, *The Age of Surveillance Capitalism* (Public Affairs, New York, 2019), at pp. 291–295.

<sup>39</sup> Sherry Turkle, *Alone Together: Why We Expect More from Technology and Less from Each Other* (Basic Books, New York, 1st edn., 2011), at pp. 296–301.

<sup>40</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 72–75.

among minors. Therefore, digital addiction among children represents not merely a behavioural issue but a broader socio-legal and public health concern requiring legislative and policy intervention.

#### 4. CONSTITUTIONAL AND LEGAL FRAMEWORK IN INDIA

The increasing exposure of children to smartphones, social media platforms, online gaming systems, and internet-based applications has raised serious constitutional and legal concerns in India. Although digital technology has enhanced educational accessibility and communication, excessive and unregulated digital exposure among minors has simultaneously generated risks relating to mental health, cyber exploitation, online addiction, and psychological vulnerability. In this context, the Indian constitutional framework and existing statutory mechanisms impose a duty upon the State to protect children from harmful environments and ensure their healthy development.

##### • Constitutional Provisions

**(A) Article 14 – Right to Equality:** Article 14 of the Constitution guarantees equality before law and equal protection of laws. The principle of reasonable classification permits the State to create special legal protections for vulnerable groups, including children. Since minors possess limited emotional maturity and psychological vulnerability, differential regulation concerning internet and smartphone usage among children may be constitutionally justified. The State can therefore impose child-centric digital safeguards without violating the principle of equality.

**(B) Article 19(1)(a) – Freedom of Speech and Expression:** Article 19(1)(a) guarantees freedom of speech and expression, which includes access to information and digital communication. However, this right is not absolute and remains subject to reasonable restrictions under Article 19(2) in the interests of public order, morality, and decency. Restrictions regulating children's exposure to harmful online content, addictive gaming systems, and exploitative digital platforms may therefore be justified as reasonable constitutional limitations intended to protect child welfare and mental health.

In **Shreya Singhal v. Union of India**<sup>41</sup>, the Supreme Court recognized the importance of free speech in cyberspace while simultaneously emphasizing that reasonable restrictions may be imposed under constitutional limitations.

**(C) Article 21 – Right to Life and Personal Liberty:** Article 21 guarantees the right to life and personal liberty, which has been judicially interpreted to include the right to live with dignity, mental well-being, and healthy development. Excessive digital exposure affecting children's psychological and emotional health directly impacts the constitutional protection guaranteed under Article 21.

In **K.S. Puttaswamy v. Union of India**<sup>42</sup>, the Supreme Court recognized privacy as a fundamental right under Article 21. However, the right to privacy must be balanced against the State's obligation to protect minors from harmful digital environments and online exploitation.

**(D) Article 21A – Right to Education:** Article 21A guarantees free and compulsory education for children between six and fourteen years of age. Although digital technology has assisted educational accessibility, excessive smartphone dependency and online distraction negatively affect children's concentration, discipline, and academic performance. Consequently, regulation of harmful digital exposure may also be viewed as necessary for protecting the educational development of children.

**(E) Article 39(e) and 39(f):** Articles 39(e) and 39(f) under the Directive Principles of State Policy direct the State to ensure that children are protected against exploitation and provided opportunities for healthy

<sup>41</sup> Shreya Singhal v. Union of India, (2015) 5 SCC 1.

<sup>42</sup> K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1.

development in conditions of freedom and dignity. These provisions impose a constitutional obligation upon the State to safeguard minors from harmful digital environments capable of impairing their mental and emotional growth.

In **M.C. Mehta v. State of Tamil Nadu**<sup>43</sup>, the Supreme Court emphasized the constitutional duty of the State to protect children from exploitation and harmful conditions affecting their development.

**(F) Article 45:** Article 45 directs the State to provide early childhood care and education for children. In the contemporary digital age, this obligation extends beyond traditional educational infrastructure and includes ensuring a safe and healthy developmental environment for children, including protection from harmful digital exposure.

**(G) Doctrine of Parens Patriae:** The doctrine of parens patriae recognizes the State as the guardian of persons who are incapable of protecting their own interests, particularly children. This doctrine provides constitutional justification for State intervention in matters affecting child welfare and safety.

In **Sheela Barse v. Union of India**<sup>44</sup>, the Supreme Court reiterated that the State bears a continuing obligation to ensure the protection and dignity of children. Therefore, reasonable regulation of children's digital exposure may be constitutionally justified under the welfare-oriented principles of parens patriae.

#### • Existing Indian Laws Related to Child Online Protection

**(A) Information Technology Act, 2000:** The Information Technology Act, 2000 is the primary legislation governing cyber activities in India. The Act penalizes cyber offences such as identity theft, hacking, publication of obscene material, and electronic exploitation. However, the legislation does not specifically regulate smartphone addiction, excessive screen exposure, or age-based digital access for minors.

**(B) Protection of Children from Sexual Offences Act, 2012:** The POCSO Act, 2012 provides protection to children against sexual offences, including online sexual exploitation and pornography. The Act criminalizes the use of children for pornographic purposes and provides safeguards against digital sexual abuse.

**(C) Juvenile Justice (Care and Protection of Children) Act, 2015:** The Juvenile Justice Act seeks to ensure care, protection, and rehabilitation of vulnerable children. Although the legislation does not directly regulate digital exposure, its welfare-oriented framework supports measures protecting children from harmful online environments.

**(D) Bharatiya Nyaya Sanhita, 2023:** The Bharatiya Nyaya Sanhita, 2023 contains provisions relating to cyber offences, exploitation, obscenity, and offences affecting children. Certain provisions may indirectly apply to online harassment, digital exploitation, and cyber abuse involving minors. However, the legislation does not comprehensively address digital addiction or child internet regulation.

**(E) Digital Personal Data Protection Act, 2023:** The Digital Personal Data Protection Act, 2023 introduces child-specific data protection safeguards by requiring verifiable parental consent for processing children's personal data. The Act recognizes the vulnerability of minors in digital environments; however, its primary focus remains data privacy rather than broader digital addiction or behavioural harms.

**(F) Information Technology Rules, 2021:** The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 impose due diligence obligations upon intermediaries and social media platforms. The Rules require removal of harmful content and establishment of grievance redressal mechanisms. However, effective enforcement and child-specific digital regulation remain limited.

<sup>43</sup> M.C. Mehta v. State of Tamil Nadu, (1996) 6 SCC 756.

<sup>44</sup> Sheela Barse v. Union of India, (1986) 3 SCC 596.

- **Whether Existing Laws are Adequate?**

Although India possesses multiple legislations relating to cyber safety and child protection, the existing framework remains fragmented and inadequate in addressing the broader problem of excessive digital exposure among minors.

**(A) Legislative Gaps:** Current laws primarily focus upon cyber offences, obscenity, and data protection rather than smartphone addiction, social media dependency, gaming addiction, or algorithmic manipulation affecting children. India presently lacks a comprehensive child-centric legislation regulating internet and smartphone usage below a specific age threshold.

**(B) Enforcement Failures:** Weak enforcement mechanisms, lack of digital awareness, and limited cyber monitoring infrastructure significantly reduce the effectiveness of existing laws. Parents, schools, and authorities often lack adequate technological awareness to supervise children's online activities effectively. Newspaper reports examined in this study indicate growing concerns regarding mental health deterioration, gaming addiction, and excessive smartphone usage among minors despite the existence of multiple cyber laws.

**(C) Age-Verification Problems:** One of the most significant regulatory challenges concerns the absence of effective age-verification mechanisms on social media and gaming platforms. Children can easily create online accounts without meaningful parental supervision or identity verification. Consequently, minors gain unrestricted access to harmful content, exploitative digital ecosystems, and psychologically manipulative online platforms.

Therefore, although existing Indian laws provide certain safeguards against cyber exploitation and online abuse, they remain insufficient to address the broader constitutional, psychological, and public health concerns arising from unrestricted internet and smartphone usage among children below sixteen years of age.

## 5. JUDICIAL APPROACH AND IMPORTANT CASE LAWS

The rapid expansion of digital technology and internet accessibility has compelled courts across the world to examine complex constitutional questions involving freedom of speech, privacy, child welfare, and State regulation in cyberspace. Indian courts have increasingly recognized that while digital platforms form an important component of modern communication and expression, unrestricted online environments may simultaneously expose vulnerable groups, particularly children, to psychological harm, cyber exploitation, and emotional manipulation. Judicial decisions relating to freedom of expression, privacy, child protection, and cyber regulation therefore provide an important constitutional foundation for evaluating the necessity of regulating internet and smartphone usage among minors.

- **Shreya Singhal v. Union of India**

In **Shreya Singhal v. Union of India**<sup>45</sup>, the Supreme Court struck down Section 66A of the Information Technology Act, 2000 on the ground that it violated the constitutional guarantee of freedom of speech and expression under Article 19(1)(a). The Court held that vague and arbitrary restrictions upon online expression could not be constitutionally sustained unless they satisfied the requirements under Article 19(2).

The judgment is significant because it recognized the internet as an important medium of democratic communication and expression. However, the Court simultaneously acknowledged that reasonable

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<sup>45</sup> (2015) 5 SCC 1.

restrictions may still be imposed in the interests of morality, public order, and decency. Although the case primarily concerned freedom of speech, its constitutional reasoning becomes relevant in the context of regulating harmful online exposure affecting children.

The judgment demonstrates that while digital freedom is constitutionally protected, such freedom is not absolute. Therefore, child-centric digital safeguards regulating harmful online content, exploitative gaming systems, and psychologically manipulative digital platforms may still be constitutionally permissible if they satisfy the test of reasonableness and proportionality.

- **K.S. Puttaswamy v. Union of India**

In **K.S. Puttaswamy v. Union of India**<sup>46</sup>, the Supreme Court recognized the right to privacy as a fundamental right under Article 21 of the Constitution. The Court held that privacy includes informational autonomy, decisional freedom, and protection against unwarranted State intrusion.

The judgment has significant implications for digital governance and child internet regulation. On one hand, excessive State monitoring of online activity may raise constitutional concerns relating to privacy and personal liberty. On the other hand, the Court also clarified that privacy is not an absolute right and may be restricted through lawful, necessary, and proportionate measures pursuing legitimate State interests.

In the context of child digital safety, the judgment supports the argument that reasonable regulatory mechanisms aimed at protecting minors from cyber exploitation, harmful content, gaming addiction, and psychological manipulation may be constitutionally justified. The State's obligation to protect children under Articles 39(e) and 39(f) must therefore be balanced with privacy rights in digital spaces.

- **Avnish Bajaj v. State**

The decision in **Avnish Bajaj v. State (NCT of Delhi)**<sup>47</sup> popularly known as the “Bazee.com Case,” remains one of the earliest Indian cases dealing with online intermediary liability and digital content regulation. The case arose after obscene material involving a minor was circulated through an online marketplace platform.

The Delhi High Court emphasized that intermediaries operating digital platforms cannot completely escape responsibility for harmful online content circulated through their services. The judgment highlighted the growing risks associated with online obscenity, cyber exploitation, and misuse of digital platforms affecting minors.

The case is particularly relevant in the contemporary context because social media applications, gaming systems, and online platforms increasingly expose children to harmful and age-inappropriate content. The judgment demonstrates the necessity of imposing greater due diligence obligations upon intermediaries for ensuring child safety in cyberspace.

- **M.C. Mehta v. State of Tamil Nadu**

In **M.C. Mehta v. State of Tamil Nadu**<sup>48</sup>, the Supreme Court dealt extensively with child welfare and protection against exploitation. The Court emphasized that children require special constitutional protection because of their physical and mental vulnerability. The judgment relied upon Articles 39(e) and 39(f) of the Constitution and recognized the State's duty to ensure healthy development of children in conditions of dignity and freedom.

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<sup>46</sup> (2017) 10 SCC 1.

<sup>47</sup> 150 (2008) DLT 769.

<sup>48</sup> (1996) 6 SCC 756.

Although the case concerned child labour, its constitutional reasoning is equally relevant in the digital age. Excessive internet exposure, gaming addiction, and psychologically manipulative online environments may adversely affect children's emotional and intellectual development. Therefore, the constitutional principle evolved in *M.C. Mehta* supports welfare-oriented State intervention for protecting minors from harmful digital ecosystems.

- **Foreign Legal Approaches**

**(A) U.S. COPPA Framework:** The United States enacted the Children's Online Privacy Protection Act (COPPA), 1998 to regulate online data collection involving children below thirteen years of age. The legislation requires digital platforms to obtain verifiable parental consent before collecting personal information from minors. COPPA reflects the recognition that children require enhanced legal safeguards in digital environments because they lack the maturity necessary to understand online risks and data exploitation.

**(B) European Union – Digital Services Act:** The European Union's Digital Services Act and the General Data Protection Regulation (GDPR) impose obligations upon digital platforms to ensure child safety, transparency, and protection against harmful online content.<sup>49</sup> The European framework emphasizes age-appropriate digital services and stronger regulation of algorithmic systems affecting minors.

**(C) Australia's Social Media Age Restrictions:** Australia has recently considered stronger age-verification mechanisms and social media restrictions for minors in response to growing concerns regarding mental health deterioration, cyberbullying, and online addiction among adolescents.<sup>50</sup> These developments demonstrate a growing international trend toward child-centric digital regulation.

- **Freedom vs Protection Debate**

One of the central constitutional debates concerning child internet regulation involves balancing digital freedom with child protection. Critics argue that excessive State regulation may undermine freedom of speech, informational autonomy, and individual liberty in cyberspace. However, unrestricted digital exposure may simultaneously expose children to cyber exploitation, pornography, online manipulation, and psychological harm.

Indian constitutional jurisprudence recognizes that rights under Article 19(1)(a) are subject to reasonable restrictions under Article 19(2). Therefore, restrictions specifically designed for child welfare and online safety may be constitutionally justified if they remain proportionate and non-arbitrary.

- **Privacy vs State Regulation**

Another important debate concerns the relationship between privacy and digital regulation. Excessive State surveillance of online activity may violate informational privacy recognized in *Puttaswamy*. However, absence of regulation may expose children to severe psychological and cyber risks.

Consequently, constitutional governance requires a balanced approach wherein child safety mechanisms, parental consent systems, and age-verification regulations are implemented without creating disproportionate State intrusion into personal liberty.

- **Best Interest of the Child Principle**

The "best interest of the child" principle constitutes one of the most important foundations of child rights jurisprudence. The principle recognizes that all legal and policy decisions affecting children must prioritize their welfare, dignity, mental health, and holistic development.

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<sup>49</sup> General Data Protection Regulation, Regulation (EU) 2016/679, art. 8; Digital Services Act, Regulation (EU) 2022/2065.

<sup>50</sup> Reports relating to Australian proposals concerning social media age-verification mechanisms and child online safety reforms discussed in contemporary policy debates.

In the digital context, this principle supports the argument that the State possesses a constitutional obligation to protect children from harmful online environments, exploitative digital systems, and psychologically manipulative technologies. Therefore, reasonable restrictions upon internet and smartphone usage among minors may be justified where such measures promote child welfare and healthy development.

## 6. COMPARATIVE INTERNATIONAL APPROACH

The growing concerns relating to digital addiction, cyberbullying, online exploitation, and mental health deterioration among children have compelled several countries to introduce legal and regulatory mechanisms governing children's access to digital platforms. International approaches demonstrate an increasing recognition that minors require special protection in cyberspace because of their psychological vulnerability and limited understanding of online risks. Although the nature and extent of regulation differ across jurisdictions, the common objective remains the protection of children from harmful digital environments while balancing freedom, privacy, and technological access.

- **United States of America**

**(A) Children's Online Privacy Protection Act (COPPA):** The United States introduced the Children's Online Privacy Protection Act (COPPA), 1998 to regulate the online collection and processing of personal information relating to children below thirteen years of age.<sup>51</sup> The legislation requires website operators, gaming platforms, and digital service providers to obtain verifiable parental consent before collecting, using, or disclosing personal data of minors. COPPA imposes obligations upon digital platforms to:

1. maintain privacy policies,
2. ensure parental access to children's information,
3. and restrict unauthorized data collection.

The legislation reflects the recognition that children lack the maturity necessary to understand digital privacy risks and online exploitation. Although COPPA primarily focuses upon data protection, it indirectly strengthens child online safety by increasing parental supervision and platform accountability. However, critics argue that age-verification under COPPA remains weak because children can easily bypass restrictions by entering false information. Despite these limitations, COPPA remains one of the earliest child-centric digital protection frameworks in the world.

- **European Union**

**(A) GDPR Child Consent Provisions:** The European Union has adopted a comparatively stronger digital rights framework through the General Data Protection Regulation (GDPR). Article 8 of the GDPR requires parental consent for processing personal data of children below sixteen years, although member states may reduce the age limit up to thirteen years.<sup>52</sup> The GDPR recognizes children as vulnerable data subjects requiring enhanced legal protection in digital environments. The regulation imposes strict obligations upon digital platforms regarding:

1. transparency,
2. consent,
3. data minimization,
4. and child-friendly privacy standards.

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<sup>51</sup> Children's Online Privacy Protection Act, 15 U.S.C. §§ 6501–6506 (1998).

<sup>52</sup> General Data Protection Regulation, Regulation (EU) 2016/679, art. 8.

The European approach reflects a rights-based understanding of digital governance where child welfare and informational privacy are treated as integral constitutional concerns.

**(B) Digital Services Act:** The European Union's Digital Services Act (DSA) further strengthens online safety obligations for digital platforms and social media intermediaries.<sup>53</sup> The Act requires platforms to assess and mitigate systemic risks affecting minors, including harmful content, manipulative algorithms, and exploitative digital practices.

The DSA also restricts targeted advertising based upon profiling of minors and imposes stronger accountability mechanisms upon large digital platforms. The European framework therefore moves beyond traditional cyber regulation and directly addresses algorithmic harms and online behavioural manipulation affecting children.

#### • China

**(A) Gaming and Screen-Time Restrictions:** China has adopted one of the strictest approaches toward child digital regulation. The Chinese government introduced extensive restrictions upon online gaming and screen time for minors in response to growing concerns regarding gaming addiction and declining mental health among children.<sup>54</sup>

Under Chinese regulations:

1. minors are prohibited from accessing online games during late-night hours,
2. gaming time for children is limited,
3. and real-name registration systems are used for age verification.

China has also imposed restrictions upon addictive gaming structures and excessive online engagement. The regulatory framework is based upon the belief that uncontrolled digital exposure adversely affects children's physical health, academic development, and social behaviour.

Although critics argue that the Chinese model is excessively restrictive and raises concerns relating to personal liberty, it nevertheless demonstrates strong governmental recognition of digital addiction as a public health issue.

#### • Australia

**(A) Social Media Age-Verification Reforms:** Australia has recently undertaken significant policy discussions regarding social media regulation and age-verification mechanisms for minors. The Australian government and regulatory authorities have expressed concern regarding cyberbullying, online exploitation, mental health deterioration, and social media addiction among adolescents.<sup>55</sup>

Australia has proposed:

1. stronger age-verification systems,
2. parental control mechanisms,
3. and increased platform responsibility for harmful content affecting minors.

Policy debates in Australia particularly focus upon protecting children from algorithm-driven digital harm and ensuring safer online environments through platform accountability and technological safeguards. The Australian approach represents a balanced regulatory model seeking to protect children without completely restricting digital participation.

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<sup>53</sup> Digital Services Act, Regulation (EU) 2022/2065.

<sup>54</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 112–118.

<sup>55</sup> Reports concerning Australian social media age-verification reforms and child online safety proposals discussed in international policy debates.

### • Lessons for India

The comparative international approaches discussed above demonstrate that child online safety has become a global legal and policy concern. Different jurisdictions have adopted varying strategies; however, certain common principles emerge which may guide India in developing its own child-centric digital regulatory framework.

First, international models recognize that children require special legal protection in digital environments because of their psychological vulnerability and inability to fully comprehend online risks. Second, parental consent and platform accountability have become central components of child digital regulation. Third, governments increasingly acknowledge that unrestricted algorithmic exposure, gaming addiction, and harmful online content may adversely affect children's mental health and development.

India can learn several important lessons from these frameworks:

1. introduction of stronger age-verification systems,
2. mandatory parental consent mechanisms,
3. enhanced intermediary liability,
4. restrictions upon harmful targeted content,
5. and child-specific digital safety standards.

At the same time, India must adopt a balanced constitutional approach that harmonizes child protection with freedom of expression, privacy, and access to education. Unlike excessively restrictive regulatory models, Indian law must ensure that reasonable safeguards are imposed without disproportionately affecting constitutional liberties.

The comparative experience ultimately demonstrates that unrestricted digital exposure among minors can no longer remain solely a private or parental issue. It has evolved into a significant constitutional, public health, and socio-legal concern requiring effective legislative and regulatory intervention.

## 7. NEED FOR A SPECIAL LEGISLATION IN INDIA

The unprecedented growth of smartphones, social media platforms, online gaming applications, and internet accessibility has fundamentally transformed the social and psychological environment of children in India. While digital technology has contributed positively toward education, communication, and access to information, its excessive and unregulated usage among minors has simultaneously created serious concerns relating to mental health deterioration, cyber addiction, online exploitation, and emotional instability. Existing legal mechanisms in India primarily address isolated cyber offences and online abuse but fail to comprehensively regulate harmful digital exposure affecting children below sixteen years of age. Consequently, there is an urgent need for a specialized child-centric legal framework capable of balancing technological advancement with child welfare and constitutional protection.

### • Why Existing Framework is Insufficient

Although India possesses legislations such as the Information Technology Act, 2000, the Protection of Children from Sexual Offences Act, 2012, the Juvenile Justice Act, and the Digital Personal Data Protection Act, 2023, the existing framework remains fragmented and inadequate in addressing the broader issue of digital addiction and online behavioural manipulation among children.<sup>56</sup> Current laws primarily focus upon cyber offences, obscenity, online sexual exploitation, and data protection. However,

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<sup>56</sup> Information Technology Act, 2000; Protection of Children from Sexual Offences Act, 2012; Digital Personal Data Protection Act, 2023.

they do not adequately regulate excessive smartphone usage, gaming addiction, algorithm-driven psychological manipulation, social media dependency, or prolonged screen exposure among minors.

Another major deficiency concerns the absence of effective age-verification mechanisms. Most social media platforms and gaming applications permit children to create accounts without meaningful identity verification or parental supervision. Consequently, minors gain unrestricted access to harmful content, addictive digital ecosystems, and exploitative online environments.<sup>57</sup>

The existing framework also suffers from weak enforcement mechanisms. Parents, schools, and regulatory authorities often lack technological awareness and effective monitoring systems to supervise children's digital activities. Newspaper reports examined in this study reveal increasing incidents of mental health disorders, emotional instability, gaming addiction, and social withdrawal among children despite the existence of multiple cyber laws.

Additionally, existing Indian legislation does not adequately address the psychological consequences of algorithmic targeting. Modern digital platforms operate through reward-based systems designed to maximize user engagement and screen time. Children, due to their emotional vulnerability and cognitive immaturity, become particularly susceptible to compulsive digital behaviour. Therefore, the present legal framework remains reactive rather than preventive.

#### • Proposed Legal Measures

For minors, India requires comprehensive legal and policy reforms aimed specifically at child online protection.

**(A) Age-Verification Mechanism:** A robust age-verification mechanism should be introduced for social media platforms, gaming applications, and digital service providers. Platforms must be legally required to verify the age of users before granting access to age-sensitive services. This would reduce unrestricted access of minors to harmful online content and exploitative digital systems.

**(B) Screen-Time Regulation:** Legislation should provide guidelines regarding reasonable screen-time limits for minors, particularly concerning gaming applications and social media platforms. Digital platforms targeting children may be required to incorporate automatic usage reminders and time-restriction mechanisms.

**(C) Mandatory Parental Controls:** Technology companies should be legally obligated to provide child-friendly parental control systems enabling parents to monitor online activity, screen time, and content accessibility. Parental consent should become mandatory for minors accessing specific digital services.

**(D) School-Level Digital Literacy:** Educational institutions should introduce compulsory digital literacy and cyber safety programs for students, teachers, and parents. Children must be educated regarding cyberbullying, online grooming, digital addiction, privacy risks, and responsible internet usage.

**(E) Ban on Addictive Algorithmic Targeting:** Digital platforms should be prohibited from using psychologically manipulative algorithms specifically targeting minors. Reward-based addictive systems designed to maximize engagement among children should be legally regulated.

**(F) Regulation of Gaming Applications:** Online gaming platforms should be subjected to stricter regulatory supervision, including, age restrictions, gaming-hour limitations, warning systems, and restrictions upon harmful or violent content targeting minors. The increasing incidents of gaming addiction and psychological dependency among children demonstrate the necessity of stronger gaming regulation.

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<sup>57</sup> Jonathan Haidt, *The Anxious Generation: How the Great Rewiring of Childhood is Causing an Epidemic of Mental Illness* (Penguin Press, New York, 2024), at pp. 54–67.

**(G) Child-Safe Internet Architecture:** India should develop a child-safe digital ecosystem requiring platforms to adopt safety-by-design principles. This may include child-friendly privacy settings, content filtering systems, restricted advertising, and mandatory reporting mechanisms for harmful online activity involving minors.

- **Proposed “Child Digital Protection Act”**

In light of the inadequacies of the existing legal framework, the present study proposes the enactment of a specialized legislation titled the “**Child Digital Protection Act.**” The proposed legislation may function as a comprehensive child-centric regulatory framework governing internet and smartphone usage among minors in India.

**(A) Proposed Legislative Framework:** The proposed legislation should define “child digital harm, regulate internet access for minors, impose obligations upon digital intermediaries, and establish safeguards against harmful digital exposure.

The legislation should specifically address social media dependency, gaming addiction, cyberbullying, online grooming, algorithmic manipulation, and psychological exploitation of children.

**(B) Regulatory Authority:** A specialized regulatory authority or “Child Digital Safety Commission” may be established for monitoring digital platforms, ensuring compliance, investigating violations, and formulating child online safety guidelines.

The authority may function in coordination with schools, parents, cyber cells, and technology companies.

**(C) Penalties:** The proposed legislation should impose penalties upon digital platforms and intermediaries for failure to implement age-verification systems, permitting harmful content targeting minors, violation of parental consent obligations, and non-compliance with child safety regulations. Repeat violations may attract financial penalties, suspension of services, or platform restrictions.

**(D) Compliance Obligations for Technology Companies:** Technology companies operating in India should be legally required to maintain child-safe platform architecture, implement parental control mechanisms, conduct risk assessments relating to minors, and remove harmful content affecting children within a specified time period.

Platforms should also be obligated to ensure transparency regarding algorithmic recommendations and targeted digital content involving minors. The growing psychological, social, and constitutional concerns arising from unrestricted digital exposure among children clearly demonstrate that India can no longer rely solely upon fragmented cyber laws and parental supervision. The State, under its constitutional obligation to protect child welfare and dignity, must adopt a comprehensive legal framework capable of ensuring a safe, balanced, and child-centric digital environment for future generations.

## 8. CONCLUSION AND SUGGESTIONS

The rapid digitalization of society has fundamentally transformed childhood experiences in contemporary India. Smartphones, social media platforms, online gaming applications, OTT services, and artificial intelligence-driven digital ecosystems have become integral components of children’s daily lives. While digital technology has contributed positively toward communication, education, and access to information, the present study demonstrates that unrestricted and unsupervised digital exposure among children below sixteen years of age has simultaneously generated serious constitutional, psychological, and socio-legal concerns.

The study reveals that excessive smartphone and internet usage among minors has resulted in increasing incidents of digital addiction, anxiety, depression, emotional instability, reduced attention span, sleep

disorders, cyberbullying, online grooming, gaming dependency, and exposure to harmful online content. Newspaper reports and socio-legal observations examined in this research further indicate that children are increasingly becoming victims of algorithm-driven digital manipulation and compulsive behavioural dependency. The tragic incidents associated with excessive online gaming and social media addiction demonstrate that unrestricted digital exposure is no longer merely a private parental concern but a significant public health and child welfare issue.

The research further establishes that although India possesses legislations such as the Information Technology Act, 2000, the POCSO Act, 2012, the Juvenile Justice Act, and the Digital Personal Data Protection Act, 2023, the existing legal framework remains fragmented and inadequate in addressing broader concerns relating to digital addiction, excessive screen exposure, and psychological exploitation of minors. Existing laws primarily focus upon cyber offences and data protection rather than regulating harmful digital behaviour affecting children. Consequently, the present legal framework lacks effective mechanisms for age-verification, screen-time regulation, parental supervision, and child-centric platform accountability.

The constitutional analysis undertaken in this study demonstrates that child welfare occupies a central position within the Indian constitutional framework. Articles 21, 21A, 39(e), 39(f), and 45 collectively impose an obligation upon the State to ensure the healthy development, dignity, and protection of children. Judicial decisions such as *M.C. Mehta v. State of Tamil Nadu* and *Sheela Barse v. Union of India* reaffirm that children require special constitutional protection because of their physical and psychological vulnerability. Similarly, the doctrine of *parens patriae* constitutionally empowers the State to intervene where necessary for protecting minors from harmful environments.

At the same time, the study recognizes that digital freedom and privacy remain important constitutional values under Articles 19(1)(a) and 21 of the Constitution. Therefore, any regulatory framework governing children's digital exposure must maintain a careful balance between technological freedom and child protection. The objective of regulation should not be complete prohibition of digital access, but the creation of a safe, balanced, and child-sensitive digital environment capable of protecting minors from exploitation and psychological harm.

The comparative analysis of international frameworks such as COPPA in the United States, GDPR and the Digital Services Act in the European Union, gaming restrictions in China, and social media reforms in Australia demonstrates that child online protection has become a global legal concern. These international developments indicate that stronger age-verification systems, parental consent mechanisms, intermediary accountability, and child-centric digital governance are increasingly being recognized as necessary safeguards in the digital era.

In light of the findings of the present study, the following suggestions are proposed:

1. India should enact a comprehensive "Child Digital Protection Act" specifically regulating internet and smartphone usage among children below sixteen years of age.
2. Mandatory age-verification and parental consent mechanisms should be introduced for social media platforms, gaming applications, and online services accessible to minors.
3. Digital platforms should be legally prohibited from using addictive algorithmic targeting and manipulative engagement systems directed toward children.
4. School-level digital literacy and cyber safety education should be made compulsory for students, parents, and teachers.

5. Online gaming applications should be subjected to stronger regulation including gaming-hour restrictions, warning systems, and child safety standards.
6. Technology companies should be legally obligated to develop child-safe internet architecture incorporating privacy safeguards, content filtering systems, and parental control mechanisms.
7. A specialized regulatory authority should be established to monitor child online safety, ensure intermediary compliance, and formulate national digital protection guidelines for minors.

Ultimately, the future of a nation depends upon the physical, emotional, intellectual, and moral development of its children. In the digital age, child welfare can no longer be confined merely to traditional concerns such as education and healthcare; it must also include protection against harmful technological environments capable of undermining mental health, dignity, and social development. Therefore, India urgently requires a balanced constitutional and legislative framework capable of harmonizing digital advancement with the best interests and welfare of children.