

JSA Prism Dispute Resolution



January 2026

Madras High Court urges Government to consider parental control policy for monitoring children's internet use

In a recent ruling, the Division Bench of the Madras High Court ("**Madras HC**"), in *S. Vijayakumar. vs. Union of India and Ors.*¹ observed that the Union of India should explore the possibility of enacting a legislation analogous to Australia's recently introduced law that restricts internet usage by children below the age of 16 (sixteen). The Madras HC, while expressing its concern over the increasing exposure of children to online pornographic content, the authorities concerned *viz.*, the National Child Rights Commission and the concerned State Child Rights Commission (collectively "**Commission**") to accelerate awareness campaigns highlighting the risks and harmful effects of such content on minors.

Brief facts

This writ petition was filed by one Mr. S. Vijayakumar ("**Petitioner**") seeking a direction against Commission to invoke the powers vested under Section 13(1)(c) and (j)² of the National Commission for Protection of Child Rights Act, 2005, ("**PCR Act**") and to direct the internet service providers ("**ISPs**") to provide 'Parental Window' service on the websites, as stipulated by communication dated March 27, 2017³ throughout the country.

The Petitioner submitted that the Commission has a legal duty to educate society on child rights and promote awareness of available safeguards, and that stakeholder awareness and parental controls on devices can significantly reduce children's access to pornographic content. The Petitioner also referred to the Australian law⁴ restricting internet use by children below 16 (sixteen) years and suggested that similar legislation be considered in India.

The respondents submitted that they have duly discharged their functions under the PCR Act, and the ISPs stated that objectionable websites are periodically reviewed and blocked in accordance with the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

¹ 2025 SCC Online Mad 13987 (decided on December 9, 2025)

² Section 13(1)(c) of the PCR Act mandates the Commission to inquire into the violations of child rights and recommend initiation of proceedings. Section 13(1)(j) mandates the Commission to inquire into complaints and take suo moto notice of matters involving violation of child rights, non-implementation of laws providing for protection and development of children and non-compliance policy decisions, guidelines, aimed at mitigating hardships to and ensure welfare and relief to such children.

³ Office Letter No. 813-07/25/2016-DS-II dated March 27, 2017 directed ISPs to make arrangements to implement suitable parental control filters in network and spread awareness among subscribers. However, only few ISPs responded to such compliance as per updated Office Letter No. 813-07/25/2016-DS-II dated March 27, 2021.

⁴The Online Safety Amendment (Social Media Minimum Age) Act 2024 is an Australian law that prohibits minors under the age of 16 (sixteen) from holding an account on certain social media platforms. It is an amendment to the Online Safety Act 2021 and was passed by the Parliament of Australia on November 29, 2024.

Analysis and findings

The Madras HC, dissatisfied with the counter-affidavits submitted by the Respondents, observed that the respondents have not adequately discharged their functions under the PCR Act. The Madras HC agreed with the Petitioner's submissions and observed that the Commissions have a statutory duty and responsibility to spread child right literacy among various sections of the society and promote awareness of the safeguards available for protection of these rights. The Madras HC also noted that though certain awareness campaigns are conducted focusing on children at schools, the said campaign is not adequate.

The Madras HC further observed that while dynamically updated websites containing URLs of online child sexual abuse material are available and active, control at the user end can only be achieved if there is a parent control app available in the device.

Relying on the Hon'ble Supreme Judgement in *Just Rights for Children Alliance vs. S. Harish*⁵, wherein, suggestions to the Union of India and other stakeholders were formulated, regarding the rights of the [Protection of Children from Sexual Offences](#) Act, 2012 victims, the Madras HC also held that the users must also be made aware of the dangers of access to pornographic material by children and preventive measures; the Union of India may explore the possibility of passing legislation like Australia as suggested by the Petitioner. Until appropriate legislation is enacted, the Madras HC directed the authorities to strengthen awareness campaigns across all media, draw up and implement an action plan, and emphasised a shared responsibility among ISPs, government authorities, and parents to protect children online.

Conclusion

This ruling by the Madras HC, clearly reinforces the view that child protection in the digital space cannot be addressed only through post-facto blocking of content by ISPs. The Madras HC has rightly highlighted the need for a proactive, multi-stakeholder approach, combining legislative intervention, mandatory parental control mechanisms, and sustained awareness campaigns. The Madras HC's suggestion to explore a statutory framework similar to Australia reflects a growing judicial recognition that effective child online safety requires both user-end controls and strong policy backing, with shared responsibility placed on the State, ISPs, and parents alike.

⁵ 2024 SCC Online SC 2611 (decided on September 23, 2024)

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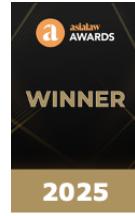


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