

DIGITAL PARENTING AND THE CONSTITUTION: PROTECTING CHILDREN'S RIGHTS IN THE ONLINE WORLD

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Abstract:

In the digital age, children are growing up in an environment deeply influenced by online platforms, social media, and AI-powered games. While these technologies offer numerous educational and recreational opportunities, they also pose significant risks—ranging from digital addiction and mental health issues to exposure to harmful content and cyber exploitation. Despite these realities, the Indian legal and constitutional framework remains insufficiently equipped to address the vulnerabilities of children in virtual spaces. This research paper delves into the intersection of digital parenting, constitutional rights, and child safety, with a particular focus on the interpretation and application of Article 21 of the Indian Constitution. Through this lens, the paper seeks to explore the scope of children's right to life, dignity, privacy, and safe digital environments. The study highlights real-life cases that demonstrate the harmful impact of unregulated online content and emphasises the need for stronger parental awareness and legal safeguards. It also critically analyses the gaps in existing legal frameworks such as the Information Technology Act, 2000, and examines the role of statutory bodies like the National Commission for Protection of Child Rights. Drawing comparisons with global practices such as Children's Online Privacy Protection Act (USA) and the GDPR (European Union), the research suggests policy and constitutional reforms aimed at fostering a child-centric digital ecosystem. By integrating constitutional protections with responsible digital parenting and corporate accountability, this paper advocates for a comprehensive approach to safeguarding children's rights in the digital world.

Keywords: *Digital parenting, Children's rights, Article 21, AI games, Online safety, Legal reforms*

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Introduction:

In today's rapidly evolving digital age, the lives of children are being shaped not only by their physical environments—such as homes, schools, and playgrounds—but also by the vast, borderless world of the internet. From an early age, children are immersed in a digital ecosystem populated by AI-driven games, social media platforms, video-sharing applications, and interactive educational tools. These technologies, while offering tremendous potential for knowledge acquisition, creativity, and connectivity, simultaneously expose children to significant risks. Issues such as digital addiction, exposure to inappropriate or harmful content, online bullying, data privacy breaches, and psychological manipulation through algorithms are becoming increasingly prevalent.

As a result, the digital realm—once considered a mere tool—has become a central and influential component of a child’s identity, development, and daily routine.

In this complex scenario, parents and guardians often find themselves unequipped to manage the dual responsibilities of facilitating digital access and safeguarding children from its adverse effects. While digital literacy among adults is growing, there remains a significant gap in understanding how online platforms are designed to influence user behaviour—particularly that of vulnerable children. The rise of algorithmic targeting, manipulative reward mechanisms in games, and the unrestricted flow of content have made it difficult for parents alone to act as effective regulators of their child’s online engagement. This calls for an urgent reconsideration of the broader legal and constitutional frameworks that can support families and uphold the rights of children in digital spaces.

The Constitution of India, especially through Article 21—the Right to Life and Personal Liberty—provides a strong foundation for such protection. Over the years, the judiciary has expanded the interpretation of Article 21 to include several derived rights, such as the right to privacy, the right to health, the right to education, and the right to live with dignity. Each of these rights becomes critically relevant when applied to the digital experiences of children. For instance, the right to privacy is endangered by unauthorised data collection and surveillance; the right to health is challenged by screen addiction and exposure to violent content; and the right to education is complicated by inequitable access and algorithmic bias. In addition, Directive Principles of State Policy under Articles 39(e) and (f) emphasise the duty of the State to protect children from exploitation and ensure their healthy development—duties that must now extend to the digital sphere.

This research paper seeks to investigate how constitutional protections can be effectively interpreted and applied to address the unique challenges children face in the online world. It explores the intersection of digital parenting and constitutional law, critically examines the existing legal and policy frameworks governing children’s digital rights, and evaluates the role of tech companies in ensuring online safety. By analysing real-life incidents, relevant judicial pronouncements, and international legal standards, the study advocates for a comprehensive, child-centric approach to digital regulation. Ultimately, the paper aims to propose legal and constitutional reforms that reinforce parental efforts with institutional support and corporate accountability, ensuring that children’s rights are upheld not just offline, but equally in their digital lives.

Role of Parents and the Concept of Digital Parenting:

As digital platforms and AI-powered games become a dominant part of children’s lives, parents play a crucial role in shaping how their children interact with the digital world. While schools, governments, and tech companies have their share of responsibilities, it is the home environment and parental guidance that most deeply influence children’s digital behaviour.

Now what is Digital Parenting?

Digital Parenting refers to the ways in which parents supervise, guide, and support their children in the use of digital technology. It involves setting healthy boundaries, encouraging responsible use, and being actively involved in their online lives.

There are certain Responsibilities of Parents in order to prevent digital accidents like monitoring Screen Time of the kids. Parents need to keep track of how long children are spending on devices and ensure screen time doesn't replace sleep, study, play, or family interaction. Parents also need to supervise the content, which the children have access to. Parents must review the types of games, apps, and videos their children access and block violent or age-inappropriate content. Children should feel safe to talk about what they see or experience online, including cyberbullying, peer pressure, or confusing content. It is the major duty of the parents to educate the children on digital safety. Teach them not to share personal information, interact with strangers, or fall for in-game traps like scams or gambling-like mechanisms. Parents must also set parental controls on apps or games in order to limit the kid's screen time and to restrict access to dangerous content. Various apps and devices offer built-in tools to limit screen time, control spending, and restrict access to dangerous content. And the most essential responsibility of a parent is to be a Role Model. Parents who themselves are glued to screens often pass on the same habits. Practicing digital balance is important. Although the list of responsibilities is endless, so are the challenges faced by Parents. Many parents are unfamiliar with how these games work or how deeply AI influences children's emotions. This is sheer lack of awareness of the digital advancements. In today's world, where both the parents are busy with work and responsibilities, it's hard for many parents to give consistent attention to their child's digital life. Parents not only face the pressure of their responsibilities in work, but also arguments by the children that "everyone is playing this game," making it hard for parents to restrict access resulting in peer pressure. While mobile phones have become affordable enough for even low-income families to own, many apps or devices that allow parents to control screen time or monitor content remain expensive, making it difficult for everyone to access these essential digital parenting tools.

Digital development has also increased the need for parental empowerment.

While parental responsibility is critical, governments and schools must empower parents by providing workshops on digital parenting, awareness campaigns about harmful apps/games, helplines or counsellors for parents dealing with digital addiction in children. Digital parenting is not about total restriction but about guidance, involvement, and protection. In today's AI-driven world, parental engagement is the first line of defence against digital exploitation and mental harm.

Impact of AI-Based Games and Online Platforms on Children:

AI-powered gaming and video content are tailored to be psychologically addictive. Children are rewarded with achievements, coins, skins, and ranks, which alters their behaviour over time. Aggression and short temper from exposure to violent content, lying and manipulation to access more screen time, disconnection from reality, including obsession with game identities, difficulty following rules or instructions in school or at home.

Addiction similar to substance dependence—causing mood swings and withdrawal, social anxiety and isolation due to preference for virtual interaction over real-world bonding, depression from excessive screen exposure and social media pressure, reduced attention span, affecting studies and daily functioning, cyberbullying trauma, especially on social media and multiplayer games.

Excessive gaming and screen use take a severe toll on physical well-being, especially during growth years.

- Obesity: Lack of physical activity and continuous snacking while gaming lead to weight gain.
- Eye strain (Digital Eye Syndrome): Constant exposure to screen light causes blurry vision, dry eyes, and headaches.
- Poor posture: Hunched back, neck strain, and long sitting hours result in back pain and spinal issues.
- Sleep disorders: Irregular sleep cycles, insomnia, and fatigue due to late-night gaming or binge-watching.
- Hand/wrist pain: Repeated tapping and holding devices cause Repetitive Strain Injuries (RSI) in the wrists and thumbs.
- Poor immunity: Lack of outdoor play, sunlight, and exercise weakens the immune system in growing children.
- Cardiac issues: As in the case of the 17-year-old boy from Maharashtra, intense gaming for long hours can cause elevated stress levels and heart problems.

AI-based content often replaces developmental activities such as:

- Storytelling
- Creative play
- Outdoor sports
- Real-life problem solving

This results in:

- Impaired emotional growth
- Lack of empathy
- Reduced creativity and innovation
- Underdeveloped decision-making skills

There are also hidden dangers of AI. AI algorithms are built to keep children hooked. These platforms don't regulate usage, and lack legal accountability, making children vulnerable to lifelong harm.

Constitutional Framework: Rights of Children in the Digital ERA:

The Constitution of India provides a strong foundation for the protection and development of children. Although there is no specific provision that directly addresses digital safety, several constitutional rights implicitly and explicitly protect children, especially in the online space.

The most relevant provision in this context is Article 21, which guarantees the Right to Life and Personal Liberty. Over time, the Supreme Court has interpreted this right to include Right to Privacy (Justice K.S. Puttaswamy v. Union of India, 2017), Right to Health, Right to Education, Right to Safe Environment. In the digital world, these rights are under threat from:

- Invasive data collection from children's apps and games
- Exposure to violent and harmful online content
- Excessive screen time affecting mental and physical health
- Lack of age-appropriate learning tools and safety controls

The clauses stated in Article 39(e) and (f) – Directive Principles of State Policy direct the State to ensure that children are not abused and are protected against exploitation. And that they are given opportunities and facilities to develop in a healthy manner and with dignity. Though not enforceable in court, these principles guide the making of laws and policies. In today's time, this includes ensuring digital well-being.

The clause mentioned in Article 15(3) – Special Protection for Children allows the State to make special provisions for children. This means the State is constitutionally permitted to create child-specific digital safety laws, online education regulations, and content restrictions. Article 47 – Duty of the State to Improve Public Health.

Digital addiction and mental health problems caused by online platforms can also be linked to public health concerns. The State has a constitutional obligation to respond to these with preventive laws and policies.

International Obligations: UN Convention on the Rights of the Child (UNCRC)

India is a signatory to the UNCRC, which mandates that every child has the right to be protected from harmful content and to participate safely in the digital world by receiving guidance from adults in digital spaces. However, without strong domestic laws enforcing these rights, the constitutional intent remains unfulfilled in the digital era.

India currently lacks a dedicated child data protection law, unlike countries such as the U.S.-Children's Online Privacy Protection Act (COPPA) or the U.K.- (Age-Appropriate Design Code). While certain legal safeguards exist—such as Section 67B of the IT Act (2000) punishing child pornography, the POCSO Act (2012) addressing sexual offences, and the National Education Policy (2020) promoting digital awareness—these are fragmented and do not comprehensively address key concerns like - Data collection from children's apps, Child influencers on social media, Legal parental control frameworks, Mental health issues arising from screen addiction. The National Commission for Protection of Child Rights (NCPCR) is mandated to uphold children's rights but lacks the digital authority and technical infrastructure to monitor AI-powered platforms or apps. It operates reactively based on complaints—many of which never surface due to low public awareness.

The penalties for the Tech companies are also weak due to which there is no fear in their minds while making such applications or games, which affect the overall health and development of the children. India's legal framework does not impose strong consequences on tech companies creating harmful or addictive content. Existing intermediary liability provisions overlook manipulative design tactics in apps and games that exploit children psychologically.

Real-Life Cases: The Human Cost of Digital Addiction among Children

Despite widespread awareness about gaming addiction, India continues to witness alarming cases where children's health, mental stability, and even lives have been impacted due to AI-powered games like PUBG, Free Fire, and BGMI. These incidents expose the lack of legal safeguards, even after official bans.

Even though PUBG was banned in India, its clone BGMI remains widely available, serving the same addictive purpose. This raises the question—what's the point of a ban if similar platforms continue unchecked?

Case 1: 16-Year-Old Boy Kills Mother Over PUBG (Lucknow, 2022)

In one of the most shocking incidents, a 16-year-old boy in Lucknow shot his mother because she stopped him from playing PUBG. The boy later revealed he was addicted to the game and used his father's licensed gun. This extreme psychological breakdown illustrates how violent game content and addiction can distort young minds, especially when left unchecked.

Case 2: 11-Year-Old Dies by Suicide Over Online Game Restrictions (Tamil Nadu, 2021)

An 11-year-old boy died by suicide after his parents refused to let him play online games like Free Fire. A suicide note was found where he expressed emotional distress due to constant restrictions. This case showed how emotional dependency on digital games can lead to depression and fatal consequences in children.

Case 3: 13-Year-Old Spends ₹2 Lakh on PUBG In-Game Purchases (Punjab, 2020)

A Class 8 student secretly used his mother's bank account to spend over ₹2 lakh on PUBG's in-game items. The parents were shocked as this happened without their knowledge, showing how these platforms lack spending controls and transparency for minors.

Case 4: 17-Year-Old Dies of Cardiac Arrest While Playing Free Fire (Maharashtra, 2022)

A 17-year-old boy reportedly died of a sudden cardiac arrest while continuously playing Free Fire for over 5 hours. Doctors later explained that prolonged stress and screen time can overstimulate the nervous system and heart in teenagers. The family had no idea of the intensity of his addiction.

Case 5: Teen Fails in Exams Due to Gaming Addiction (Across India)

There have been numerous reports of children scoring poorly or failing in school due to reduced attention span and academic negligence caused by gaming. Parents have reported behavioural issues like irritability, aggression, and disobedience, all linked to addictive gaming patterns.

Proposing Constitutional and Legal Reforms for Child Digital Safety in India:

In the wake of rising digital engagement among children, especially through AI-powered apps and games, there is an urgent need to introduce constitutional and legal reforms that can ensure a safer online environment. The right to life under Article 21 of the Indian Constitution encompasses not just the physical existence of an individual but also their mental, emotional, and psychological well-being. With the increasing influence of online platforms on children's minds, this right must be interpreted to include the right to digital safety. Therefore, India must introduce a standalone child digital protection law that provides a comprehensive framework to address emerging online threats faced by minors. This law should mandate safety features in all apps and websites that cater to children. Furthermore, manipulative algorithmic designs that exploit children's psychological vulnerabilities must be banned. Data privacy norms should be strengthened for minors, with clear mechanisms to ensure legal enforcement of parental control features.

In addition to creating protective legal measures, there is a dire need to make gaming and app companies legally accountable for the psychological impact of their content on minors. While the importance of digital parenting cannot be denied, it is unfair and unrealistic to expect parents to tackle the complexities of the digital ecosystem on their own. Many platforms are engineered to be addictive and bypass age restrictions, and therefore, legal

obligations must be placed on companies to introduce strict age verification systems, impose time and spending limits for child users, and undergo regular psychological audits. Companies that release rebranded versions of previously banned games—such as BGMI following the ban of PUBG—should be penalised unless they adopt substantial safety measures. These reforms must be constitutionally backed, considering that unregulated digital environments threaten children’s fundamental rights. Just as courts have expanded Article 21 to address environmental degradation or custodial violence, they must now recognise digital harm as a constitutional violation requiring legislative action.

Alongside legal reforms, there must be social and educational measures that encourage a culture of digital responsibility. Legal awareness drives aimed at parents, educators, and local communities can spread information about children’s rights in the online world and methods to monitor harmful content. Organising digital parenting workshops—especially in collaboration with law colleges or local police departments, such as the one conducted at Dombivli Railway Police Station—can help empower parents with tools and strategies to monitor their children’s online presence. Furthermore, it is essential to make age verification and parental control features compulsory across all child-directed digital platforms. These tools should not only be legally mandated but also made affordable and accessible to all families.

India’s data protection laws must also evolve to include special provisions for minors. Drawing inspiration from global standards such as the General Data Protection Regulation (GDPR) in the European Union, Indian law should require parental consent for data collection from minors, limit behavioural profiling, and penalise companies that misuse children’s personal information. Moreover, to strengthen preventive measures, school curriculums must incorporate digital literacy and online safety education. By teaching children about cyberbullying, data privacy, and legal remedies at an early stage, they can be empowered to protect themselves and understand their rights in the digital world.

These combined efforts—legal, institutional, and educational—are necessary to create a digitally responsible society that prioritises the safety and mental health of its youngest users. Protecting children online is no longer just a parental concern; it is a constitutional imperative that must be addressed with urgency and precision.

Conclusion:

In a world where children are growing up with smartphones and social media, the Constitution must grow too. Digital parenting is not just a personal responsibility—it is a constitutional one. Protecting children online is part of protecting their dignity, safety, and future. As a parent, student, and citizen, it is time to speak up and create legal frameworks that match the digital realities of childhood.

To effectively protect children in the digital age, India needs to enact a comprehensive child data protection law that addresses the unique challenges posed by digital platforms, online games, and social media. This law should include mandatory safety features for children’s apps, restrictions on manipulative design practices, robust data privacy measures, and legally enforceable parental controls. Additionally, empowering institutions like the NCPCR with the authority, resources, and expertise to monitor and regulate digital platforms is essential for creating a safer online environment for children.

In conclusion, India's digital child protection laws need to be strengthened and harmonised to ensure the safety, well-being, and rights of children in an increasingly digital world. A forward-thinking approach to digital regulation, in line with international standards, is necessary to prevent exploitation and psychological harm and to foster a safe online environment for future generations.

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