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White Black Legal – The Law Journal is an open-access, peer-reviewed, and refereed legal journal established to provide a scholarly platform for the examination and discussion of contemporary legal issues. The journal is dedicated to encouraging rigorous legal research, critical analysis, and informed academic discourse across diverse fields of law.

The journal invites contributions from law students, researchers, academicians, legal practitioners, and policy scholars. By facilitating engagement between emerging scholars and experienced legal professionals, *White Black Legal* seeks to bridge theoretical legal research with practical, institutional, and societal perspectives.

In a rapidly evolving social, economic, and technological environment, the journal endeavours to examine the changing role of law and its impact on governance, justice systems, and society. *White Black Legal* remains committed to academic integrity, ethical research practices, and the dissemination of accessible legal scholarship to a global readership.

AIM & SCOPE

The aim of *White Black Legal – The Law Journal* is to promote excellence in legal research and to provide a credible academic forum for the analysis, discussion, and advancement of contemporary legal issues. The journal encourages original, analytical, and well-researched contributions that add substantive value to legal scholarship.

The journal publishes scholarly works examining doctrinal, theoretical, empirical, and interdisciplinary perspectives of law. Submissions are welcomed from academicians, legal professionals, researchers, scholars, and students who demonstrate intellectual rigour, analytical clarity, and relevance to current legal and policy developments.

The scope of the journal includes, but is not limited to:

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- Family Law, Labour Law, and Social Justice Studies

The journal accepts original research articles, case comments, legislative and policy analyses, book reviews, and interdisciplinary studies addressing legal issues at national and international levels. All submissions are subject to a rigorous double-blind peer-review process to ensure academic quality, originality, and relevance.

Through its publications, *White Black Legal – The Law Journal* seeks to foster critical legal thinking and contribute to the development of law as an instrument of justice, governance, and social progress, while expressly disclaiming responsibility for the application or misuse of published content.

BEYOND THE PARENTAL CONSENT MODEL

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INTRODUCTION

In this era where people are more active as netizens than as citizens. The upcoming generation is tech advanced and considered to be fully aware, called tech-savvy. According to UNICEF (2025), children represent approximately one-third of all internet users globally with many routinely accessing digital platforms and emerging technologies, such as artificial intelligence, from increasingly young ages.¹

Today's children spend more time in digital spaces than ever before and can be called digital natives. Digital technologies offer multiple opportunities and benefits for children's best interests in mind but with that they also pose significant risks. It is also witnessed that how online commercialization creates inequalities among children. There are over 250 million individuals under the age of 18 in India so there's a sharp rise in young users accessing internet. Inclination towards digitisation in education and entertainment, especially post-pandemic, has intensified the need for robust legal frameworks protecting children's online privacy.²

In a digitally connected world, children are among the most active and susceptible internet users. Indian youngsters are increasingly interacting with digital services that gather, analyse, and profit from their data, whether through social media, educational platforms, or game apps. Cognitive immaturity, emotional reliance, and a lack of informed agency are the key characteristics that define childhood. These traits also make children particularly prone to exploitation, targeted advertising, privacy invasions, and profiling. In this situation, safeguarding children's data online is both morally and legally essential.

CHILDREN AND DIGITAL LAWS DIVERGENCE

The laws enforce protection for child users, penalties for offenders, parental consent and guidance as an essential; and we overlook the fact that it is children who don't like being

¹ "Children Want to Shape Their Rights in the Digital World," OHCHR, Nov. 2025, <https://www.ohchr.org/en/stories/2025/11/children-want-shape-their-rights-digital-world>.

² "Protecting Children's Data in the Digital Age: India's Legal Framework and Policy Imperatives," DPO India (Aug. 4, 2025), <https://www.dpo-india.com/Blogs/protecting-child-data/>.

surveillance by their guardians. While searching for different laws and provisions, it can be seen how often have children tried to search about disabling parental controls. Various YouTube videos on the same either on android or iPhone, seeking to circumvent these restrictions for personal privacy. Even though there are intermediary rules and regulations, special legislations for that yet these videos have not been taken down. A more serious part is in countries where parental consent and various other laws are centric to guardians as protectors from digital scams that might take place with children. These aren't very effective till the time the platforms itself are monitored according to the age criteria, making it a more protective and child centric approach than just a parental consent-based approach.

It has been witnessed that how parents are ignorant while posting their children on social media platforms and often leading to nudity, infringing upon the privacy of children. Children's social media behaviour demonstrates their lack of privacy. Parents are criticised for uploading pictures of their kids in public. Children's privacy shouldn't be violated for commercial interests like marketing and advertising.

INDIA'S LEGAL FRAMEWORK

With the passing of the Digital Personal Data Protection Act, 2023,³ and intermediary guidelines, India has made significant strides, but there are still a number of obstacles to overcome. A more successful course of action can be found by thoroughly reviewing the Indian framework, its shortcomings, and new international trends.

Consent is mostly symbolic because children frequently don't understand terms of service or privacy rules. Their use of social media, educational apps, and gamified platforms may cause them to unintentionally share private information. Identity theft, cyberbullying, surveillance, and the formation of digital profiles that accompany them to adulthood can emerge from the exploitation of such data.

IT rules 2021,⁴ associated with the IT act 2000⁵ it states that the requirement for social media platforms to take down content harmful to minors upon notification recommendation for parental control mechanisms. There are age-based content classification systems on digital

³ The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

⁴ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, (India).

⁵ Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

media services like OTT platforms, however the absence of explicit penalties or enforcement timelines often result in noncompliance. Furthermore, platforms are not independently verified for child safety standards.

The landmark case of *K.S. Puttaswamy v. Union of India* (2017)⁶ which laid down right to privacy under article 21,⁷ held all protection framework in India, including protection for children, though not per se stated yet implied.

Even though laws have evolved, and certain things are banned in platforms that are being used by children which are further accompanied by penalties if violated. The question raises as to why not have a system in which a child's privacy along with protection is embedded at the very outset, like the one of UK.

GLOBAL FRAMEWORKS

To address this protection gap and amplify children's voices, UN Human Rights and its partners have launched "Our Digital World, Our Say" - a participatory initiative that puts young people at the centre of conversations about their rights in the digital world.⁸

The key issue is with the same word treating all individuals under 18 as 'Children', ignoring the maturity of teenagers. Globally most frameworks like Article 8 GDPR (General Data Protection Regulation) of EU⁹ and the US COPPA (Children's Online Privacy Protection Rule)¹⁰ mention the age of consent between 13 and 16. Whereas parental consent acts as a gatekeeper in many low income or digitally unskilled household. Essentially parents may be unaware of the natural consent leading to lack of a child centric design obligation. Unlike other jurisdictions India lacks the requirement of privacy by design for children.¹¹

The EU's DSA¹² sets a high standard for digital service providers to respect the rights of the

⁶ *K.S. Puttaswamy (Privacy-9J.) v. Union of India*, (2017) 10 SCC 1.

⁷ India Const. art. 21.

⁸ "Children Want to Shape Their Rights in the Digital World," OHCHR, Nov. 2025, <https://www.ohchr.org/en/stories/2025/11/children-want-shape-their-rights-digital-world>.

⁹ Regulation (EU) 2016/679, art. 8, General Data Protection Regulation (GDPR).

¹⁰ 15 U.S.C. §§ 6501–6506 (2013).

¹¹ "Protecting Children's Data in the Digital Age: India's Legal Framework and Policy Imperatives," DPO India (Aug. 4, 2025), <https://www.dpo-india.com/Blogs/protecting-child-data/>.

¹² Regulation (EU) 2022/2065, Digital Services Act, arts. 28, 35 (2022).

child. According to the DSA, all online platforms must “put in place appropriate and proportionate measures to ensure a high level of privacy, safety and security of minors, on their service”, including specific provisions for processing data to assess whether the recipient of a service is a child and showing advertisements to children based on profiling. The California Age-Appropriate Design Code Act (CAADCA)¹³ introduces requirements for age-appropriate design in online services accessed by children, aiming to protect them from manipulative design practices. Kenya's Data Protection Act¹⁴ establishes a comprehensive framework for data protection, including provisions for children's data and the regulation of online service providers. The South African Human Rights Commission (SAHRC) social media Charter¹⁵ provides guidelines for responsible social media use, emphasizing the protection of children's rights and safety in the context of social media platforms.

These policies and initiatives reflect a shift towards a more child-centred approach to digital policy and design, recognizing children as active participants in the digital environment with rights that need to be safeguarded.¹⁶

CONCLUSION

In criminal law or juvenile justice, certain sub categories are set under the term ‘juvenile’. Likewise, is needed for children when it comes to digital laws for them, a 10-year-old and an 18-year-old is treated the same under a blanket definition, a problem lies there.

The new generations are aware of the technology but not about the mischiefs it creates. Awareness about the same lacks, people either have no knowledge or incomplete knowledge about cyber-crimes, especially when it comes to the arena of children. Whether it is cyber bullying, online grooming (a process where in order to win a child's trust someone develops an emotional bond with them, with the aim of exploitation). This often happens through social media, gaming platforms, and messaging apps), etc people are unaware of the terms and what it is about.

¹³ Cal. Civ. Code §§ 1798.99.80–1798.99.99 (West 2024).

¹⁴ Data Protection Act, No. 24 of 2019 (Kenya), §§ 30–35.

¹⁵South African Human Rights Commission, Social Media Charter (Mar. 2023), <https://www.sahrc.org.za/home/21/files/SAHRC%20Social%20Media%20Charter%20FINAL>.

¹⁶ Didem Özkul, Steven Vosloo & Bella Baghdasaryan, Best Interests of the Child in Relation to the Digital Environment (Feb. 2025).