

BLOGS

Children's Social Media Rules in India: Can Your Child Legally Have an Account?

Shruti chauhan · 09 Oct 2026

Picture a 14 year old about to join Instagram. The sign up page asks for a birth year, she types one that makes her an adult, and she is in. No document, no parent, no questions asked.

On September 28, 2026, the Supreme Court looked straight at this loophole. A Bench led by Chief Justice Surya Kant asked the Centre to frame children's social media rules, and hinted that the Court itself may step in if nothing happens.

In a nutshell, the Supreme Court asked the Centre to make rules for children's social media accounts. Parental consent and an 18 year threshold are the key ideas. The government says it is ready to act. There is no ban yet, and the final rules are not settled.

Where did this issue come up and what happened?

The matter is **Just Rights for Children Alliance v. Union of India** (W.P.(C) No. 1120/2026), heard by Chief Justice Surya Kant, Justice Joymalya Bagchi and Justice V. Mohana. Notice had been issued on September 10, but the September 28 hearing is where things got interesting.

Solicitor General Tushar Mehta began by saying the issue seemed to be covered by the Digital Personal Data Protection Act. Senior Advocate H.S. Phoolka, for the petitioner, answered with a simple fact. That law is not in force yet and will apply only from 2027.

The Solicitor General agreed. He called it a genuine grievance if the Act does not cover it, and suggested the DPDP approach could be placed in another law. Parents would then have to consent, and sign the contract with the platform.

Justice Bagchi made the point that hit home. Platforms let children aged 12 to 15 hold accounts, and even a 15 year old can have a Twitter account today. He said platforms should align their membership conditions with the 18 year threshold.

Then came the warning. The Chief Justice referred to [Section 79 of the Information Technology Act](#) and said the Court may be compelled to issue directions against intermediaries if the issue is not addressed. The Solicitor General replied that the government is ready to act.

The "I Agree" Click That the Law Says Never Counted

Every social media account begins with a tiny click on "I agree". That click is a contract between the user and the platform.

Here is the catch. [Section 11 of the Indian Contract Act, 1872](#) says only a person who has reached the age of majority, which is 18, is competent to contract. In [Mohori Bibee v Dharmodas Ghose \(1903\)](#), the Privy Council held that a minor's agreement is void from the very beginning.

In plain words, the law treats a child's "I agree" as if it never counted. The Solicitor General accepted before the Court that such contracts are void.

Illustration: Our 14 year old signs up with a made up birth year. The platform's terms are a contract, but one with a minor, so it is void. Yet her account stays active, and nobody has verified her age or her parents' consent. That gap is the heart of the petition.

The petitioner wants the Union to tell platforms that contracts with children below 18 are void, and to add a consent rule to the IT Rules. It also lists the risks it fears: online grooming, sexual exploitation, digital trafficking, sextortion and age inappropriate content. Read the [LiveLaw report on the notice](#).

The Real Pressure Point: Section 79 and the Safe Harbour

Think of the safe harbour as a legal umbrella. [Section 79 of the Information Technology Act, 2000](#) protects platforms from liability for what third parties post, but only if they observe due diligence and follow the guidelines prescribed by the Central Government.

Under the IT Rules, 2021, failing to follow the prescribed rules can cost an intermediary this protection. In [Shreya Singhal v Union of India \(2015\)](#), the Supreme Court also read down [Section 79](#), so that platforms must act on court orders or government notifications.

This is why the Chief Justice's remark matters. It suggests that the umbrella could depend on following Indian law, including the rules on minors. That is our reading of the remark, since the

Court has not yet passed any direction.

Isn't There Already a Law? The DPDP Act Gap

There is, and it is the right idea arriving late. The [Digital Personal Data Protection Act, 2023](#) treats anyone below 18 as a child.

[Section 9](#) requires verifiable parental consent before a child's personal data is processed. It also bars tracking, behavioural monitoring and targeted advertising aimed at children. The [DPDP Rules, 2025](#) contemplate parental consent for children opening social media accounts.

But as recorded at the hearing, these obligations will apply only from 2027. Until then, the petitioner argues, children stay exposed.

Is India Banning Social Media for Under 18s?

No, and this is where many viral posts get it wrong. The Court has not imposed a blanket ban. As [The Organiser](#) reported, the proceedings do not amount to a final nationwide ban.

After the hearing, speculation spread. According to a [YourStory report](#), ANI reported that government sources called claims of such plans false. The government has said its focus is enforceable safeguards and compliance with domestic contract law.

So if you see a forward claiming a ban, treat it with caution.

Why Children's Social Media Rules Are Harder Than They Look

Writing children's social media rules sounds easy until you ask how they will work. Experts quoted by YourStory raise real concerns.

Cybersecurity expert Srinivas Kodali says verifying age online is nearly impossible without official identities. He warns that pushing age verification could end up harming children by giving companies more of their data.

Policy expert Aarathi Ganesan of The Quantum Hub says recent bans elsewhere have had limited success, since children find ways around them. She favours rules that make all digital services safer while keeping children's access to the internet.

These are the three tough questions the Centre must answer. How will platforms check age without collecting more data? Will children simply lie? And will a hard rule cut teenagers off from learning and friendships?

What This Means for Parents, Platforms and Law Students

For parents: Nothing has changed in law today, and there is no ban. It is still a good moment to check which birth date was used when your child's account was created.

For platforms: The Bench stressed that platforms operating in India must comply with Indian law, including provisions on minors. Expect closer scrutiny of age checks and consent flows.

For CLAT PG and judiciary aspirants: This one development ties several subjects together, which is exactly how passage based questions are built. Remember [Section 11](#) and Mohori Bibee for contract law, [Section 79](#) and Shreya Singhal for intermediary liability, and [Section 9 of the DPDP Act](#) for parental consent.

On the constitutional side, link a child's safety and dignity to [Article 21](#), and the State's power to make special provision for children to [Article 15](#).

FAQs: Children's Social Media Rules in India

Is it illegal for a child to have a social media account in India? There is no ban at present, and the Court has not imposed one. The legal problem is the agreement the child accepts, which is void under [Section 11 of the Indian Contract Act](#) because a minor cannot contract.

What is the minimum age for social media in India? No rule has been notified yet. Many platforms set their own minimum at around 13, while Indian law treats anyone below 18 as a minor for contracts. The Court's observations focus on the 18 year threshold.

When will parental consent become mandatory? Under [Section 9 of the DPDP Act](#), the child related obligations are expected to apply from 2027, as recorded at the hearing. The Centre could act earlier through the IT Rules, but nothing has been notified.

Can the Supreme Court make these rules itself? The Court asked the Centre to act first. The Chief Justice indicated that it may issue directions invoking [Section 79 of the IT Act](#) if the issue is not addressed.

Which case is this? Just Rights for Children Alliance v. Union of India and Another, W.P.(C) No. 1120/2026, which is pending.