

W.P.(MD) No.23323 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.23323 of 2018

and

W.M.P.(MD)Nos.21188 & 21189 of 2018

S.Vijayakumar

... Petitioner

-VS-

1.Union of India rep by its,

Secretary for Telecommunication,

New Delhi.

2.Member Secretary,

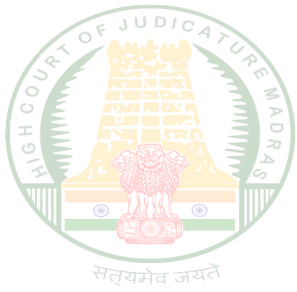
National Commission for Protection of Child Rights,

New Delhi.

3.Member Secretary,

Tamil Nadu Commission for Protection of Child Rights,

Chennai.



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4.The Secretary,

Internet Service Providers Association of India,
No.1509, Chiranjiv Towers,
43, Nehru Place,
New Delhi – 110 019.

5.The Secretary,

Government of India,
Ministry of Information and Broadcasting,
New Delhi.

6.The Home Secretary,

Union of India,
New Delhi.

7.The Secretary to Government,

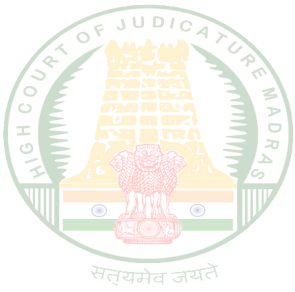
Government of Tamil Nadu,
Information and Public Relations Department,
Secretariat, Fort St. George,
Chennai – 9.

8.The Secretary,

Ministry of Electronics and Information Technology,
New Delhi.

9.Gopal Vittal,

Chief Executive Officer and Managing Director,
Bharti Airtel Telecommunication,
Bharthi Crescent, No.1, Nelson Mandela Road, New Delhi.



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10.Balesh Sharma,

Chief Executive Officer and Managing Director,
Vodafone Idea Ltd., Suman Towers,
Plot No.18, Sector 11, Gandhi Nagar, Gujarat.

11.Sanjay Mashrwala,

Managing Director and Chief Executive Officer,
Reliance JIO Infocom Ltd., Phase 4, B-Block,
3rd Floor, C-4, 130, Twane Road, Gansoli,
Navi Mumbai – 400 701, Maharashtra,

12.Anupam Shrivastava,

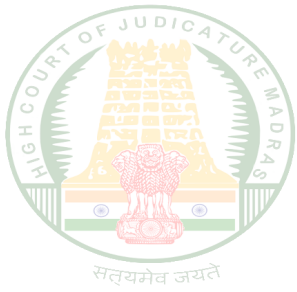
Chairman and Managing Director,
Bharat Sanchar Bhavan, Harish Chandra Mathur Lance,
Janpath, New Delhi – 110 001.

... Respondents

[R5 to R7 are suo motu impleaded vide court order dated 25.03.2019]

[R8 to R12 are suo motu impleaded vide court order dated 08.04.2019]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second and third respondents to invoke the powers vested with in under Sec 13(1)(c) and (j) of the National Commission for Protection of Child Rights Act, 2005 and direct the ISP companies to provide “Parental Window” service as stipulated by the communication dated 27.03.2017 throughout the country failing which to



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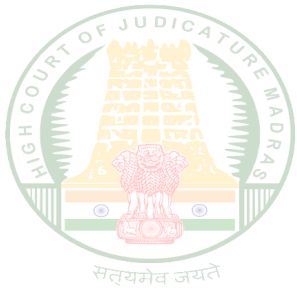
prosecute the ISP companies under Sec 14(2) National Commission for Protection of Child Rights Act, 2005 before the concerned Magistrate.

For Petitioner : Mr.K.P.S.Palanivel Rajan,
Senior Counsel
for Mr.K.Prabakaran
For Respondents 1,2,5,6&8 : Ms.B.Deepa
For Respondents 3 & 7 : Mr.J.Ashok,
Additional Government Pleader
For Respondent No.4 : Mr.Chevanan Mohan
For Respondent Nos.9 & 10 : Mr.Madhan babu
For Respondent No.11 : Mr.R.G.Shankar Ganesh
For Respondent No.12 : Mr.M.D.Poornachare

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

Writ petitioner, concerned with the pornographic content available in virtual source and easily accessible to young children, has filed a Public Interest Litigation for issuance of a Writ of Mandamus to the Member Secretary, National Commission for Protection of Child Rights and Tamil Nadu Commission for Protection of Child Rights, to invoke their power vested under Section 13(1)(c) and (j) of “the National Commission for Protection of Child Rights Act, 2005” [hereinafter referred to as 'the Act' for convenience] and direct the Internet Service Providing [ISP] companies



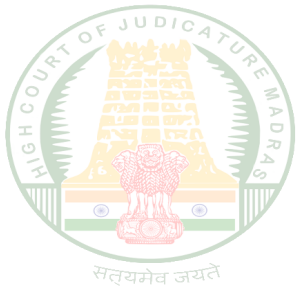
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to provide “Parental Window” service as stipulated by communication of the first respondent namely Union of India.

2.In view of the proportion of pornographic contents easily available to children, Mandamus is sought to be issued to the authorities to implement the direction of the Union of India to the Internet Service Providing companies for providing “Parental Window” service and also to create awareness among the children by the authorities.

3.Counter affidavits have been filed by the respective respondents. However, they are not impressive to convince this Court that the respondents are discharging adequately their responsibilities as mandated under Section 13 & 14 of the Act.

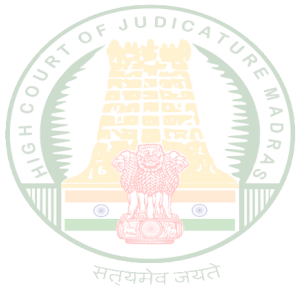
4.As pointed out by the learned Senior Counsel appearing for the petitioner, the Commission has a statutory duty and responsibility to spread child right literacy among various sections of the Society and promote awareness of the safeguards available for protection of these rights. No doubt, certain awareness campaigns go around focusing children at schools. However, the said campaign is not adequate. Publications, medias, seminars and other available means are not fully ----.



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5.Considering the submission of the learned Senior Counsel for the Writ Petitioner, Special Government Pleader and others over this serious issue concerning children, we find, when a similar situation came before the Hon'ble Supreme Court in the case of ***Just Rights For Children Alliance and Another Vs. S.Harish and others*** reported in ***2024 SCC Online SC 2611***, the Hon'ble Supreme Court has formulated suggestions to the Union of India and other stake holders, in respect of the rights of POCSO victims. As far as Internet Service Providers [ISP] are concerned, they are governed by separate statute and the Counsel appearing for some of the ISPs submits that periodically the intermediaries review the situation and pursuant to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, necessary actions taken and whenever it is brought to the notice of the concerned ISP regarding objectionable websites, the said websites are blocked.

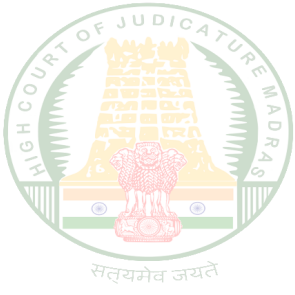
6.The learned Senior Counsel appearing for the petitioner emphasises that awareness to the stake holders and parental windows in the device will substantially control the menace of obnoxious pornographic material accessible to the children. Also referring a recent legislation passed by the Australian Government prohibiting use of internet by



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children below the age of 16 said, Union of India may also pass similar legislation.

7.From the submissions made by the learned Counsels as well as the order passed by the Union of India dated 18.04.2017, we understand that a dynamically updated website – URLs containing online CSAM are available and active. However, there must also be control at the user end which can be achieved only if there is a parent control app available in the device. Compulsorily for the said purpose, the end users should be made aware about the menace of child pornography and measures to prevent it. Ultimately, it is the individual choice and right to access such obnoxious material or to avoid it. As far as children are concerned, the vulnerability is high, so the parents' responsibility is higher. As suggested by the learned Counsel for the writ petitioner, Union of India may explore possibility of passing legislation like Australia. Till such legislation is passed, the authorities concerned shall accelerate their awareness campaign more effectively, they shall take the message to the vulnerable group through all available medias. We hope that the Commission both at State and in Central will draw an action plan in this aspect and implement the same in letter and spirit.



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8.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.J., J.] & [K.K.R.K., J.]

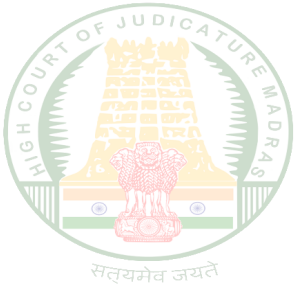
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NCC : Yes / No

Index : Yes / No

Internet: Yes / No

MR



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To

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New Delhi.

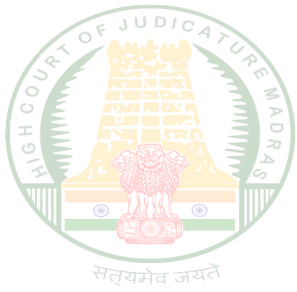
2.Member Secretary,
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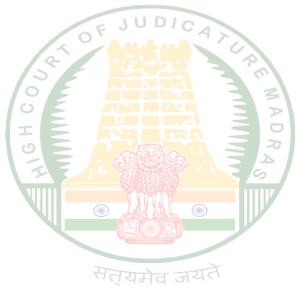
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AND

K.K.RAMAKRISHNAN, J.

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