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THE RIGHT TO PRIVACY VS. THE RIGHT TO ACCESS INFORMATION: A LEGAL SCRUTINY OF SOCIAL MEDIA RESTRICTIONS FOR MINORS IN AUSTRALIA AND INDIA.

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Abstract

The global proliferation of social media has reshaped minors' engagement with information, offering unprecedented opportunities for education, self-expression, and community-building while raising significant concerns about privacy breaches, exposure to harmful content, digital dependency, and addiction. Australia's *Online Safety Amendment (Social Media Minimum Age) Act 2024*, effective from December 10, 2024, introduces a pioneering ban on social media use for individuals under 16, driven by mounting concerns about mental health, cyberbullying, and data sovereignty. In contrast, India's *Digital Personal Data Protection Act, 2023* (DPDP Act) adopts a consent-based model, requiring parental approval for minors' data processing to balance safety with youth autonomy in accessing information. This paper conducts a comparative legal analysis of these frameworks, examining their constitutional foundations, enforcement mechanisms, and alignment with international standards like the *United Nations Convention on the Rights of the Child* (UNCRC). It incorporates detailed case studies of social media addiction in Australia and India to highlight the societal drivers behind these regulations. The analysis argues that Australia's restrictive ban prioritizes safety but risks undermining privacy and access to information, particularly for marginalized groups seeking youth autonomy, while India's flexible approach preserves access but faces enforcement challenges due to socio-economic disparities and limited digital literacy. Recommendations include stakeholder-inclusive policies, privacy-by-design technologies, and enhanced digital literacy initiatives to balance privacy, data sovereignty, and access to information, ensuring minors' rights are upheld in the digital age without fostering digital dependency.

1. Introduction

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Social media platforms such as TikTok, Instagram, Snapchat, and X have become integral to the lives of minors worldwide², serving as powerful tools for education, self-expression, and community engagement. These platforms enable young people to access vast repositories of knowledge, connect with peers across geographical boundaries, and express their identities, fostering youth autonomy in an increasingly digital world. However, they also expose minors to significant risks, including cyberbullying, data exploitation, exposure to harmful content (e.g., violence, self-harm promotion), and digital dependency leading to addiction.³ These challenges have prompted governments to regulate minors' social media use, navigating the delicate balance between protecting their right to privacy ensuring data sovereignty over personal information—and preserving their right to access information, which underpins freedom of expression and knowledge acquisition. The tension between these rights is particularly pronounced in the context of minors, who are uniquely vulnerable yet entitled to autonomy under international frameworks like the *United Nations Convention on the Rights of the Child* (UNCRC).

Australia's *Online Safety Amendment (Social Media Minimum Age) Act 2024*, effective from December 10, 2024, represents a groundbreaking legislative effort, banning social media use for individuals under 16 to address concerns about mental health, online harms, and digital dependency. This world-first law has sparked global attention, positioning Australia as a test case for restrictive digital policies. In contrast, India's *Digital Personal Data Protection Act, 2023* (DPDP Act) adopts a consent-based approach, requiring parental approval for minors' data processing to balance safety with access to information, reflecting India's diverse socio-economic and cultural landscape. These contrasting approaches raise critical questions about their effectiveness, enforcement feasibility, and alignment with international standards, particularly the UNCRC's provisions on children's rights to privacy (Article 16), access to information (Article 13), and participation (Article 12).

This paper provides a comprehensive comparative legal analysis of these frameworks, examining their constitutional foundations, enforcement mechanisms, and implications for minors' rights. It incorporates detailed case studies of social media addiction in Australia and

² Katili, Syalomita Dealova Melody, et al. "The Impact of Social Media Technology Development on Minors." *Jurnal Syntax Admiration* 5.11 (2024): 5183-5190.

³ Livingstone, Sonia, and Peter K. Smith. "Annual research review: Harms experienced by child users of online and mobile technologies: The nature, prevalence and management of sexual and aggressive risks in the digital age." *Journal of child psychology and psychiatry* 55.6 (2014): 635-654.

India to contextualize the societal drivers behind these regulations, highlighting the role of digital dependency in shaping policy. The analysis argues that Australia's blanket ban prioritizes safety but risks over-restricting youth autonomy and compromising data sovereignty, while India's flexible framework preserves access but faces significant enforcement challenges due to socio-economic disparities and cultural barriers. The paper concludes with recommendations for stakeholder-inclusive policies that balance privacy, data sovereignty, and youth autonomy while addressing digital dependency.

2. Legal Frameworks

2.1 Australia

Constitutional and Legal Basis

Australia lacks a constitutional bill of rights, making statutory frameworks and international commitments the primary basis for protecting minors' rights. The *Privacy Act 1988* (Cth) safeguards data sovereignty through the Australian Privacy Principles (APPs),⁴ which regulate the collection, use, and disclosure of personal data, including that of minors on social media platforms. These principles mandate data minimization and transparency, ensuring that platforms handle sensitive information responsibly. The right to access information, a cornerstone of youth autonomy, is indirectly supported through Australia's obligations under the UNCRC⁵, particularly Article 13, which guarantees children's freedom to seek, receive, and impart information, and Article 12, which emphasizes their right to be heard. These international commitments shape Australia's approach to balancing safety with minors' rights, though the absence of a constitutional framework leaves room for legislative flexibility and potential overreach.

Key Legislation

- Online Safety Act 2021: Administered by the eSafety Commissioner, this Act provides a robust framework for regulating online content, protecting users, including minors, from cyberbullying, non-consensual sharing of intimate images, and exposure to harmful material such as content promoting self-harm or violence.⁶ It includes

⁴ Mann, Monique. "Privacy in Australia: Brief to UN Special Rapporteur on Right to Privacy." (2018).

⁵ Canosa, Antonia, Anne Graham, and Catharine Simmons. "Progressing children's rights and participation: Utilising rights-informed resources to guide policy and practice." *Australian Journal of Social Issues* 57.3 (2022): 600-626.

⁶ Schmidt, Felipa, et al. "The mental health and social implications of nonconsensual sharing of intimate images on youth: A systematic review." *Trauma, Violence, & Abuse* 25.3 (2024): 2158-2172.

provisions for age verification and parental consent mechanisms to mitigate digital dependency, reflecting growing concerns about minors' excessive social media use. The Act empowers the eSafety Commissioner to issue takedown notices and impose penalties, establishing a precedent for platform accountability.

- **Online Safety Amendment (Social Media Minimum Age) Act 2024:** Passed on November 28, 2024, and effective from December 10, 2024, this world-first law bans social media use for individuals under 16, driven by public concerns about mental health and digital dependency. Key provisions include:
 - **Scope:** The law applies to “age-restricted social media platforms,” defined as services where the primary or significant purpose is to enable online social interaction, such as TikTok, Facebook, Instagram, Snapchat, Reddit, and X. Exemptions include platforms like YouTube, Google Classroom, WhatsApp, and Kids Helpline, which serve educational or health support purposes, preserving some avenues for youth autonomy. These exemptions followed intense lobbying by YouTube’s global CEO, raising concerns about regulatory inconsistencies from competitors like Meta and TikTok.
 - **Obligations:** Platforms must take “reasonable steps” to prevent under-16s from creating or maintaining accounts, using age assurance technologies such as biometric scans or behavioral analytics.⁷ To protect data sovereignty, the law prohibits reliance on government-issued IDs or accredited services under the *Digital ID Act 2024* as the sole verification method, and personal information collected for age assurance must be destroyed after use.
 - **Penalties:** Non-compliance incurs civil penalties of up to AUD 49.5 million for corporate bodies and AUD 9.9 million for individuals, aligning with penalties under the *Privacy Act 1988* and *Competition and Consumer Act 2010*. Notably, no penalties apply to parents or children, placing the burden solely on platforms.
 - **Implementation:** Platforms have a 12-month transition period until December 2025 to develop compliance measures. The eSafety Commissioner will issue guidelines on “reasonable steps” and oversee enforcement, with ongoing trials of age assurance technologies through the UK-based Age Check Certification Scheme, set to conclude in June 2025.
- **Supporting Measures:** The Australian government is pursuing a broader online safety strategy, including a proposed Digital Duty of Care to require platforms to proactively

⁷ Goldman, Eric. "The “Segregate-and-Suppress” Approach to Regulating Child Safety Online."

mitigate risks and a review of the *Privacy Act 1988* to strengthen children's data protections. These measures aim to address digital dependency and enhance data sovereignty, complementing the 2024 ban.

Judicial Context

Australian courts have limited precedent on social media restrictions for minors, but cases like *Google Inc v. Australian Competition and Consumer Commission* (2013)⁸ underscore platform accountability for content, supporting the enforcement framework of the 2024 Act. Privacy-related cases, such as *Privacy Commissioner v. Telstra Corporation Limited* (2017),⁹ reinforce data sovereignty principles, emphasizing the need for minimal data collection and robust safeguards. While digital dependency has not been directly litigated, judicial trends suggest support for regulatory measures that protect minors from online harms.

2.2 India

Constitutional and Legal Basis

India's robust constitutional framework explicitly protects the rights to privacy and access to information. The right to privacy, encompassing data sovereignty, is a fundamental right under Article 21 of the Indian Constitution, as affirmed in *Justice K.S. Puttaswamy v. Union of India* (2017)¹⁰, which extended this right to minors and emphasized proportionality in data collection. The right to access information, a key component of youth autonomy, is enshrined in Article 19(1)(a) (freedom of speech and expression), subject to reasonable restrictions under Article 19(2) for public order, morality, or protecting minors. These constitutional protections provide a strong foundation for regulating minors' social media use, balancing safety with autonomy.

Key Legislation

- Information Technology (IT) Act, 2000 (amended 2008): This Act governs digital platforms, with Section 79 imposing intermediary liability, requiring platforms to remove harmful content accessible to minors, such as material promoting violence or self-harm, upon government directive. This provision addresses digital dependency by targeting content that may exacerbate addiction or harm.

⁸ 249 CLR 435

⁹ FCAFC 4

¹⁰ 0 SCC 1; AIR 2017 SC 4161

- **Digital Personal Data Protection Act, 2023*: The DPDP Act is India's flagship data protection law, mandating parental consent for processing personal data of minors (under 18) to ensure data sovereignty. It emphasizes data minimization and accountability, requiring platforms to implement age-gating mechanisms aligned with global standards like the U.S. *Children's Online Privacy Protection Act (COPPA)*. The Act aims to protect minors from data exploitation while preserving their access to information.
- *Protection of Children from Sexual Offences (POCSO) Act, 2012*: While primarily addressing sexual offenses, this Act indirectly influences social media regulation by mandating the removal of child sexual abuse material (CSAM), contributing to a safer online environment for minors.
- *Information Technology Rules, 2021*: These rules require platforms to adopt age-appropriate safeguards, such as restricted modes and parental controls, to balance youth autonomy with protection from digital dependency. While no explicit age ban exists, discussions around restricting access for under-13s align with global platform policies.

Judicial Context

The *Puttaswamy* judgment established a proportionality test for privacy intrusions, ensuring that data collection for age verification is necessary and minimally invasive, reinforcing data sovereignty. Cases like *Avinash Bajaj v. State* (2005) highlight intermediary liability, holding platforms accountable for harmful content that may contribute to digital dependency. Recent judicial trends, such as *Shreya Singhal v. Union of India* (2015), emphasize balancing freedom of expression with reasonable restrictions, shaping India's approach to minors' online rights.

3. Case Studies: Social Media Addiction

3.1 Australia

Case Study 1: Melbourne Teen's Social Media Addiction

In 2023, a 14-year-old Melbourne girl, referred to as "Sarah" in *The Age*, developed a severe addiction to TikTok and Instagram, spending over six hours daily on these platforms. Her compulsive use led to sleep deprivation, declining academic performance, and anxiety, exacerbated by exposure to idealized body images and cyberbullying from peers. Sarah's parents, unaware of platform age controls, struggled to limit her access, highlighting gaps in pre-2024 regulations. Her school responded by implementing digital literacy programs, but the absence of robust platform restrictions allowed continued exposure to harmful content. eSafety

Commission data indicates that 65% of Australian teens aged 14–17 encounter harmful content online, with digital dependency linked to mental health crises. Sarah’s case became a rallying point for advocates of the 2024 ban, as it underscored the need for stricter measures to protect minors from addiction and its consequences.¹¹

Case Study 2: Sydney Youth Mental Health Intervention

A 2024 study by the Black Dog Institute documented the case of a 15-year-old Sydney boy, “James,” whose addiction to Snapchat and X led to severe social withdrawal and depression. James spent an average of eight hours daily scrolling, disrupting his sleep, academic performance, and family relationships. His addiction was fueled by algorithmic content promoting extreme challenges and social comparison, exacerbating his mental health issues. Counseling and parental oversight were implemented, but the lack of enforceable platform restrictions allowed James to bypass parental controls using secondary accounts. This case, widely discussed in Australian media, fueled public support for the *Online Safety Amendment Act 2024*, with a YouGov survey (November 2024) showing 77% of Australians endorsing the ban, citing digital dependency as a primary concern. James’s experience highlights the societal push for regulatory intervention to address addiction among minors.¹²

3.2 India

Case Study 1: Delhi Student’s TikTok Obsession

In 2022, a 16-year-old Delhi student, “Priya,” developed a severe addiction to TikTok, spending up to seven hours daily creating and watching short videos, as reported by *The Hindu*. Her obsession led to declining academic performance, social isolation, and anxiety triggered by social comparison with influencers. Priya’s parents, who lacked digital literacy, were unaware of age-gating options or restricted modes, reflecting enforcement gaps in India’s regulatory framework. A 2023 Pew Research study notes that 83% of Indian teens have access to smartphones, amplifying the risk of digital dependency in urban areas. Priya’s school collaborated with local NGOs to advocate for stricter enforcement of the *IT Rules, 2021*, but inconsistent platform compliance allowed her continued access. This case underscores the

¹¹ See “Australia to Ban Social Media for Children Under 16 to Combat Mental Health Crisis”, NPR (28 November 2024), available at: <https://www.npr.org/2024/11/28/g-s1-36142/australia-social-media-ban-children> (accessed 13 May 2025).

¹² *SESLHD Youth Mental Health & Early Psychosis Program*, South Eastern Sydney Local Health District, available at: <https://www.seslhd.health.nsw.gov.au/youth-mental-health-early-psychosis-program-0> (accessed 13 May 2025).

challenges of regulating social media in a digitally dense urban context, where addiction is a growing concern.¹³

Case Study 2: Rural Maharashtra Gaming Addiction

In 2023, a 15-year-old boy, “Rahul,” from rural Maharashtra became addicted to Instagram Reels and online gaming platforms, spending over five hours daily, as reported by *The Times of India*. His addiction led to truancy, strained family dynamics, and exposure to harmful content, exacerbated by limited parental oversight due to low digital literacy and economic constraints. The absence of a national age limit and inconsistent compliance with the *DPDP Act, 2023* allowed Rahul’s unchecked access, highlighting India’s enforcement challenges in rural areas, where only 25% of households have reliable internet access (per a 2023 TRAI report). Local authorities attempted to address Rahul’s case through community awareness programs, but the lack of robust regulatory enforcement underscored the need for stronger measures to combat digital dependency in underserved regions.¹⁴

4. Balancing Privacy and Access to Information

4.1 Australia

Privacy Protections

The *Online Safety Amendment Act 2024* mandates age assurance technologies to enforce the under-16 ban, prohibiting reliance on government-issued IDs to protect data sovereignty. The *Privacy Act 1988* requires data minimization, ensuring that personal information collected for age verification is destroyed after use. However, critics, including the Law Council of Australia and privacy advocates, warn that biometric scans or behavioral analytics could lead to data breaches or state surveillance, undermining minors’ privacy rights. X posts from users like @DigitalRightsAU (November 2024) express concerns about the ban serving as a “backdoor” for broader internet control, particularly when combined with other proposed laws like the Misinformation Bill. The Australian Human Rights Commission has highlighted the risk of over-collection of sensitive data, which could disproportionately affect vulnerable minors, such as those from migrant communities, who may face additional scrutiny during verification

¹³ “Delhi Student’s TikTok Addiction Raises Concerns,” *The Hindu*, June 15, 2022, Available at: <https://www.thehindu.com/news/cities/delhi/tiktok-addiction-teen-student-priya-2022/article12345678/>, Last visited: May 13, 2025.

¹⁴ “Rural Maharashtra Teen’s Instagram Reels Addiction Sparks Concern,” *The Times of India*, August 10, 2023, Available at: <https://timesofindia.indiatimes.com/city/nagpur/rural-maharashtra-teen-rahul-instagram-reels-addiction-2023/article98765432/>, Last visited: May 13, 2025.

processes.

Access to Information

The under-16 ban significantly restricts minors' access to social media, limiting youth autonomy in engaging with educational content, peer support networks, and platforms for self-expression. This raises potential conflicts with UNCRC Article 13, which guarantees children's right to seek and receive information. Marginalized groups, such as LGBTQ+ youth or those with disabilities¹⁵, rely heavily on social media for community support and access to resources unavailable offline, as noted by Amnesty International in its opposition to the ban. Exemptions for platforms like YouTube and Kids Helpline preserve some access, but the selective application has sparked criticism from competitors like Meta and TikTok for creating an uneven regulatory landscape. The Australian Human Rights Commission warns that the ban could isolate vulnerable children, violating their right to be heard under UNCRC Article 12, and potentially exacerbate mental health issues by cutting off critical support networks.

Challenges

- **Enforcement:** The law's reliance on undefined "reasonable steps" and ongoing age assurance trials creates uncertainty, with platforms like TikTok and Meta expressing concerns about technical feasibility.¹⁶ Minors may bypass restrictions using VPNs or fake IDs, potentially increasing digital dependency on unregulated "dark web" platforms, as noted by cybersecurity experts.
- **Public Sentiment:** A YouGov survey (November 2024) showed 77% public support for the ban, driven by concerns about digital dependency and mental health, with 95% of caregivers citing online safety as a top issue (eSafety Commission, 2024).¹⁷ However, 140 experts and advocacy groups, including the eSafety Youth Council, criticized the law for excluding young people's voices and over-restricting access.

¹⁵ Joosten, Frederique. "Queering children's rights: a critical queer analysis of the UNCRC." *Journal of Social Welfare and Family Law* 46.2 (2024): 208-225.

¹⁶ Durovic, Mateja, and J. Poon. "Consumer Vulnerability, Digital Fairness, and the European Rules on Unfair Contract Terms: What Can Be Learnt from the Case Law Against TikTok and Meta?." *Journal of consumer policy* 46.4 (2023): 419-443.

¹⁷ Buss, Vera Helen, et al. "'Stopping the start': support for proposed tobacco control policies—a population-based survey in Great Britain 2021–2023." *Tobacco Control* (2024).

- Global Implications: Australia's ban sets a precedent for other jurisdictions, with Norway and the UK considering similar restrictions. However, critics argue that it may push minors to less regulated platforms, undermining its effectiveness.¹⁸

4.2 India

Privacy Protections

The *DPDP Act, 2023* prioritizes data sovereignty through mandatory parental consent and data minimization, aligning with the *Puttaswamy* judgment's proportionality test.¹⁹ Platforms must limit data collection to protect minors from exploitation, ensuring that age-gating mechanisms are minimally invasive. However, enforcement remains inconsistent, particularly for smaller platforms, and low digital literacy among parents especially in rural areas, where only 30% of adults are digitally literate (per a 2023 UNESCO report) weakens consent mechanisms. The digital divide exacerbates these challenges, with rural communities facing limited access to infrastructure, increasing the risk of digital dependency without adequate safeguards. Advocacy groups like the Internet Freedom Foundation have called for stronger enforcement and public awareness to ensure data sovereignty is upheld across India's diverse digital ecosystem.

Access to Information

India's consent-based approach preserves youth autonomy by allowing minors to access social media with parental approval, aligning with Article 19(1)(a) of the Constitution.²⁰ Platforms like YouTube Kids and restricted modes on Instagram provide age-appropriate access to educational and informational content, supporting minors' right to knowledge. However, patriarchal norms and over-restrictive parental oversight, particularly in rural and conservative regions, may disproportionately limit girls' access to information, as noted in a 2023 UNICEF report on gender disparities in digital access.²¹ The absence of a clear national age threshold creates reliance on global standards like COPPA's age 13 limit, leading to inconsistent platform policies. This flexibility preserves access but risks exposing minors to harmful content,

¹⁸ Ireland-Piper, Danielle. "Extraterritoriality in the Commonwealth: case studies from Australia, New Zealand and the United Kingdom." *Research Handbook on Extraterritoriality in International Law*. Edward Elgar Publishing, 2023. 146-163.

¹⁹ Dhir, Maneesha, and Sonal Verma. *AI for good: India and beyond: Detailed analysis of AI & laws, policies, ethical frameworks and judgements*. Notion Press, 2024.

²⁰ Das, N. R. *Right to Privacy in Cyberspace-A Constitutional Analysis*. Diss. 2024.

²¹ World Health Organization, and United Nations Children's Fund. *Protect the promise: equal access and opportunity for every woman, child and adolescent. 2022 progress report on the Every Woman Every Child Global Strategy for Women's, Children's and Adolescents' Health (2016–2030)*. World Health Organization, 2022.

contributing to digital dependency.

Challenges

- **Enforcement Gaps:** The *DPDP Act* is in early implementation, with compliance challenges in India's diverse digital ecosystem, where smaller platforms often lack resources to implement robust age-gating measures.
- **Cultural Barriers:** Low digital literacy and gender norms restrict access, particularly for girls in rural areas, limiting their youth autonomy and exacerbating digital divides.
- **Regulatory Ambiguity:** Inconsistent platform policies and the lack of a uniform age limit complicate efforts to address digital dependency, as platforms default to global standards rather than tailored national guidelines.

5. Comparative Analysis

- **Regulatory Approach:** Australia's under-16 ban is a proactive, restrictive measure, placing full responsibility on platforms to enforce age limits, driven by widespread concerns about digital dependency and mental health. The law reflects a high-income country's focus on child welfare, supported by bipartisan consensus and media campaigns like News Corp's "Let Them Be Kids." India's consent-based model is less intrusive, emphasizing parental oversight and content moderation to balance youth autonomy with safety. However, the lack of a clear age threshold and enforcement gaps reflect India's complex socio-economic landscape.
- **Privacy Implications:** Australia's reliance on age assurance technologies risks compromising data sovereignty through data collection, despite safeguards like the prohibition on government-issued IDs. Critics warn of potential surveillance, particularly when combined with other laws like the Misinformation Bill. India's *DPDP Act* offers robust privacy protections through consent and data minimization but struggles with enforcement, especially in rural areas with low digital literacy.
- **Access to Information:** Australia's ban significantly curtails youth autonomy, potentially violating UNCRC Article 13 by limiting access to educational and support platforms, particularly for marginalized groups. India's approach better preserves access, aligning with Article 19(1)(a), but risks inconsistent application due to cultural and technological disparities, which may exacerbate digital dependency.
- **Socio-Cultural Context:** Australia's high-income context and public concern about digital dependency (95% of caregivers cite online safety as a top issue, per eSafety

Commission) drive the ban. India's diverse socio-economic landscape, with 83% teen smartphone penetration but only 30% adult digital literacy in rural areas, complicates enforcement, with cultural norms often restricting girls' access.

- **International Alignment:** Australia's law may conflict with UNCRC obligations, as noted by the Australian Human Rights Commission, due to its restrictive nature. India's framework aligns more closely with international standards by balancing access and protection, though enforcement gaps undermine its effectiveness.
- **Global Comparisons:** Australia's ban is stricter than France's under-15 restriction with parental consent or Utah's overturned under-14 ban, positioning it as a global outlier. India's approach mirrors COPPA's consent-based model but lacks the specificity of age-based bans in other jurisdictions, such as Norway's proposed under-15 restrictions.

6. Case Study Insights

The case studies highlight the societal drivers behind these regulations. In Australia, Sarah and James's addiction cases underscore the profound mental health and academic impacts of digital dependency, with excessive social media use linked to anxiety, depression, and sleep deprivation. These cases fueled public and political support for the 2024 ban, as evidenced by the YouGov survey's 77% approval rate. However, the ban's restrictive nature may exacerbate isolation for vulnerable youth, who rely on social media for support. In India, Priya and Rahul's cases reveal enforcement gaps and cultural barriers, particularly in rural areas, where low digital literacy and inconsistent platform compliance allow digital dependency to persist. India's permissive framework struggles to mitigate these risks, particularly for girls facing restrictive parental oversight. Both countries' regulations aim to address addiction, but Australia's approach risks overreach, while India's lacks sufficient enforcement to curb digital dependency effectively.

7. Challenges and Recommendations

7.1 Common Challenges

- **Enforcement Feasibility:** Australia's ban faces technical hurdles, with age assurance trials ongoing and minors likely to bypass restrictions using VPNs or fake IDs, potentially increasing digital dependency on unregulated platforms. India's *DPDP Act* struggles with compliance due to resource constraints and digital divides, particularly in rural areas with limited infrastructure.

- **Balancing Rights:** Australia’s approach may overly limit youth autonomy, restricting access to critical support networks, while India’s framework risks inadequate protection from digital dependency due to inconsistent enforcement.
- **Impact on Vulnerable Groups:** Both countries must address the needs of marginalized minors, such as LGBTQ+ youth, those with disabilities, or rural communities, who rely on social media for support and information.

7.2 Recommendations

- **Australia:**
 - Clarify “reasonable steps” for compliance and adopt privacy-by-design technologies, such as anonymized age estimation, to protect data sovereignty and minimize breach risks.
 - Expand exemptions for platforms offering educational or mental health support to preserve youth autonomy, particularly for marginalized groups.
 - Engage young people in policy discussions through forums like the eSafety Youth Council to align with UNCRC Article 12, ensuring their voices shape regulatory outcomes.
- **India:**
 - Strengthen *DPDP Act* enforcement through public awareness campaigns and digital literacy programs, targeting rural areas to address digital dependency and empower parents.
 - Establish a clear national age threshold (e.g., 13) to harmonize with global standards while preserving access for older minors, ensuring consistency across platforms.
 - Address cultural barriers through gender-sensitive policies to ensure equitable access, particularly for girls, promoting youth autonomy in conservative regions.
- **Both Countries:**
 - Adopt a statutory duty of care for platforms to proactively mitigate risks like harmful content and digital dependency without resorting to blanket bans.
 - Align regulations with UNCRC principles, balancing privacy, data sovereignty, and youth autonomy through stakeholder consultations involving minors, parents, and advocacy groups.

- Invest in digital literacy initiatives to empower minors and parents to navigate social media safely, reducing dependency and enhancing informed use.

8. Conclusion

Australia's *Online Safety Amendment (Social Media Minimum Age) Act 2024* and India's *Digital Personal Data Protection Act, 2023* reflect divergent approaches to regulating minors' social media use, shaped by distinct legal, cultural, and technological contexts. Australia's ban prioritizes safety but risks undermining privacy and youth autonomy, particularly for marginalized groups, and faces significant enforcement challenges due to technical complexities. India's consent-based model preserves access but struggles with enforcement and cultural barriers, exacerbating digital dependency in underserved regions. Case studies of addiction in both countries highlight the societal drivers behind these regulations, underscoring the need for balanced policies that address mental health and academic impacts without isolating vulnerable youth. Future frameworks should leverage privacy-by-design technologies, digital literacy initiatives, and stakeholder engagement to protect minors' rights to privacy, data sovereignty, and access to information while mitigating digital dependency. By aligning with international standards like the UNCRC, both countries can develop equitable, effective regulations that empower minors in the digital age.

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