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Screens Without Safeguards: A Comparative Study of Age-Verification Laws for Minors Access to Obscene Content in India and the UK

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ABSTRACT

In India, social apps and OTT platforms still allow children to access pornographic or obscenecontent,despitetheavailablediligencedutiesimposedupontheintermediaries through the Information Technology Act, 2000 and the IT Rules, 2021. Oneofthemain weaknessesisageverification:whereitexists,itmostlyreliesonself-declaration,whichcan bebypassedeasilybyanyone.ThispaperexaminestheIndianlawonintermediaryliability and age checks by focusing on Sections 67 and 79 of the IT Act. Under section 79, intermediarieshavecertainprotectionsprovidedthattheyadheretothecriteriastatedherein. Thepaperwillalsolookatthe2021guidelinesaswellasPOCSOAct.Itthengoesaheadto look at the guidelines that are under BNS Act, 2023. In essence, thispaperlooksatage verification and parental consent. It pinpoints the areas in which the regimes intersect intermediaryduediligence.Thekeyquestioniswhocouldbeliableincasetheminorseesthis content.

The paper traces judicial interpretations which support intermediary due diligence and statutory provisions relating to theirduty.AcomparativestudyoftheUK'sOnlineSafety Act, 2023 follows. The UK framework is one of the few enacted regimes that replaces self-declarationwithenforceable,technology-basedageassuranceforpornographiccontent. Thispaperthus,providesaworkablebenchmarkfortestingIndia’slargelydeclaratorymodel. ThecomparisonassesseswhereIndia'sapproachfallsshortincoverageandenforceability. Thepaperconcludeswithhighlightingthegapsinthecurrentregulatorystanceinfor protecting minors from obscene content online.

Keywords: Age Verification; Age Assurance; Intermediary Liability; Online Child Protection; Online Pornography; Obscene Content; Safe Harbour; IT Act, 2000; Digital Privacy; Online Safety Act, 2023; Comparative Legal Study.

INTRODUCTION 1.1 Background of the Study

Today,childrencanaccessadultcontentfarmoreeasilythanearlierregulationsanticipated. UKstudiesshowthatmanyyoungpeoplewouldseeonlinepornographybeforeadulthood, by mistake, through links forwarded via social media feeds and light curated streaming content.1 Indiahasamoreacutemanifestationofthis.Low-costmobiledata,sharedfamily devices and the proliferation of social media and over-the-top (OTT) services nest large amounts of uncensored material in a minor's vicinity. Exposure is not restricted to adult orientedsites.Themediumisgeneralpurpose:contentthatcirculateswhoseprimarybusiness is not to provide adult content.

Ageguaranteemattersbecauseallothersafeguardshingeonitsaccuracy.Ratings,parental locksandtakedowntakingsallpresupposethattheplatformknows,orcanestimate,whether

theindividualisaminor.Wherethereisnoreliableageindicator,thelegaljuncturebetween adult and child audiences goes nowhere.2

1Children's Commissioner for England, "A Lot of ItIs Actually Just Abuse": Young People and Pornography (2023).

2Online Safety Act 2023, c. 50, §§ 11–12, 81 (UK).

1.2 Statement of the Problem Our Indian law bars obscene publication and it imposes due diligence duties upon the intermediaries. But in reality, people wait for a dateofbirthfieldoran"Iamabove18" button.Self-declarationiseasytofalsify.Deepercheckrunsintotheirowntechnical,legal and policy issues. Based on identity, verification collides with their privacy and data minimisationconcerns,whilethosemethodsthatpreserveanonymityremaintechnicallyand legallyunsettledinIndia.Thus,responsibilityisalsounclear.Section79oftheInformation Technology Act, 2000 states conditions that act as a safe harbour on due diligence, but neithertheActnorthe2021Rulessaywhatverificationaplatformmustuseforpornographic content.3 OverlappingprovisionsoftheITAct,thePOCSOAct,theBNSandtheDPDPAct leaveopenwhetherfaultlieswiththeplatformortheuploaderortheparentorthechild's own misstatement of age.

1.3 Research Questions

● TowhichextentdoesanIndianlawrequireplatformstoverifytheageofusersbefore

showing obscene content? ● When a minor accesses such content, wheredoeslegalresponsibilitylie,andhow

have courts treated intermediary due diligence? ● HowenforceableageassuranceundertheUKOnlineSafetyAct2023compareswith

India’s declaratory model? ● What were the suggestions given from this comparative study?4

1.4 Aim and Objective The main aim of the paper is to properly examine the sufficiency of our India’s legal framework in protecting minors from online obscenity in comparison to the UK’s age assurance regime.

1.5 Study Limits Thisstudyislimitedtotheageofminorsi.e.undereighteen-year-oldsaccessingpornography or obscene content via intermediaries such as social media sites, OTT platformsoradult websites in India. ThestudyislimitedtotheUnitedKingdomandlimitedtotheOnlineSafetyAct,2023and Ofcomaspectsofageassurance.Otherissuesarenotcoveredinthisstudy.Thesearechild sexual abuse material, cyberbullying, online gaming, and content that is jurisdictionally linked to other countries.

1.6 Importance of the Study The paper contributes to a debate on child onlinesafetythatIndianlegalscholarshiphas coveredonlythinly.Itplacesstatutory,judicialandregulatorymaterialsidebysidetoshow wheretheIndianmodelfails.Italsoofferslawmakers,regulatorsandplatformsareference point for moving from self-declaration to accountable, rights-sensitive age assurance.

3IT Act, 2000, No. 21 of 2000, § 67, 79 (India); IT Rules, 2021, G.S.R. 139(E), r. 3(1) & app. (Feb. 25, 2021) (India).

4POCSOAct, 2012, No. 32 of 2012 (India); BNS, 2023,No. 45 of 2023, § 294–295 (India); DPDP Act, 2023, No. 22 of 2023, § 9 (India).

RESEARCH METHODOLOGY 2.1 Research Method Thestudyismadeusing doctrinallegalresearchmethodology,drawingfromstatutes,rules, judicialdecisionsandotherlegalsourcestoassesswhatthelawrequiresofintermediaries andwhereitsmeaningisuncertain.5Thisisacomparativelegalresearchapproachwherewe willcompareourIndia'slegalregimewiththatoftheUnitedKingdom'sOnlineSafetyAct 2023.Thecomparisonisnotdoneonawordbywordbasis,ratherfunctionally,wherewesee whichlegalregimecansolvethesameproblemmoreeffectively.Theproblemathandbeing that of keeping minors away from pornography.6

PrimarysourcesaretheInformationTechnologyAct,2000,POCSOAct,2012,BNS,2023, DPDPAct,2023andOnlineSafetyAct2023.7 TheoverarchinglegislationistheITRules, 2021.8 Judicial analytics from Supreme Court and High Courts show interpretation of intermediary liability and standards of obscenity. Governmental and regulatory documentationincludesministrynotifications,parliamentarydocumentationandtheOfcom guidanceonhighlyeffectiveageassuranceandtheprotectionofchildrencodesofpractice.9

Secondaryliteraturesuchasbooks,journalarticlesandpolicyanalysesprovidecontextand analysis.

INDIAN LEGAL FRAMEWORK 3.1 Information Technology Act, 2000 TheActmakesitanoffencetopublishorsendobscenematerialthroughelectronicmeans (Section 67). ItalsocoverssexuallyexplicitmaterialunderSection67A.Itfurthercovers content that shows children in sexual acts under Section 67B.10 These partsfocusonthe personwhopublishesortransmits.Theydonotaskabouttheidentityofaviewer.Theyalso donotsetanydutytoscreenaviewer'sage.IntermediariesgetprotectionunderSection79 for third party posts. But that help comes only if they act with due care and follow the directionsissuedbythegovernment.Sothesafeharbourlinkturnsonwhat"duediligence" means. The Act sends that detail to the Rules.11

3.2 IT Rules, 2021

Rule3(1)(b)tellsintermediariestowarnusersnottouploadorshareobscene,pornographic, paedophilic, or child harmful content.12 Rule 7 removes safe harbour if there is no compliance.TheRulesalsosaythatmajorsocialmediaintermediariesshouldtrytousetech toolstofindchildsexualabusematerial.13 AgerelatedstepsaremostlysetoutinPartIII. That part deals with publishers ofonlinecuratedcontent,likeOTTservices.Rule2(1)(a)

5Terry Hutchinson, Researching and Writing in Law110–15 (4th ed. 2018).

6Konrad Zweigert & Hein Kötz, Introduction to ComparativeLaw 34 (Tony Weir trans., 3d ed. 1998).

7IT Act, 2000, No. 21 of 2000 (India); POCSOAct, 2012,No. 32 of 2012 (India); BNS, 2023, No. 45 of 2023 (India); DPDP Act, 2023, No. 22 of 2023 (India); Online Safety Act 2023, c. 50 (UK).

8IT Rules, 2021, G.S.R. 139(E) (Feb. 25, 2021) (India).

9Ofcom, Guidance on Highly Effective Age Assurance(Jan. 16, 2025); Ofcom, Protection of Children Codes of Practice for User-to-User Services (Apr. 24, 2025)

10IT Act, 2000, No. 21 of 2000, §§ 67, 67A, 67B (India).

11Id. § 79.

12IT Rules, 2021, G.S.R. 139(E), rr. 3(1)(b), 7 (Feb.25, 2021) (India).

13Id. r. 4(4).

defines an "access control mechanism"asatoolthatlimitsaccessaftercheckingauser's identity or age.14The Appendix then maps thesetoolstoageratedcontent.Generalsocial mediaservicesdonotsitatthesameplaceinthescheme.Thereisnodefinedageverification test established for them by The Rules.

3.3 POCSO Act, 2012

Sections13through15dealwithcriminalactsincludingtheuseofchildrenforpornography. They also include possession or retentionofchildsexualabusematerial.15 Thelawviews childrenasexploitedvictimsandthusoffersthemprotection.Thelawdoesnotdealdirectly withpornographicmaterialproducedbyadultsandviewedbyachild.Thisiswhyithasonly an indirect connection to this problem.

3.4 BNS, 2023

Penalty for distributing obscene literature is prescribed under Section294.UnderSection 295, punishmentfordistributingsuchmaterialtoachildhasbeenprovided.16 Section295 resembles most closely the harm being considered in India. It continues to involve a requirementofasupplyact,doesnotestablishatechnicalbenchmark,andinvolvesonlya small monetary penalty.

3.5 DPDP Act, 2023

Section 9 mandates parental consent before a data administrator processes a child'sdata, where a child is any individual under the age of eighteen years, and it bans behavioral trackingand monitoringandalsotargetedadvertisingwhichisaimedatchildren.17 Rule10 oftheDPDPRules,2025letsafiduciaryverifyaparentthroughdetailsitalreadyholdsor through government-issued details or virtual tokens, including through DigiLocker.18 This regimegovernsdataprocessing,notaccesstoadultcontent.Italsoraisesaprivacytension, becauseverifyingagemaymeancollectingidentitydatafromeveryuser,whichsitsuneasily with data minimisation.

UK's LEGAL FRAMEWORK 4.1 Online Safety Act, 2023

The Actplacesdutiesonusertouserserviceinterface,searchservicesandproviderswho publishtheirownpornography.19 Pornographiccontentis"primaryprioritycontent"harmful to children, which regulated services must prevent children from encountering. Part 5

14Id. r. 2(1)(a) & app.

15POCSOAct, 2012, No. 32 of 2012, § 13–15, 19–20 (India).

16BNS, 2023, No. 45 of 2023, § 294–295 (India).

17DPDP Act, 2023, No. 22 of 2023, § 2(f), 9 (India).

18DPDP Rules, 2025, G.S.R. 846(E), r. 10 (Nov. 13, 2025) (India).

19Online Safety Act 2023, c. 50, pts. 3, 5 (UK).

separatelymakesitmandatoryforpornographyproviderstoensure,throughageverification or age estimation, that children are not normally able to encounter it.20

4.2 Age Assurance Requirements

AgeverificationconfirmsageagainstreliablerecordssuchasphotoID.Ageestimationinfers it, for example through facial analysis. Itmustbeeither"highlyeffective"atdetermining correctlywhetherauserisachild.Ofcom'slistofmethodscapableofmeetingthatstandard includesphotoidentitymatching,facialageestimation,mobilenetworkchecks,credit-card checks and digital identity services. It states that self-declaration does not qualify.21

4.3 Ofcom's Role

Ofcom'sguidancerequiresmethodswhichneedtobetechnicallyaccurate,reliableandfair.22

Ofcom may fine non-compliant providers up to £18 million ortenpercentofqualifying worldwiderevenue,whicheverisgreater.23 ThePart5dutiesappliedfrom17January2025, andthechild-safetyCodesforuser-to-userservicestookeffecton25July2025.24 Indiahas no equivalent regulator or enforceable standard.

4.4 Privacy and Data Protection

OfcomdirectsproviderstoconsiderdataprotectionlawandtheInformationCommissioner's Office guidance when choosing a method.25 The UK therefore pairs child safety with an expectation of privacy compliance and does not leave method choiceentirelytoprovider discretion.

JUDICIAL APPROACH

5.1 Shreya Singhal v. Union of India

The Supreme Court left Section 79 as it was. Still,itchangedthescopeofwhatSection 79(3)(b)covers.ItalsocutbackRule3(4)fromthe2011Rules.Anintermediarylosestheir ownsafeharbourforfailingtoremovesuchcontentonlyaftertheiractualknowledgethrough acourt’sorderorgovernmentnotification.26 Thisprotectsplatformsfromprivatetakedown demands. It states nothing about proactive duties such as age-gating.

20Id. § 12, 61, 81.

21Ofcom, Guidance on Highly Effective Age Assuranceand Other Part 5 Duties (Jan. 16, 2025).

22Id. (criteria for highly effective age assurance).

23Online Safety Act 2023, c. 50, sch. 13 (UK).

24Ofcom, Protection of Children Codes of Practice (Apr. 24, 2025).

25Ofcom, supra note 21 (guidance on data protectionand privacy).

26Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

5.2 Just Rights for Children Alliance v. S. Harish

The Court stated that storing, possessing and viewingchildsexualexploitativeandabuse material is punishable under Section 15ofthePOCSOandSection67BoftheITAct.It urgedParliamenttoreplace"childpornography"with"CSEAM".27 ItalsotreatedSection79 immunityasconditionalonPOCSOreportingduties.Thisistheclearestjudicialsignalthat duediligenceinvolvespositiveobligations,thoughthecaseconcernsCSEAMandnotminors viewing adult content.

5.3 Puttaswamy v. Union of India

Thecourtheldthatprivacyisafundamentalrightgrantedunder Article 21. Anyintrusion mustsatisfylegality,legitimateaimandproportionality.28 Ageverificationcollectspersonal data, so any Indian mandate would havetopassthistest.Thatfavourstheleastintrusive method that still works.

INDIA AND UK: COMPARATIVE ANALYSIS 6.1 Nature of Age Verification

India'soperativemodelisdeclaratory.Mostplatformsaskuserstoconfirmtheyareadults, andnostatuteorrulesayshow.The2021Rulescomeclosest.Theydefineanaccesscontrol mechanism by reference to verification of age or identity and link such mechanisms to restrictedcontent,butonlyforpublishersofcuratedcontentsuchasOTTservices.29Whether verification is "reliable" is left undefined.

The UK separates two techniques. Age verification checks auseragainstreliablerecords such as photo ID. Age estimation infers age from characteristics such as a facial image. Eithermustbe"highlyeffective",andOfcom'sguidancesaysself-declarationisnot.30Inthe UKthesemechanismsaremandatoryforpornographiccontent,andtheproviderchoosesthe method. In India they are largely voluntary and platform defined in nature. The real differenceisnotthetechnologyavailablebutwhetherthelawthatturnsageassurancefrom good practice into a duty with a measurable standard.

6.2 Intermediary Responsibility

Section 79 makes the immunity conditional. An intermediary is protected if it does not initiate, select or modify the transmission and observe due diligence.It is denied that protectionwhenthereisactualknowledgeaboutsomething,whichwasrestrictedtothecourt due to the Shreya Singhal case’s order.31 Indian due diligence under the Rules is mostly

27Just Rights for Children All. v. S. Harish, 2024 INSC 716 (India Sept. 23, 2024).

28Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

29IT Rules, 2021, G.S.R. 139(E), r. 2(1)(a) & app. (Feb. 25, 2021) (India).

30Ofcom, Guidance on Highly Effective Age Assurance and Other Part 5 Duties (Jan. 16, 2025).

31IT Act, 2000, No. 21 of 2000, § 79 (India); Shreya Singhal v. Union of India, (2015) 5 S.C.C. 1 (India).

notice-based.Websitesprovidetermsofuse,takeactionagainstcomplaints,anddeleteany illegal content upon receiving instructions.32 This is a reactive approach. There can be exposure to harmful content prior to any notification, and there isnorequirementonthe platform to block access to that content.

IntheUK,thereisadutyofprevention.Itisrequiredtoevaluatetheriskstochildrenand implement proportionate measures to ensure they do not encounter priority one content. Thereneedstobeageassuranceinplacepriortoaccess.33 Responsibilityattachestodesign, not to complaints. Just Rights shows Indian courtsmovingthesamewayinonearea,by conditioning immunity on POCSO reporting duties.34 That logic has not yet reached age-gating for adult material.

6.3 Scope of Protection

On the basis of laws, India's provisions cover obscene, sexually explicit and child abuse material.ObscenityunderSection294oftheBNS,however,it'sjudgedbygeneralstandards and not by a child specific harm test. Onplatforms,theagelinkeddutiesreachtheOTT publishers, while social media intermediaries face only generalduediligence.Protection aimedatminorsisthin.Section295oftheBNSaddressessupplytochildren,andtheDPDP Act protects children's data, and not their access to obscene content.35

TheUKActprotectschildrenbyitsdesign.Itnamespornographyasprimarypriority content and covers user to user andsearchservicesandalsopornographysites.36 Thecoverageis functional in nature. It asks whetherchildrencanencounterthecontent,notwhatkindof business hosts such content.

6.4 Enforcement Mechanisms

OurIndianenforcementisdispersed.PoliceandcourtsactunderSections67to67Bandthe BNS, the executive has the power to block such content, and loss of safeharbourunder Rule7worksasapostfactconsequence.37 PartIIIaddsagrievancestructureforOTTthe publishers. Thus, no single body was charged with testing whether age check works.

IntheUK,Ofcomissuesguidanceandcodes,requiresrecordsofcompliance,andcanfineup to 18 million or ten percent of the qualifying revenue worldwide, whichever is greater.

38Complianceismeasurablebecause"highlyeffective"istestedagainststatedcriteria.India's

32IT Rules, 2021, G.S.R. 139(E), rr. 3, 7 (Feb. 25,2021) (India).

33Online Safety Act 2023, c. 50, §§ 11–12, 81 (UK).

34Just Rights for Children All. v. S. Harish, 2024 INSC 716 (India Sept. 23, 2024).

35BNS, 2023, No. 45 of 2023, §§ 294–295 (India); DPDP Act, 2023, No. 22 of 2023, § 9 (India).

36Online Safety Act 2023, c. 50, § 61, 81, pts. 3, 5 (UK).

37IT Act, 2000, No. 21 of 2000, § 69A (India); IT Rules, 2021, G.S.R. 139(E), r. 7 & pt. III (Feb. 25, 2021) (India).

38Online Safety Act 2023, c. 50, sch. 13 (UK); Ofcom, Guidance on Highly Effective Age Assurance and Other Part 5 Duties (Jan. 16, 2025).

penaltiesaremostlyrelatedtoindividualoffences.Theypunishparticularpublicationsanddo little to push platforms toward systemic compliance.

6.5 Privacy vs Child Protection

Both systems face the same dilemma: assuring age usuallyrequirespersonaldata.India's DPDPActrequiresparentalconsentwhichisverifiablebeforeprocessingachild'sdataand prohibitstracking,behaviouralmonitoringandtargetedadvertisingaimedatchildren.39Rule 10 verifies the parent through details the fiduciary already holds or through government-issued details or virtual tokens, such as those fromDigiLocker.40 Thatserves consent, not access control, and it may demand more identitydatathanageconfirmation needs.

Under Puttaswamy, any such collection must satisfy legality, legitimate aim and proportionality.41 Facialageestimationshowsthetradeoff.Ithastheabilityto confirmage withoutidentifyingaperson,whichservesdataminimisation,yetitprocessesfacialimages and raises questions about fairness. Ofcom instructs the providers to consider their responsibilitytowardsprotectingdatawhenselectingasolution.42 However,thereisnothing similarforIndia.Ageverificationplatformscannotfindanywaytonavigatethroughover collection and non-compliance.

6.6 Technological Effectiveness

Callingitself-reportbaseddoesnotmeeteventhemostelementarytest.Anerroneousbirth dateiseasilyinput.Inmostinstances,nooneverifiedthisdate.Technologicalmethodsare normallymorefoolproof,buttheyarecertainlynotinfallible.Agecalculatorsgenerallyhave margins for error, and these errors become significant when approaching ages that form criticalcutoffpoints.Verificationofagecanalsobetransferred,regardlessofwhetherthe verificationbelongstothecorrectindividual.Forthesereasons,Ofcomlaysoutrequirements underthemessuchasaccuracy,robustness,reliability,andfairness.Itdoesnotrelyonone tooloroneproduct.43 Thattechneutralapproachisthepoint.Itkeepsthelegaldutyfocused onresults,evenifthemethodchanges.India'scurrenttextisneutralinabadway.Itdoesnot name any standard, so the meaning of neutrality turns unclear.

6.7 Where Does Responsibility Lie?

Theresponsibilitydoesnotfallonthechild.Whenachildmakesamistake,itisrelatively easytotest.However,thisbecomeslessimportantbecausethesystemwillalreadyacceptit.

39DPDP Act, 2023, No. 22 of 2023, § 9 (India).

40DPDP Rules, 2025, G.S.R. 846(E), r. 10 (Nov. 13, 2025) (India).

41Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

42Ofcom, Guidance on Highly Effective Age Assuranceand Other Part 5 Duties (Jan. 16, 2025) (guidance on data protection and privacy).

43Ofcom, Guidance on Highly Effective Age Assurance and Other Part 5 Duties (Jan. 16, 2025) (criteria for highly effective age assurance).

Themostcrucialresponsibilitylieswithparents.Theparentallockprovisionsandconsent mechanism provided by the DPDP Act point toward it. Nevertheless, itisimpossiblefor parentstoconstantlycontrolallphones,apps,andwebsites.Inthecaseofplatforms,they developtheproduct.Moreover,theykeeptheinformation,andtheyalsodeterminewhocan accessthecontent.Forthesereasons,theyhavethebestchancetolowertheriskofpotential problems.ThisiswhathappensintheUK.Insuchanapproach,thestateandregulatorcreate

therules.Theyalsoensurecompliancewiththem.Whentherulesareambiguous,itbecomes impossible for platforms to know what "good enough" means.

A better route is shared duty, with a clear chain of roles. The State names thestandard. Platforms put it into operationandaddprivacychecks.Parentsstillplayapart,usingthe toolstheyalreadyhave.Ifachildmakesafalseclaim,thatshouldnotletaplatformoffthe hookwhenitsownchecksweresknowntobeweak.India’scurrentlawpushesresponsibility out by default. In practice, that shifts the load onto the party that is least ready to manage it.44

6.8 Regulatory Gaps in India

Tostart,Indiadoesnothaveoneclear,allcoveringageverificationsystem.Agechecksshow upinpartsofthe2021Rules,butthatisnotthesameasafullframework.Next,therulesare splitacrossdifferentlaws.TheITAct,POCSOAct,BNS,andtheDPDPActeachaddress pieces.Buttheydonotlineupinacoordinatedway.Thereisalsonosinglesetofrulesfor what checks are acceptable. This includes how accurate the method must be and what records, if any, must be kept. Enforcement is anotherweakspot.Whathappensfor“safe harbour”canturnonlaterstepsbycourtsorbytheexecutiveafteraharmoccurs.Regulators do not routinely audit whether age checks are done.Privacy issues are still not settled. Verification can require personal data, yet there is no nationwide standard that sets proportional limits.45

Aresponsethatcanbeconsidered,asasuggestionandnotaconclusion,isaregulatormade standardforpornographiccontent.Thestandardwouldnotdependonaspecifictechnology. Thiswouldbeawaytohaveageverificationwithouthavingtoretainidentity.Thiscouldbe accomplished using existing technology like virtual tokens.46

CONCLUSION

SomecontrolsonwhatmaybepostedonlineexistinIndia.However,itdoesnotspecifyhow theproofoftheviewer'sageistobeprovided.TheInformationTechnologyActandthe2021 Rulesdealwithobscenity.Moreover,safeharbourandduecarearereconnected.Nevertheless, there is no provision of a single testing methodology that would bereliable.Asaresult, age-related obligations fall mostly upon OTT publishers. The POCSO, the BNS, and the

44IT Rules, 2021, G.S.R. 139(E), app. (Feb. 25, 2021) (India); DPDP Act, 2023, No. 22 of 2023, § 9 (India).

45IT Act, 2000, No. 21 of 2000 (India); POCSOAct, 2012, No. 32 of 2012 (India); BNS, 2023, No. 45 of 2023 (India); DPDP Act, 2023, No. 22 of 2023 (India).

46DPDP Rules, 2025, G.S.R. 846(E), r. 10 (Nov. 13, 2025) (India).

DPDPActdealwithsomeaspectsoftheproblem.Theydonotformanintegratedsystem.In theUK,theOnlineSafetyActtargetsageassurance.Thislegislationconcernspornography providers and services accessible by children. Ofcom supports this withsubstantialfines. India'sapproachismoreresponsivethanpreventive.Therearenotificationsandactionstaken asareaction.Thislegislationisalsofragmented.IntheUK,themodeloflegislationaimsto prevent potential harm. It is based on regulation and the regulator's control. These two countries face the same challenge. Nevertheless, there is moredetailedinformationabout solving it in

theUK.Indiatendstouseself-declarationprocedures,whichmaybesimply neglected. In addition, there is no audit mechanism available.

Firstly,theIndianlawdoesnotmandateaone-size-fits-allageverificationrequirement.This obligationprimarilylieswithOTTplatforms.Secondly,theconceptrevolvesaroundshared responsibility.Yetitisnoteasytopointtowhomustdowhatateachstage.Courtfindings showthepushforstrongerdutiesmostclearlyinchildabusecases.Third,theUKapproach reads like a clear duty. It links to set results andisenforcedbyaregulator.InIndia,the languagecanfeelbroader.Platformpoliciesthenguidedailypractice.Fourth,Indiawould need one common age check rule that can fit different technologies. It should also keep privacyinmind. Itshouldbeoverseenbyateamthatcanbeheldtoaccount.Fromwhatwe cansee,thekeyissueisbiggerthanbansthatwerenevermade.Thereisalsothefactthatno one was clearly put in charge of blocking access.

Thesepointssuggestthatlabelingsomethingasacrimedoesnotautomaticallykeepchildren away. A system may focus on publishers, but if it doesnotalsolimitwhocanreachthe material, theresultcanbethatthelaw'swordsgetsharedinstead.Thatwouldnotprotect children as intended. The UK case suggests prevention rules can be set up. Clear requirementscanbewrittensotheycanbechecked.Youcanalsoappointaregulatorandstill protectprivateinformation.ForIndia,thiscouldbeahelpfulmodelastheDPDPRules,2025 begin adding safeguards for child data.47

RECOMMENDATIONS AND FUTURE DIRECTIONS

● Agechecksthatarerequired-Indiashouldnotleaveagecheckstoauser'sown

word.Aclearruleisneeded.Parliamentmaysetthedutyinlaw.Theexecutivecan alsoupdatetheRulestocoverthis.Anysiteorappthathostsordisplayspornographic material online should verify age before a person can view it.Thisshouldnotbe limitedtoOTTservices.Itshouldalsocoverotherserviceswhereachildcouldreach suchcontentbyaccident.Thelawshouldclearlynamethekindofcontentthatbrings this duty intoforce.Thetextshouldbeeasytoread.Itmustalsobeclearinlegal terms. ● Rules that hold up across more than one method -Theaimisresultsthatstay

dependable. A regulator should check how well age checks work in daily use. It

47DPDP Act, 2023, No. 22 of 2023, § 9 (India); DPDPRules, 2025, G.S.R. 846(E), r. 10 (Nov. 13, 2025) (India).

shouldalsotestwhetherthechecksstayeffectiveastimegoeson.Thechecksmustbe accurate.Theyshouldalsobeconsistent.Resultsshouldnotswingfromoneanswer to the next too often. People should be treatedinafairwaytoo.Ageverification service providers should have the ability to choose the method of verifying age. Service providers may conduct a direct age check.Providersmayalsoconductan estimatedagecheck.Theendresultineithercasemustbethesame.Thisprovision should still hold true even with the advent of new technologies in the future. ● Agechecksthatdonotexposeprivateinformation-Theageverificationprocess

shouldmerelyservetoestablishwhetherornottheindividualiseligibletoviewthe material. This should be done without identifying the individual in any way. The system should employ just the

minimum amount of information possible. There shouldbenostorageofanyidentitydocuments.Thereshouldbenostoringofany facialimages.48 ThismaycomplywithRule10intheDPDPRules.Anyoutputfrom the age validation process cannot be used again for any form of monitoring. ● Responsibilityonplatforms-Agecheckshavetobepartofthesafeharbourrulein

Section79forsitesthathostporncontent.Ifachildliesabouttheirage,thatshould notlettheplatformwalkaway.Thisistrueincaseswheretheplatformalreadyhad reason tothinkthemethodwouldnotworkwellinreallife.Platformsshouldalso keeptheirownrecords.Thoserecordsshouldshowhowthechosenapproachmeets the required standard. ● Independentoversight-Thereshouldbeanindependentregulator.Itshouldsetclear

rules that are meant tobefollowed.Itshouldalsoprovidepracticalguidance.The regulatorshouldcheckwhetherfirmscomplywiththerules.Iffirmsfailtomeetthe rules,theregulatorshoulduse firmerenforcementactions.Havingthisworkhandled byoneregulatorshouldreducethepatchworkoftoday'sarrangements.Itshouldalso helpplatforms.Answerscanbeprovidedthroughonesinglesource.Theyshallalsobe judged on the same criteria. ● Regular Reviews and Updates - Platforms need to have their age verification

systems reviewed periodically by an independent party. The platform should also publish a summary of the review results.

48DPDP Rules, 2025, G.S.R. 846(E), r. 10 (Nov. 13, 2025) (India); Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).