

**GOVERNMENT OF INDIA
COMMUNICATIONS AND INFORMATION TECHNOLOGY
LOK SABHA**

UNSTARRED QUESTION NO:681
ANSWERED ON:07.08.2013
OPENING OF ACCOUNTS ON NETWORKING SITES
Devi Aswamedh

Will the Minister of COMMUNICATIONS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) the detailed guidelines for opening accounts on networking sites by children below 18 years of age;
- (b) whether the High Court of Delhi has asked the union Government to clarify the position in this regard;
- (c) if so, the reaction of the Government thereto;
- (d) whether the guidelines issued by the Government are being flouted; and
- (e) if so, the details thereof and the reaction of the Government thereto.

Answer

MINISTER OF STATE FOR COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI MILIND DEORA)

(a): There are no detailed guidelines or provision in the Law for verification of data pertaining to opening of accounts on networking sites by children below 18 years of age or seeking permission of the parents in respect of their child in opening account on networking sites. However, Section 67B of the Information Technology Act 2000 and Protection of Children from Sexual Offences Act 2012 (POCSO) specifically details with the punishment for publishing or transmitting of any information depicting child below the age of 18 years in Sexually Explicit Act. The Child pornography has been criminalized under the said legal framework. Section 21 of the POCSO Act make it mandatory to report or record sexual offences against children. Failure to report or record such an offence is punishable with imprisonment or fine or with both.

Further, as stated by networking sites, social media sites do not permit opening/accessing of their services below 13 years of age. They verify the age of the child and obtain permission of the parents below 13 years of age as per the laws of the country where they are registered and their servers are located. Technically, several challenges are posed before the networking sites offering online services in respect of verification of age of the child. Technology in cyber space offers complete anonymity with respect to the users. This means any one can post any information, open an account in any name without giving any particulars. Therefore it becomes difficult to verify the age of the child who is opening the account on networking sites. The networking sites stated that they put their best effort to verify the age of the child on the data available with them.

(b) and (c): A Writ Petition (C) 3672 of 2012 has been filed in the High Court of Delhi, at New Delhi which raises such issues of availability of information relating to Child Pornography on the Networking Sites and ensuring verification of all existing users and future new members of social networking sites apart from seeking other reliefs. The Government has filed the affidavit providing factual position and details of provisions in the existing Laws The matter is still Sub-Judice.

(d) and (e): Do not arise.