

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.13600 of 2021

E.Martin Jayakumar

... Petitioner

Vs

- 1 The Government of India
Rep by its Secretary Ministry of Women and
Child Development Sastri Bhavan
Dr. Rajendra Prasad Road, New Delhi
- 2 The Secretary
Ministry of Electronics and Information
Technology
Sanchar Bhavan New Delhi
- 3 The Secretary
Ministry of Health and Family Welfare
New Delhi
- 4 The State of Tamil Nadu
rep. by its Chief Secretary to Government
Fort St George Chennai 9
- 5 The Secretary
Education Department
Chennai 600 009
- 6 The Secretary
Health and Family Welfare Department Fort ST.
George Chennai 600 009 ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to Ban all the On-line and Off-line Video games and to bring appropriate mechanism to check track the PC / Laptop Mobile phones etc the device which are used for Online classes playing Games.

For Petitioner : Ms.Selvi George
For Respondents : Mr.K.Srinivasamurthy,
Senior Panel Counsel,
for respondents 1 to 3
Mr.P.Muthukumar,
Counsel for State
for respondents 4 to 6

ORDER

(made by the Hon'ble Chief Justice)

The petitioner complains of online business enterprises preying on children and young adults by offering divers online games that are addictive.

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2. The petitioner says that since mobile phones have completely taken over our lives and even children and minors crave for and obtain mobile phones, they are exposed to being lured by unscrupulous business enterprises and, particularly during the lockdown when

schools and educational institutions are closed, many children and young adults are hooked to the online games. The petitioner perceives the addiction to be devastating and life-threatening in the sense that it destroys the career-building phase of a young adult and may even lead to suicidal tendencies and extreme anger against parents and elders seeking to check the habit.

3. There is no doubt that children and young adults these days are addicted to their phones and their worlds appear to revolve around their mobile phones. Oftentimes, a family could be together and sitting at a table but each member using the phone, even if to describe the dish that he may be having or the quality of food at the moment.

4. However, even constitutional courts should be slow in entering into such areas and dealing with such matters on the personal sense of morality of the individual complainant or of the Judge or Judges concerned. There is no doubt that when there is some illegal action or something which is detrimental to larger public interest, constitutional courts intervene; but in the matters of the present kind, especially when elected governments are in place, such matters of policy should be left to the wisdom of those representing the people and having their mandate instead of the Court issuing a diktat. It is only upon the

failure of the executive to act and, thereupon, the Court perceiving the matter to be a danger to society, that the Court ought to step in. At least at the initial stage, the duty of the Court is to direct the complainants to the executive for a more wholesome and studied policy decision to be taken by the executive than what may be possible before any Court.

5. Accordingly, W.P.No.13600 of 2021 is disposed of by permitting the petitioner to make representations to the Union of India through its Ministry of Women and Child Development and to the State through the Department perceived to be the most appropriate by the petitioner. Such representations may be made within four weeks from date to the Secretaries in the relevant departments and copies of this order forwarded to them for such Secretaries to give their due consideration to the matter and indicate the relevant government's considered stand thereon to the petitioner within eight weeks of the receipt of the relevant representations. W.M.P.No.14476 of 2021 is closed. There will be no order as to costs.

6. The intricacies of the menace that the petitioner complains of and the larger or long-time effects that these online games have on children and young adults have not been gone into in any great detail

in the present proceedings, particularly in the absence of any scientific material in such regard. Nothing in this order will prevent further complaints in such regard being carried even to this Court if appropriate executive action thereon is not forthcoming.

(S.B., CJ.) (S.K.R., J.)
01.07.2021

Index : yes/no
tar

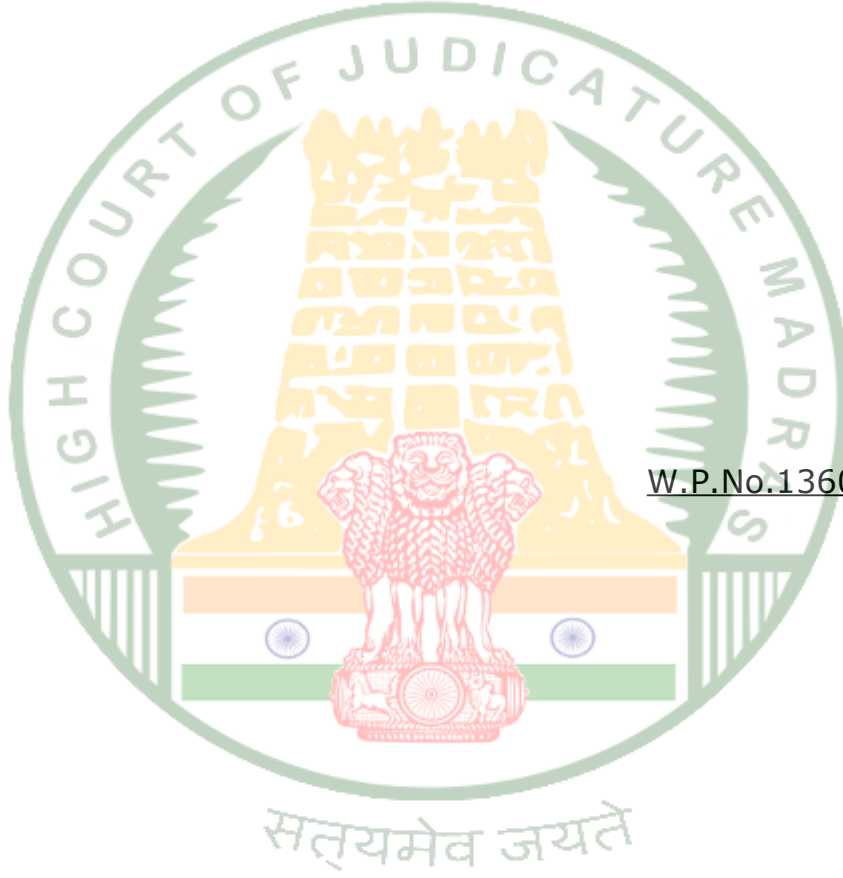
To:

- 1 The Secretary,
Ministry of Women and Child Development Sastri Bhavan
Dr. Rajendra Prasad Road, New Delhi
- 2 The Secretary
Ministry of Electronics and Information Technology
Sanchar Bhavan New Delhi
- 3 The Secretary
Ministry of Health and Family Welfare, New Delhi
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W.P.No.13600 of 2021

THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(kpl/tar)



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