

Editorial of the Day – 09.02.2026**Index**

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1. Messaging power- on a healthy digital marketplace (TH)**General Studies 2- Governance**

Topic- Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Sub Topic- Important aspects of governance, transparency, and accountability; E-governance-applications, models, successes, limitations, and potential.

Introduction

The Supreme Court of India has recently intensified its scrutiny of Meta Platforms LLC and WhatsApp regarding their controversial 2021 privacy policy update. This update mandated data sharing between WhatsApp and its parent company, Meta (Facebook/Instagram), presenting users with a "take-it-or-leave-it" ultimatum. The case, arising from an appeal against a ₹213.14 crore penalty imposed by the Competition Commission of India (CCI), highlights critical issues regarding market dominance, network effects, and the urgent need for a dedicated Digital Competition Law in India.

Key Details

Judicial Scrutiny- The Supreme Court questioned the fairness of the 2021 policy that forced users to share data with Meta platforms to continue using the service.

The Penalty- The core of the dispute is the ₹213.14 crore fine levied by the CCI for abuse of dominant position, which Meta is currently appealing.

Market Reality- The Court acknowledged WhatsApp's near-universal presence in India, noting that the app has become indispensable for personal, social, and business communications.

Core Conflict- The tension lies between a private corporation's right to monetize its platform and the users' right to privacy and informed choice within a monopolistic market.

Supreme Court's Observations

The Court made several critical observations regarding WhatsApp's leverage over Indian consumers-

Inescapable Utility- It noted that functioning in modern India—whether for coordinating groups, running small businesses, or maintaining social ties—is "nearly impossible" without WhatsApp.

Network Effects- The platform's power is derived from its strong network effect; the service is valuable primarily because "everyone else is on it," creating a barrier to exit for users.

Coercive Consent- The Court questioned the validity of consent when the alternative is effectively social and economic exclusion.

Background of the Legal Dispute

2021 Policy Update- WhatsApp introduced a policy update that allowed cross-sharing of user metadata (location, device info, etc.) with Facebook and Instagram to facilitate advertising and business messaging.

The Ultimatum- Unlike previous updates, users were not given an option to opt-out. They had to accept the terms or stop using the app.

Regulatory Backlash- This aggressive stance triggered opposition from civil society, the Indian government, and the CCI, leading to the antitrust penalty for abusing dominant market position.

WhatsApp's Role & Contributions

Despite the controversy, the analysis acknowledges WhatsApp's transformative role in India-
Democratization of Communication- Backed by Meta's infrastructure, WhatsApp provided free messaging and calling, replacing the expensive SMS and voice call models of telecom operators (pre-2016).

Accessibility- It lowered entry barriers, requiring only an internet connection and a phone number.

- a. Privacy Expectations- The adoption of end-to-end encryption was a significant step for user privacy, especially in a country with a history of extensive state surveillance.
- b. Right to Revenue- The analysis clarifies that there is no dispute over WhatsApp's fundamental right to earn revenue; the dispute is over the *method* (forced data harvesting).

Concerns over Monetization & Data Use

Deep Integration- WhatsApp is deeply embedded in the socio-economic fabric of India. Any shift to an aggressive advertising-driven data model warrants strict regulatory scrutiny.

Lack of Viable Substitutes- While competitors like Signal, Telegram, and Arattai exist, they lack the "universal user base" of WhatsApp. The utility of a messaging app depends on who else uses it, making migration difficult for individuals.

Global Precedence- Competition regulators worldwide have increasingly opposed platforms that impose non-negotiable data-sharing terms on locked-in users.

Limitations of Remedial Measures

Inadequacy of "Opt-Out"- Simply allowing users to "opt-out" of data sharing is viewed as insufficient at WhatsApp's scale.

Default Option Bias- Behavioural economics suggests that most users will stick to default settings due to inertia or lack of technical understanding. Therefore, "consent" obtained through default opt-ins is often illusory.

Structural Power- Individual remedies fail to address the structural power imbalance between a global tech giant and an individual user.

Need for Stronger Digital Competition Law

The case serves as a grim reminder of the legislative gap in India's digital governance-

Legislative Lag- A Draft Digital Competition Law was released in 2024, but there has been little progress in enacting it.

Current Necessity- With India approaching one billion internet users, relying on outdated competition laws is insufficient.

Ex-Ante Regulation- Unlike traditional laws that punish after the harm is done (ex-post), digital markets often require ex-ante regulations (rules set beforehand) to prevent gatekeepers from abusing their dominance.

Conclusion

WhatsApp's unparalleled network effect has granted it immense influence over India's digital communication landscape, rendering the concept of user consent largely illusory. While the platform has legitimate rights to monetization, it cannot come at the expense of consumer privacy and fair competition. The Supreme Court's intervention underscores the urgent necessity for the Digital Competition Law to transition from a draft to a statute, ensuring a digital ecosystem that balances corporate innovation with public accountability.

Source- https://www.thehindu.com/opinion/editorial/messaging-power-on-a-healthy-digital-marketplace/article70607729.ece#google_vignette

2. Does banning access to social media for minors under 16 really protect them? (IE)

General Studies 1- Indian Society

Topics- Social empowerment, communalism, regionalism & secularism.

Sub Topic- Effects of Globalization on Indian society (Impact of technology on youth and children).

A social media ban will not save our children

Introduction

The debate on regulating children's access to social media has gained momentum globally and in India, triggered by growing evidence of a mental health crisis among adolescents and Australia's landmark decision to ban social media for those under 16. With incidents like the tragic case in Ghaziabad highlighting the extreme psychological risks of online addiction, India faces an urgent policy imperative to balance digital access with the safety and mental well-being of its demographic dividend.

Key Details & Context

Trigger Event- A distressing incident in Ghaziabad involving minors underscored the severe psychological risks associated with excessive online gaming and social media usage.

Global Precedent- Australia has become the first nation to enact a ban on social media for children under 16, shifting the legal responsibility of age verification onto tech companies rather than parents.

The Core Problem- Research indicates that social media algorithms are designed for addictive engagement, directly contributing to rising anxiety, loneliness, and suicidal tendencies in children.

India's urgency- With rapidly increasing smartphone penetration among adolescents, India stands at a critical policy juncture.

Children's Mental Health and Digital Exposure

Rising Psychological Distress- Global studies link the mass adoption of smartphones over the last decade to a sharp spike in adolescent anxiety, depression, self-harm, and suicidal ideation.

The "Loneliness Paradox"- Despite being "hyper-connected" digitally, young people report higher levels of loneliness. Virtual interactions are displacing critical real-world friendships and family engagement.

Indian Scenario- Surveys reveal a surge in stress and behavioural disorders among Indian adolescents, particularly in urban centres. This is directly correlated with excessive screen time and online dependence.

Severe Consequences- Unresolved conflicts over digital addiction can escalate into severe crises, as seen in recent tragic news reports.

Neuroscience of Adolescence- Why Are They Vulnerable?

Developing Brain Structure- Adolescence is a critical window for brain development, especially the prefrontal cortex (responsible for impulse control and decision-making). This immaturity makes children biologically less capable of resisting addictive stimuli.

Reward Pathway Activation- Social media engagement triggers dopamine-driven reward circuits. The neurological response is similar to that triggered by substances like alcohol, tobacco, and gambling, fostering compulsive behaviour.

Peer Comparison Effect- Adolescents are biologically wired to seek peer approval. Algorithm-driven metrics (likes, shares) and curated "perfect" images weaponize this trait, damaging self-esteem and body image.

Scientific Consensus- Just as societies impose age limits on driving or drinking due to maturity levels, neurological vulnerability justifies age limits on algorithmic social media.

The Role of Social Media Algorithms

Profit Over Protection- Platforms utilize algorithms specifically engineered to maximize user engagement (time on device) to drive ad revenue, often disregarding user well-being.

Amplification of Harm- Algorithms frequently push extreme, sensational, or appearance-focused content to keep users hooked. This intensifies social comparison, anxiety, and dissatisfaction among young users.

Corporate Knowledge- Internal documents and investigations suggest tech giants are aware of these harms but continue their practices to sustain profits.

Tobacco Industry Parallels- Tech firms are using the "Tobacco Playbook"- questioning scientific evidence of harm and shifting the blame onto users and parents ("individual responsibility").

Global Policy Responses

Australia's Model

- a. Ban for under-16s- Strict prohibition with mandates for platforms to verify age.
- b. Corporate Liability- Parents can sue firms for violations, shifting the burden from the family to the corporation.

International Momentum- Nations like the US, UK, Japan, and South Korea are debating or implementing stricter regulations citing worsening youth mental health.

Failure of Self-Regulation- Current age limits (usually 13+) are "weakly enforced." Estimates suggest nearly 40% of children aged 8-12 is already on social media, proving that voluntary compliance by tech firms has failed.

India's Case for Early Action

Demographic Advantage- According to ASER 2024, only about one-third of rural adolescents (below 16) currently own smartphones. This offers a unique window for preventive regulation before addiction becomes ubiquitous.

Protecting the Youth Dividend- India's economic future relies on a healthy, productive workforce. Widespread digital addiction threatens to compromise the potential of this demographic dividend.

Constitutional Obligations

- a. **Article 15(3)-** Allows the State to make special provisions for women and children.
- b. **Article 39(f)-** Directs the State to ensure children are given opportunities to develop in a healthy manner and protected against exploitation.
- c. **Article 21-** The Right to Life includes the right to mental and physical health.

Conclusion

India must transition from passive observation to active intervention by adopting a child-centric digital safety framework. This should include age-based restrictions, mandatory age verification mechanisms, algorithmic accountability, and robust digital literacy programs for parents and schools. Protecting children from the predatory nature of social media algorithms is not a violation of their rights but a fulfilment of the State's constitutional duty to safeguard their dignity, mental health, and future potential. Immediate action is essential to ensure technology serves as an enabler, not a disruptor, of India's future generation.

Source- <https://www.thehindu.com/opinion/lead/a-social-media-ban-will-not-save-our-children/article70608158.ece>