

W.P.(MD)No.7855 of 2019

N.KIRUBAKARAN, J.
and
S.S.SUNDAR, J.

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner has highlighted a dangerous issue. The writ petition is to direct the respondents 1 to 5 to take appropriate actions against sixth respondents and his men and ban the Tik Tok mobile app which was containing degrading culture and encouraging pornography besides causing pedophiles and explicit disturbing content, social stigma and medical health issue between teens and take necessary action by considering the petitioner's representation dated 24.02.2019.

2. It is the contention of the petitioner that 'Tik Tok', the mobile application has been created by Byte Dance, a China Company and it was launched as "Douyin" in September, 2016. Subsequently, it was introduced in the Overseas market last year and it spread like a virus and 500 millions of people are using the said 'Tik Tok' application. It is stated that 104 millions users are downloading the 'Tik Tok' In India, youngsters and children are using 'Tik Tok' application and they are vulnerable in that application.

3. Majority of the teens are playing pranks, gaffing around with duet videos sharing with split screen to the strangers. The children who use the said application are vulnerable and may expose them to sexual predators. It is stated that the Governments of Indonesia and Bangladesh have already prohibited use of 'Tik Tok' application. In fact, understanding the vulnerability of the children in the cyber space, the United States of America has passed a Statue called 'Children Online Privacy Act', to prevent the children becoming cyber victims. Such an Act is necessary in our country also, as more offences against women and children are reported everyday using Cyber space. Mainly, the Cyber crimes are committed taking advantage of the unanimity of the person and the place from where it is committed. Everyday, the Cyber crimes including economic crimes are increasing and even, the security of our country is also threatened.

4. Similarly, a suicide game 'Blue Whale', which has its origin from Russia, was responsible for suicide of many youngsters in our country. The said "Blue Whale" game was prohibited by this Court in *suo motu* proceedings. Even after that, the officials have not learnt that they should be alert with regard to these type of problems. Only when the officials and policy makers are alive to the problems of the society, decision could be taken to prevent this kind of cyber applications. The people are making cruel humour against innocent third parties. Even Television channels are also telecasting Tik Tok videos, which are also liable to be prohibited.

5. It is stated that memes, lip-synced songs, comedies and videos are made using Tik Tok App. As long as this Tik Tok App., is used for comedy and humour, there should not be any problem. However, nobody can be pranked or shocked or being made as a subject of mockery by any third party and it would amount to violation of the privacy. It is said that Tik Tok App., is mostly played by the teenagers and young people and it has proved to be an addictive one. By becoming addicted to Tik Tok App., and similar Apps., or cyber games, the future of the youngsters and mind set of the children are spoiled.

6. It is evident from media reports that pornography and inappropriate contents are made available in this kind of cyber applications. The children are exposed to strangers and there is a possibility of the photographs and other private details of the children are being landed in the hands of predators or third parties. It is stated that Tik Tok Mobile App., allows users to create a short videos and memes. The dangerous aspect connected to this Tik Tok App., is that inappropriate contents including language and pornography being posted in the Tik Tok App. There is a possibility of the children contacting strangers directly and luring them. Without understanding the dangers involved in these kinds of Mobile Apps., it is unfortunate that our children are testing with these Apps. It is also stated that many persons have become the victims and some of them have committed suicide because of use of Tik Tok Mobile App. It is specifically stated in the writ petition that in Chennai, on March 27 of this year, an auto driver was

arrested for posting a video that included a woman from Chennai on Tik Tok Mobile App. A 15 year old girl is said to have committed suicide at Mumbai for being scolded by her grandmother for use of Tik Tok Mobile App. An old man said to have fallen in the waterfalls in Valparai while taking a selfi for Tik Tok video. Before many tragic incidents would occur, the Government has to take appropriate steps. The Government has got the social responsibility to prevent these kinds of applications and also take action against the persons, who are making use of it. It is always open to the authorities to take action without waiting for orders from this Court. As an interim measure, the following directions are issued to the Government:

- i. The respondents are directed to prohibit downloading of Tik Tok Mobile App.;
- ii. The Medias are prohibited from telecasting the videos made using Tik Tok Mobile App.; and
- iii. The Government has to answer whether the Union of India will enact a statute, like Children's Online Privacy Protection Act, enacted by the United States, to prevent the children becoming cyber/online victims.

7. List the matter on **16.04.2019** in the motion list, for filing report.

rj2

Note: Issue order copy on 03.04.2019

[N.K.K., J.] [S.S.S.R., J.]
03.04.2019

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