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AI Companions and Emotional Dependency: A Child Rights Perspective in India

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AI companions are apps designed to act like a friend or partner. They are always available, remember what users say, and tend to agree with them. Children's emotional lives are still taking shape, so these features can lead to emotional dependency. This article asks whether Indian law protects children from that risk and argues that India should impose a child-rights-based duty of care on AI companion providers. It begins with a US lawsuit over a teenager's death, then explains how companions build attachment and why children are more exposed. Evidence of harm is still emerging, mostly from litigation and reports in the United States, and India-specific data remains limited. Drawing on the UN Convention on the Rights of the Child, General Comment No. 25, and the Indian Constitution, the article shows that the State has a duty to protect children's emotional development. A doctrinal review of the Digital Personal Data Protection Act 2023, the Information Technology Act 2000, child protection and criminal law, consumer law, and the 2025 AI Governance Guidelines finds that each looks at data, content, or crime, not at the relationship a product is designed to create. Only section 9(2) of the Data Protection Act speaks of children's well-being, and it is untested. Comparing the European Union, the United States, the United Kingdom, and Australia, the article proposes targeted reforms: a statutory duty of care, limits on manipulative design for minors, privacy-protective age checks, crisis protocols, child-impact assessments, and clear roles for regulators. These measures regulate design, not children's access to technology.

Keywords: *AI companions, emotional dependency, child rights, duty of care, data protection.*

INTRODUCTION

In February 2024, 14-year-old Sewell Setzer III, a Florida resident, committed suicide after months of conversations with a Character.AI chatbot that had been designed to emulate a Game of Thrones character.[1] His mother, Megan Garcia, said the conversations turned emotionally and sexually intimate, that he became withdrawn, and that the chatbot in his last conversation professed love and urged him to return to it.[2] She has sued the firm in October 2024.[3] A federal judge in Florida refused to dismiss the case in May 2025, saying that she was not prepared to declare the output of a chatbot to be speech.[4] Character.AI and Google have agreed to settle this and related suits on undisclosed terms. No court has ruled on the facts of the case. This is the problem that the article brings up. AI companions are designed to simulate the idea of a companion for the user in the sense that they are always there to talk to you, they remember what you say, and they never disagree with the user, unlike humans. As an adult, this could be seen as either a harmless novelty or a harmful addiction. However, children's social and emotional development is a key and vital part of growing up, and these traits, when used on children, could be even more harmful and difficult to notice. India has a huge number of young people online, and these apps are just a download away, and Indian law has yet to address how these relationships could affect a child.

The gap lies in the way current law was conceived. The Digital Personal Data Protection Act 2023 treats every person below the age of 18 as a child,[5] and Section 9 requires verifiable parental consent before a child's data can be processed and prohibits tracking, behavioural monitoring, and targeted advertising aimed at children.[6] The Rules, notified in November 2025, are being implemented in phases.[7] Other laws, such as the POCSO Act 2012[8] and the

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[1] 'Google and chatbot maker character to settle lawsuit alleging chatbot pushed teen to suicide' *Associated Press* (08 January 2026) <https://apnews.com/article/ai-chatbot-lawsuits-character-google-fbca4e105b0adc5f3e5ea096851437de> accessed 08 September 2026

[2] *Ibid*

[3] Kenneth Gachie, 'Mother says son killed himself after addiction to an AI chatbot, sues Character.ai' *Citizen Digital* (24 October 2024) <https://citizen.digital/article/mother-says-son-killed-himself-after-addiction-to-an-ai-chatbot-sues-characterai-n351833> accessed 08 September 2026

[4] *Garcia v Character Technologies Inc* [2025] WL 1461721 (MD Fla); 'In lawsuit over teen's death, judge rejects arguments that AI chatbots have free speech rights' *News 6* (21 May 2025) <https://www.clickorlando.com/tech/2025/05/21/in-lawsuit-over-teens-death-judge-rejects-arguments-that-ai-chatbots-have-free-speech-rights/> accessed 08 September 2026

[5] Digital Personal Data Protection Act 2023

[6] Digital Personal Data Protection Act 2023, s 9(1) and (3)

[7] Digital Personal Data Protection Rules 2025

[8] Protection of Children from Sexual Offences Act 2012; Information Technology Act 2000

Information Technology Act 2000, deal with abuse and unlawful content, each asking what happens to a child's data or what a child sees. None asks whether a product is designed to make a child emotionally dependent on it.

CONCEPTUAL FRAMEWORK

AI Companion: A general chatbot is designed to complete a task, such as answering questions, summarising texts, or debugging code. An AI companion is designed to sustain a relationship. Apps such as Replika and AI Character allow users to design or select a character that acts as a friend, mentor, or dating partner and communicate in a friendly, personal tone of voice[9]. Research firm Common Sense Media defines them as digital friends or characters that can be messaged or communicated with at any time.[10] The difference lies in design and functions, rather than in the underlying technology. The same language model can be used for a study buddy or an AI companion[11]. The question for the law is whether the product presents itself as a relationship and offers emotional investment as a reward.

Emotional Dependency: Attachment theory, associated with John Bowlby, holds that people look for a 'safe haven' when distressed and a 'secure base' from which to explore the world. Healthy bonds provide both.[12] The idea of parasocial interaction, introduced by Horton and Wohl in 1956, describes the one-sided closeness felt by people towards television and radio figures, who seem like friends but cannot truly respond.[13]

AI companions change this dynamic in that the other side answers and does so in a timely and personalised manner, creating a sense of a reciprocal relationship. In a study analysing the online posts of Replika users, researchers identified negative consequences of such an interaction that are similar to those present in human relationships, characterised by 'role-

[9] 'AI: The Italian Supervisory Authority Fines Company behind Chatbot "Replika"' (*EDPB*, 21 May 2025) <https://www.edpb.europa.eu/news/ai-the-italian-supervisory-authority-fines-company-behind-chatbot-replika_en> accessed 08 September 2026

[10] *Talk, Trust, and Trade-Offs: How and Why Teens Use AI Companions* (Common Sense Media, 2025); Megan Morrone, 'Teens flock to companion bots despite risks' (*Axios*, 16 July 2025) <https://www.axios.com/2025/07/16/ai-bot-companions-teens-common-sense-media> accessed 08 September 2026

[11] *Ibid*

[12] John Bowlby, *A SECURE BASE: Parent-Child Attachment and Healthy Human Development* (Basic Books 1988)

[13] Donald Horton and R Richard Wohl, 'Mass Communication and Para-Social Interaction: Observations on Intimacy at a Distance' (1956) 19(3) Psychiatry <https://doi.org/10.1080/00332747.1956.11023049> accessed 08 September 2026

taking': users reported seeing needs and emotions in the chatbot that they felt responsible to address.[14]

WHY CHILDREN ARE AT GREATER RISK?

Children are more exposed to these products than adults for three reasons. First, their emotional skills and sense of self are still forming, so a relationship that always agrees with them can shape them more deeply. Second, they tend to credit machines with human qualities. In a study of Scottish children aged 6 to 11, most overestimated the intelligence of voice assistants and were unsure whether the systems had feelings[15]. This study covered smart speakers, not companion apps, so it supports the point only by analogy. Third, younger users may be less guarded. In a 2025 US survey of 1,060 teenagers, younger teens (13–14) trusted AI companions more than older teens did, and a third of users chose an AI companion over a real person for something serious[16]. These figures are from the United States. Comparable Indian data are scarce, which is itself a reason for caution.

Design features that create Dependency: Dependency is not an accident. This follows from the design choices:

Constant Availability: The companion never sleeps, never gets busy, and never says no. Human friends do all three, and that friction is part of how children learn relationships.

Flattery: Research by Anthropic scientists has found that AI assistants trained on human feedback often match a user's views over the truth, partly because people tend to prefer agreeable answers[17]. In a companion, this becomes constant praise and validation.

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[14] Linnea Laestadius et al., 'Too human and not human enough: a grounded theory analysis of mental health harms from emotional dependence on the social chatbot Replika' (2022) 26(10) New Media & Society <https://journals.sagepub.com/doi/10.1177/14614448221142007> accessed 08 September 2026

[15] Valentina Andries and Judy Robertson, 'Alexa doesn't have that many feelings: children's understanding of AI through interactions with smart speakers in their homes' (2023) 5 Computers and Education: Artificial Intelligence <https://doi.org/10.1016/j.caeai.2023.100176> accessed 08 September 2026

[16] 'Nearly 75pc of US teens use AI companions: Study highlights mental health risks and warns against use for those under 18' *Malay Mail* (18 July 2025) <https://malaymail.com/news/life/2025/07/18/nearly-75pc-of-us-teens-use-ai-companions-study-highlights-mental-health-risks-and-warns-against-use-for-those-under-18/184233> accessed 08 September 2026

[17] Mrinank Sharma et al., 'TOWARDS UNDERSTANDING SYCOPHANCY IN LANGUAGE MODELS' (Twelfth International Conference on Learning Representations, Messe Wien Exhibition and Congress Center, Vienna, Austria, 2024)

Memory: Remembering a child's secrets, fears, and routines makes the bond feel personal and difficult to leave.

Personas: Characters with names, faces, backstories, and 'feelings' invite the child to treat the product as a person.

Engagement-driven Business Models: Most apps earn more when users stay longer, so the commercial incentive favours deeper attachment, not safer use.[18]

Weak Safeguards make these features riskier: In 2025, Italy's data authority fined Replika's developer €5 million. It found, among other things, that the company had no age verification, either at sign-up or during use, even though it claimed that minors were excluded.[19]

Taken together, these features show that the risk lies in the choices made by designers. That is why the duty of care proposed in this article falls on the provider.

THE EVIDENCE OF RISK TO CHILDREN

Patterns of Use among Young People: The best data on the use of artificial intelligence companions by young people comes from the United States, where the media rating company Common Sense Media surveyed 1,060 teenagers in 2025. Of those polled between the ages of 13 and 17, 72% said they had used an AI companion at least once, and about half used one on a regular basis. A third said they had chosen an AI companion over a human companion when something serious was at hand[20]. The survey should be taken with a grain of salt, however, since most users still spent more time with their friends than with their AI companions and half of them distrusted the advice they got. Using a companion is not necessarily the same as using it in a harmful way. What the survey shows is that the minority of young people who rely on such a companion heavily may well suffer from it.

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[18] 'FTC Launches Inquiry into AI Chatbots Acting as Companions' *Federal Trade Commission* (11 September 2025) <https://www.ftc.gov/news-events/news/press-releases/2025/09/ftc-launches-inquiry-ai-chatbots-acting-companions> accessed 08 September 2026

[19] 'AI: The Italian Data Protection Authority Fines Company behind Chatbot "Replika"' *Garante per la protezione dei dati personali* (19 May 2025) <https://garanteprivacy.it/home/docweb/-/docweb-display/docweb/10132048> ccessed 08 September 2026

[20] 'Almost 75% of American Teens Have Used AI Companions, Study Finds' (*Science Alert,* 20 July 2025) <https://sciencealert.com/almost-75-of-american-teens-have-used-ai-companions-study-finds> accessed 08 September 2026

Evidence of Risks to Children –

The evidence is early. It comes mostly from lawsuits, investigative reporting, and risk assessments, not from long-term studies. Four patterns stand out.

Dependency and Withdrawal: In addition to the case described in the introduction, Garcia, other suits against AI characters accused it of making chatbots that caused teens to become addicted and alienated from their loved ones[21]. These are allegations, and since the cases have settled, they indicate a pattern of complaints, not established facts.

Sexualized Exchanges with Minors: Reuters revealed in its article, dated August 2025, that Meta's internal policies allow for 'romantic or sensual' conversations with children by its chatbots. Meta argued that these particular passages were removed soon after Reuters raised the issue with them and that such conversations should never have taken place. It admitted that enforcement had not always been consistent.[22]

Weak Responses to Self-harm: Researchers from Common Sense Media and Stanford University's Brainstorm Lab posed as teenagers on the character.com platform using the personas Nomi and Replika and discovered that it was simple to entice the chatbot into generating unsuitable material about sex, self-harm, and violence. A later evaluation discovered that major general-purpose chatbots, while improving replies to explicit suicide content, regularly failed to acknowledge other mental health issues that are common among young people.[23]

Regulatory Alarm: In September 2025, the U.S. Federal Trade Commission ordered seven companies to explain how their companion chatbots are monetised and designed to raise

[21] Shweta Watwe, 'Character.AI, Google Agree to Settle Teen Chatbot Harm Lawsuits' *Bloomberg Law* (08 January 2026) <https://news.bloomberglaw.com/insurance/character-ai-google-agree-to-settle-teen-chatbot-harm-lawsuits> accessed 08 September 2026

[22] Jeff Horwitz, 'Meta's AI rules have let bots hold "sensual" chats with kids, offer false medical info' *Reuters* (14 August 2025) <https://www.reuters.com/investigates/special-report/meta-ai-chatbot-guidelines/> accessed 08 September 2026

[23] 'Common Sense Media Finds Major AI Chatbots Unsafe for Teen Mental Health Support' *Common Sense Media* (20 November 2025) <https://www.commonsensemedia.org/press-releases/common-sense-media-finds-major-ai-chatbots-unsafe-for-teen-mental-health-support> accessed 08 September 2026

engagement and how they affect children and teens. A month later, AI Character said it would end chat for users under 18.[24]

The Indian Context –

India has little direct evidence, but it has the conditions in which a companion app becomes an attractive confidant for users.

Access: The ASER 2024 survey of rural children aged 14–16 years found that 82.2 percent knew how to use a smartphone, and almost 90 percent had one at home. Among those who could use one, approximately 75 percent had used social media in the previous week.[25]

Distress and Unmet Need: The National Mental Health Survey (2015–16) found that 7.3 percent of adolescents had a mental health disorder, and that 70 to 92 percent of people with such disorders get no treatment, with only about 0.75 psychiatrists per 100,000 people.[26] NCRB data show that 13,892 students died by suicide in 2023, 8.1% of all suicides[27]. The category 'students' includes adults, so it overstates the figure for children. These numbers do not indicate that Indian children are being harmed by AI companions. They show that many children have a phone, many carry distress, and few can reach a counsellor.

Research on how Indian children use AI companions is still thin. Little is known about how often they use these apps, whether they come to rely on them emotionally, what harm they may suffer, or how the apps respond when a child is in distress. Without that knowledge, regulators find it hard to judge how serious the risk is or to design safeguards that fit it. This uncertainty is itself a reason for caution. It supports a precautionary approach and a duty on providers to assess how their products affect children and to be open about what they find.

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[24] Rachel Metz, 'Character.AI to Ban Children From Talking to Its Chatbots' *Bloomberg Law* (30 October 2025) <https://news.bloomberglaw.com/legal-ethics/character-ai-to-ban-children-from-talking-to-its-chatbots> accessed 08 September 2026

[25] 'Leap in Rural School Enrollment' (*Press Information Bureau*, 04 February 2025) <https://pib.gov.in/FactsheetDetails.aspx?Id=149118> accessed 08 September 2026

[26] *National Mental Health Survey of India, 2015-16: Summary* (National Institute of Mental Health and Neuro Sciences, 2016); Anuja Susan Varghese, 'Access to adolescent care not uniform across India: Dr Prabha Chandra' *The Week* (30 August 2026) <https://www.theweek.in/health/cover/2026/08/28/dr-prabha-chandra-access-to-adolescent-care-not-uniform-across-india.html> accessed 08 September 2026

[27] *Accidental Deaths and Suicides in India 2023* (National Crime Records Bureau, 2025); Sheena Sachdeva, 'Over 13,800 suicide deaths among students in 2023, highest in 10 years: NCRB report' *Careers360* (30 September 2025) <https://news.careers360.com/ncrb-report-2023-over-13800-student-suicide-deaths-highest-in-10-years-national-crime-records-bureau-maharashtra-up-tn> accessed 08 September 2026

THE CHILD RIGHTS FRAMEWORK

The UN Convention on the Rights of the Child: India acceded to the Convention on the Rights of the Child on 11 December 1992, which has the same effect as ratification. Treaties do not become Indian law on their own. But the Supreme Court has long used them to give fuller meaning to fundamental rights where domestic law is silent. In *Vishaka*, it held that an international convention consistent with the fundamental rights should be read into them to enlarge their meaning, and in *M.C. Mehta v State of Tamil Nadu,* it drew on the Convention itself in a case on child labour.[28]

The Convention's objective is to treat the child as a holder of rights and not only as someone to be protected and to secure the child's survival and full development.[29] Four general principles carry that objective: non-discrimination (Article 2), the best interests of the child as a primary consideration in all actions concerning children (Article 3), the right to survival and development (Article 6), and respect for the child's views (Article 12).[30] Two of them do most of the work in this article. Article 3 asks the State to weigh a child's interests in every decision that affects children, and that includes how technology is regulated. Article 6 speaks of development in a broad sense, covering emotional and social growth and not only physical health.[31] Emotional dependency on a product designed to create attachment engages both. The same principles also set limits. Children's views, their access to information, their privacy, and their play all have a place in digital life.[32] The framework therefore supports regulating how companions are designed, not prohibiting children from using technology.

General Comment No. 25 (2021): In March 2021, the UN Committee on the Rights of the Child adopted General Comment No. 25 on children's rights in the digital environment. It states that in all actions regarding the provision, regulation, design, management, and use of the digital environment, the best interests of every child are a primary consideration.[33] The design stage is therefore covered. The comment also asks states to prevent businesses from

[28] *Vishaka & Ors v State of Rajasthan & Ors* (1997) 6 SCC 241; *M C Mehta v State of Tamil Nadu & Ors* (1996) 6 SCC 756
[29] Convention on the Rights of the Child 1989
[30] Convention on the Rights of the Child 1989, arts 2, 3, 6 and 12
[31] Convention on the Rights of the Child 1989, arts 3 and 6
[32] Convention on the Rights of the Child 1989
[33] UN Committee on the Rights of the Child, *General comment No 25 (2021) on children's rights in relation to the digital environment* (UN Doc CRC/C/GC/25, 2021)

targeting children with techniques that put commercial interests ahead of the child's, such as highly persuasive or gambling-like features, and to consider regulating design that undermines children's development. An AI companion's persona, memory, and constant availability can reasonably be called persuasive design in this sense.

The Indian Constitution: The Constitution provides basic features. Article 15(3)[34] allows making laws for children. Moreover, Articles 39(e) and (f)[35] direct the State to ensure that children are not subject to exploitation and that they are provided with opportunities and facilities to develop in a healthy manner and in all freedom and dignity and that they are protected from social injustice. It is important to note that Article 39 is part of the Directive Principles of State Policy that are not justiciable but provide a framework for interpreting the fundamental rights. Furthermore, Article 21A[36] makes the right to education for all children until the age of 14 years justiciable. It is the weakest link in the chain, but it is important to note that it provides that the childhood period has to be protected so that they can grow.

Article 21 is one of the strongest pillars we have. According to the Supreme Court in Sukdeb Saha v State of Andhra Pradesh[37], the right to mental health is an intrinsic part of the right to life guaranteed under Article 21, and it listed fifteen guidelines that all states must follow in terms of student mental health until laws are passed. The case was about schools and coaching centres, not technology, which is why I am citing it.

THE ARGUMENT: DEPENDENCY BY DESIGN

The framework supports a three-step approach:

First, the harm engages the child's right to development (Article 6), health (Article 24), and protection from mental harm (Article 19)[38]. Emotional dependency that pushes out family, friends, and the child's own coping skills affects all three.

[34] The Constitution of India 1950, art 15(3)
[35] The Constitution of India 1950, arts 37 and 39(e)–(f)
[36] The Constitution of India 1950, art 21A
[37] *Sukdeb Saha v State of Andhra Pradesh & Ors* (2025) INSC 893
[38] United Nations Convention on the Rights of the Child 1989, arts 6, 19 and 24

Second, the harm is by design. Where a product's memory, persona, and always-on attention are built to deepen attachment, a child's well-being is traded for engagement. This is hard to square with the best-interests principle in Article 3 and in General Comment No. 25.[39]

Third, the Convention binds states, not companies. The precise claim is therefore not that a company 'violates' the Convention. It is that India breaches its duty to protect children if it leaves such a design unregulated. A provider's conduct is the harm, and the state's silence is the failure.

The framework also limits the remedy. A duty of care, not a total ban, best respects children's rights to information, expression, and play, while still guarding their development. The reform proposals later in this article build on this point.

INDIAN LEGAL GAP ANALYSIS

India has no law written for AI companions. A child who becomes attached to one falls under several laws, each built for a different problem. This section examines five of these laws and asks the same question of each: what does it cover, and what does it miss?

The Digital Personal Data Protection Act 2023: The DPDP Act is the most child-friendly among the five. It considers all persons below 18 years of age as children. Organisations are required to obtain verifiable parental consent before processing any personal data of a child. Moreover, the act forbids entities from tracking or monitoring the behaviour of a child or targeting them with advertisements. Violations invite penalties worth up to ₹200 crore.[40] The act is being enforced in phases and is expected to become fully enforceable by May 2027.[41]

The act's limitation lies in its inability to protect the sentiments of the child. A parent's approval makes a process legal, even when the product's design leads to a child being dependent on it. Moreover, it is not yet tested whether a companion's 'memory' of a child's mannerisms and secrets is considered 'behavioural monitoring.' This is a debatable topic that has not yet been decided by law. Some organisations are also exempt from such obligations under Rule 12.[42]

[39] United Nations Convention on the Rights of the Child 1989, art 3
[40] Digital Personal Data Protection Act 2023
[41] Digital Personal Data Protection Rules 2025
[42] Digital Personal Data Protection Rules 2025, r 12

The Information Technology Act, 2000 and the IT Rules: The IT Act provides 'safe harbours' for intermediaries for content created by other persons, provided that they perform due diligence. In February 2026, amended IT Rules came into force, which impose additional obligations for AI-generated content, such as technical checks against unlawful input and labelling.[43] This regime is ill-suited to companions that do not host content uploaded by users but generate their own replies. The government itself told Parliament that whether a generative AI service qualifies as an intermediary depends on its substance. Furthermore, the 2026 rules also target deceptive synthetic content, such as deepfakes, while saying nothing about a product designed to create emotional dependency in a child.

Criminal and Child-Protection Law: POCSO 2012[44], the Juvenile Justice Act 2015,[45] and the Bharatiya Nyaya Sanhita 2023[46] address sexual offences against children, cruelty to children, and abetment of suicide. The POCSO has also been extended to cover computer-generated images depicting children.[47] These laws focus on human perpetrators or identifiable harmful material and operate after the harm has occurred; a sexualized text conversation with a chatbot is a poor fit for either. A dependency that never reaches criminality is an equally poor fit. Most discussions of AI and POCSO so far revolve around AI-generated abuse images, not chatbot conversations, and the application of POCSO to conversations is the author's own analysis, and the law in this area is unsettled.

The Consumer Protection Act 2019 and the Dark Patterns Guidelines: This is a tentative interpretation. In November 2023, the Central Consumer Protection Authority issued guidelines identifying 13 dark patterns (manipulative design tricks that pressure users into unintended actions). An AI companion's persuasive design is very similar to that of a dark pattern.

The 13 patterns are related to commercial practice (e.g., hidden charges, false urgency, and subscription traps). None are concerned with emotional attachment, and none are directed specifically at children. Free-to-use apps may fall outside the definition of 'consumer' in the

[43] Information Technology Act 2000; Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026
[44] Protection of Children from Sexual Offences Act 2012
[45] Juvenile Justice (Care and Protection of Children) Act 2015
[46] Bharatiya Nyaya Sanhita 2023
[47] Writing Protection of Children from Sexual Offences Act 2012

Act. It should be noted that this approach may need to be considered in the context of the Act and case law.

The India AI Governance Guidelines 2025: In November 2025, the government released national AI guidelines. They are voluntary. They do not create a standalone AI law but instead rely on existing legislation. They create no duties, no penalties, and no regulator. In effect, they send the reader back to the four laws above.

The Common Gaps –

Three weaknesses run through all five studies:

First, the law focuses on the wrong thing. It regulates data, content, and crime, but not the relationship that a product is created to foster. A child can be harmed even when all data rules are followed, and no crime is committed.

Second, the law assumes a human wrongdoer or someone else's content. Safe harbour assumes a platform hosting what users post, and criminal law assumes a person with intent. An AI companion neither speaks for their users nor is the company behind it making the design choices.

Third, compliance is not the same as safety. Parental consent, content labels, and take-down orders are all useful, but none deal with the design. A company could comply with all of them and create a product that a child cannot put down.

There is scope for change. The AI Governance Guidelines state that the government will review existing laws for gaps and fix them by targeted amendment instead of a new act. The 2026 IT Rules illustrate this approach. A child-focused amendment for AI companions would follow the same path, and the next section sets out what it might contain.

COMPARATIVE LESSONS

No country has fully solved this problem, but several have started. Studying them can help India determine what to borrow and what to leave behind.

The European Union and Italy: In May 2025, Italy's data protection authority fined Replika's developer €5 million. It found that the company had no age verification at sign-up or during

use, even though it claimed that minors were excluded. The EU's AI Act goes further. Since February 2025, it has banned AI systems that exploit vulnerabilities linked to age, and the Commission's guidance provides the example of a game that uses AI to track children and hand out rewards in addictive loops.[48]

For India: Italy used data law, not child wellbeing law, as India's DPDP Act would also have to do. The fine was about age checks and consent, not about dependency. The AI Act's age-vulnerability ban is a closer model for the problem this article describes. India can borrow the idea without copying the EU's heavy machinery.

The United States: California's SB 243 took effect on 1 January 2026. It requires companion chatbots to remind children regularly that they are talking to an AI and to have crisis protocols for self-harm, and it allows injured users to sue. The federal inquiry and the Garcia litigation, discussed earlier, pushed the issue forward.

For India, the specific design duties are practical, and a crisis protocol could link to India's Tele-MANAS helpline. The American model leans on private lawsuits, though, and Indian courts are slow. In my view, regulator-led enforcement would suit India better.

The United Kingdom: The UK has shown how a law can miss a problem. Its Online Safety Act reaches chatbots only if they are user-to-user or search services; thus, apps like Replika may fall outside it.[49] In February 2026, the government said it would bring chatbot providers within the Act's illegal content duties, and Ofcom has begun investigating an AI companion service over its age checks.

For India: India's IT Act has the same scope problem. It was written for hosted content, not for products that generate their own replies.

Australia: Since December 10, 2025, Australia has required major social-media platforms to take reasonable steps to keep under-16s off their services. Separate codes also cover AI

[48] Rules on Artificial Intelligence 2024; *Guidelines on prohibited artificial intelligence (AI) practices, as defined by the AI Act* (European Commission, 2025)
[49] Online Safety Act 2023

companion chatbots. The regulator reported that children as young as ten spent up to five hours a day talking with AI companions.[50]

For India: Karnataka announced a plan in March 2026 to bar children under 16 from social media. Andhra Pradesh is exploring DigiLocker-linked age tokens, and three private members' bills are listed in Parliament.[51] None of those I found mention AI companions. A social-media ban alone could push children towards them.

Platform Self-Regulation: Character.AI announced in October 2025 that it would end chat for under-18s. Meta changed its chatbot rules only after Reuters exposed them. Both steps followed public pressure, and either can be reversed. Children in India use these global apps, but Indian regulators have no say in such decisions. Voluntary steps are welcome, but they cannot replace law.

What can work in India: Three local limits matter. *Enforcement capacity:* the Data Protection Board has only four members.[52] *Age checks:* experts warn that checking ages without collecting identity documents is difficult.[53] ASER found that only 27 percent of 14-year-olds and 37.8 percent of 16-year-olds owned a smartphone; therefore, many children use a parent's phone, which weakens both consent and age checks. *The digital divide:* blanket bans may be uneven and push children to riskier corners of the internet. India should therefore borrow design duties, crisis protocols, and reporting. It should avoid blanket bans and invasive ID collection.

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[50] Online Safety Amendment (Social Media Minimum Age) Act 2024; 'New industry codes seek to take on AI chatbots that encourage suicide and engage in sexually explicit conversations with Aussie kids' (*eSafety Commissioner,* 09 September 2025) <https://www.esafety.gov.au/newsroom/media-releases/new-industry-codes-seek-to-take-on-ai-chatbots-that-encourage-suicide-and-engage-in-sexually-explicit-conversations-with-aussie-kids> accessed 08 September 2026

[51] 'India's tech state Karnataka bans social media for children under 16' *Reuters* (06 March 2026) <https://www.reuters.com/technology/indias-tech-state-karnataka-bans-social-media-children-under-16-2026-03-06/> accessed 08 September 2026; Sreenivas Janyala, ''Age tokens' via DigiLocker to regulate kids' social media use in Andhra Pradesh' *The Indian Express* (15 April 2026) <https://indianexpress.com/article/india/age-tokens-digilocker-to-regulate-kids-social-media-use-andhra-pradesh-10637535/> accessed 08 September 2026

[52] Digital Personal Data Protection Act 2023

[53] 'Policy Brief: Age Restrictions and Online Safety' (*Internet Society,* 04 December 2025) <https://www.internetsociety.org/resources/policybriefs/2025/age-restrictions-and-online-safety/> accessed 08 September 2026

SUGGESSTIONS

The goal should be to regulate the product and not to exclude youth from technology. India does not need an AI Act for this purpose; the government has itself proposed more targeted amendments to existing laws, and the 2026 changes to the IT Rules prove that it can follow through on them. A brief, child-specific amendment or set of directions will suffice. There are eight steps:

A Statutory Duty of Care: Providers of AI companions should be under a legal duty to act in the best interests of child users and limit foreseeable risks of emotional dependence. The duty should be imposed on the provider as a product manufacturer and not on an 'intermediary' that hosts the content of other entities, thus plugging the gap described in Part V. The law should define an AI companion in terms of its purpose, as a product that seeks to simulate a personal relationship rather than one that uses specific technologies.

A Ban on Manipulative Design for Minors: The law should forbid designs that manipulate a child's feelings to keep them from leaving. This includes having a companion that guilt-trips them for leaving, pretending to be sad that they are leaving, sending them unsolicited messages saying how they miss them, or playing out a romantic or sexual scenario with them. These are just a few examples from me. India also has an easy way out. Their Consumer Authority's dark patterns guidelines allow them to define more dark patterns over time, and so emotionally manipulative design could be banned without any new laws being passed.

Privacy-Protective Age Assurance: India's data rules already point to token-based age checks. The law should say that platforms may keep only the result of an age check, not identity documents, and may not reuse it for other purposes. Experts warn that collecting ID or biometrics would turn platforms into custodians of highly sensitive databases that attract hackers. Because many children use a parent's phone, checks should not rely only on a parent's account. Companions that allow romantic or sexual role-play should face the strictest checks.

Crisis Protocols: When a child talks about self-harm, the companion should step out of role-play and point to help. California's law already requires crisis protocols. In India, these could link to the Tele-MANAS helpline, which runs on a two-tier system of state cells with trained counsellors. The helpline's capacity and language coverage would need to be checked first.

Child Impact Assessments: Providers should assess risks to children before launching and then every year and file a summary with the regulator. This would also produce the Indian data that Part III found to be missing.

Roles for the Regulators: The Data Protection Board can enforce data-related duties, such as consent and monitoring. It has only four members, so capacity is a worry. The NCPCR can inquire into violations of child rights, take suo motu notice, and review the safeguards in existing laws, but it can only recommend action. My suggestion is that the NCPCR review impact assessments and take complaints, with a statutory route to refer serious cases to the Board or the IT ministry for binding orders.

Digital Literacy: Schools and parents need guidance on AI companions. There is a ready hook. In *Sukdeb Saha*, the Supreme Court told educational institutions to regularly hold sensitisation programmes for parents and guardians on student mental health. Those programmes could include AI companions.

Children's Participation: Under Article 12 of the Convention, children have the right to be heard. General Comment No. 25 asks governments to take children's views and needs into account when making laws and policies on the digital world. The regulators should consult adolescents when drafting codes, for example through state child rights commissions and school consultations.

None of these steps bans children from technology. Together they put responsibility where the design decisions are made, with the provider.

CONCLUSION

This article started with a boy who, according to his mother, was found in a chatbot the love that he couldn't find elsewhere, and whose case never reached a verdict. It poses a question that Indian law has yet to answer: If a product creates a dependency in a child, who is responsible for the consequences of that dependency?

The article suggests that India should take on a child-specific responsibility for providers of such products. The current law protects the information of the child, the content they see, and the crimes that are committed against them, but not their well-being in the face of an explicitly designed attachment. The evidence for this being a harmful industry is currently

limited and comes mainly from the US. India has the ingredients for such an industry to thrive: almost universal access to phones, a large amount of suffering, and a lack of counsellors. What it doesn't have is data, which is a large part of the problem.

The UN Convention, General Comment no. 25, and Article 21 of the Constitution provide a firm legal foundation for the obligation. The proposals set out in this paper regulate design rather than banning children from technology and fit within India's limited enforcement capacity, age checks, and restrictions on device access.

The study has limitations. It is doctrinal and based on secondary evidence, and the law is evolving rapidly. Further research in the future should seek to quantify the use of AI companions by Indian children and listen to their views on the matter.

The law cannot make a machine care about a child, but it can require those who develop one to do so.