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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 15191/2023 and CM APPL. 60726/2023

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.....Petitioner

Through: Mr. Ashu Bidhuri, Mr. Swapnam
Prakash Singh, Mr. Hemant Baisla,
Ms. Shabana Hussain and Mr.
Satyansh Gupta, Advocates.

versus

KENDRIYA VIDYALAYA & ORS.Respondents

Through: Mr. S. Rajappa, R. Gowrishankar and
Ms. G. Dhivyasri, Advocates for R1
and R5.

Mr. Anuj Tyagi and Ms. Akshita
Agarwal, Advocates for DCPCR/R4.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

28.02.2025

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The factual matrix in this case presented a situation in which a minor student was visited with certain consequences by reason of misusing a smartphone while in school.

2. Though the present petition was initially filed seeking certain directions to respondent No.1 – Kendriya Vidyalaya, Sector-05 Dwarka, New Delhi - in relation to the petitioner (a minor student), during the course of hearing however, the parties to the proceedings, in particular the Kendriya Vidyalaya Sangathan ('KVS') urged this court to lay-down guidelines for the use of smartphones in schools, which came to be framed as an issue in para 8.1 of order dated 07.12.2023.



3. For ease of reference, the relevant portion of order dated 07.12.2023 is extracted below :

“8.1 The first issue, raised by Mr. Rajappa is that the court should lay-down some guidelines for the use of cellular phones in the school. Mr. Rajappa has made some submissions in that regard and invites the court to consider the issue, so that episodes such as the one alleged in the present case, do not recur.”

4. The aforementioned issue is being addressed in order to minimize the chances of a similar incident occurring again, which has resulted in the initiation of these proceedings.
5. In this behalf, during the course of the hearing, this court invited submissions, suggestions and material from the National Commission for Protection of Child Rights (respondent No.3), the Delhi Commission for Protection of Child Rights (respondent No.4) and from the Kendriya Vidyalaya Sangathan (respondent No.5), who were represented before the court, to address the afore-noted issue.
6. Pursuant to the above, the following existing circulars, notifications and guidelines issued by government bodies and school boards have been brought to the notice of this court :
 - 6.1. Circular dated 29.07.2009 issued by the Central Board of Secondary Education (‘CBSE’) on the subject *“Restriction in the use of Mobile Phones in Schools”*;
 - 6.2. Communication dated 16.04.2009 from the Deputy Commissioner of KVS addressed to the Assistant Commissioner(s) of all regions of KVS on the subject *“Restrictions on the use of mobile phones”*; and



- 6.3. Advisory dated 10.08.2023 issued by the Directorate of Education, Government of National Capital Territory of Delhi ('DoE') on the subject "*Restrictions on the use of mobile phones in school premises under rule 43 of DSER 1973.*"
7. The court has perused and considered the aforesaid material.
 8. First and foremost, it is observed that though certain guidelines have been issued by the CBSE and the KVS as far back as in the year 2009, evidently the guidelines have not borne the desired result.
 9. Furthermore, in the opinion of this court, even the more recent advisory issued by the DoE in 2023, only lays-down very broad instructions to prevent the misuse of smartphones in schools.
 10. Importantly, the aforementioned guidelines proceed on the fundamental premise that use of smartphones in school *should be banned*. This court would observe that much has changed in the past years as regards the use of technology, including for educational and other related purposes. In the opinion of this court therefore, a *complete ban* on use of smartphones by students attending school is *both an undesirable and unworkable approach*.
 11. Without detracting from the deleterious and harmful effects that arise from the indiscriminate use and misuse of smartphones in school, this court is of the view that smartphones also serve several salutary purposes, including as devices that help with co-ordination between parents and the children, which adds to the safety and security of students attending school.
 12. To balance these two considerations therefore, in the opinion of this court, the proper course of action would be for this court to articulate



certain guiding principles, which the concerned regulatory bodies, education boards and other stakeholders may follow, adapt and/or refine as may be best suited to their respective needs, and as may be feasible with available resources, in relation to the use of smartphones in schools.

13. With the aforesaid aim and intent, this court proceeds to draw-up the following *guiding principles* which would serve to balance the beneficial *and* deleterious effects of permitting the use of smartphones in the hands of students while attending school :

13.1. As a matter of policy students should *not* be barred from carrying smartphones to school but the use of smartphones in school must be *regulated and monitored*;

13.2. Where it is possible to make arrangements for safekeeping of smartphones, students should be required to deposit their smartphones when they enter school and take them back when returning home;

13.3. Smartphones must not disrupt classroom teaching, discipline, or the overall educational atmosphere. To this end, the use of smartphones *in class* must be prohibited. Use of cameras and recording facility on smartphones should also be barred *in the common areas* of the school as well as in *school vehicles*;

13.4. Schools must educate students on responsible online behaviour, digital manners, and the ethical use of smartphones. Students must be counseled that high levels of screen-time and social media engagement can lead to anxiety, diminished attention spans and cyber-bullying;



- 13.5. The policy should permit use of smartphones for connectivity for purposes of safety and co-ordination but disallow the use of smartphones for entertainment/recreational use;
- 13.6. The policy on regulating and monitoring the use of smartphones in school should be made in consultation with parents, educators, and experts, to evolve a balanced approach that addresses the needs and concerns of all parties involved;
- 13.7. Schools should have the discretion to implement policies that fit their unique situations, whether that involves allowing limited use of smartphones in specified areas of the school or enforcing stricter bans, including bans during specific times and events;
- 13.8. The policy should establish transparent, fair, and enforceable consequences for violation of the rules for use of smartphones in school, ensuring consistent application without being excessively harsh. Possible consequences could include confiscation of smartphones for a certain time-period; or barring a student from carrying a smartphone for specified number of days, as a measure of disciplining an errant student; and
- 13.9. Given the fast-paced advancement of technology, the policy should be regularly reviewed and revised to tackle emerging challenges.
14. The present petition is disposed-of with the aforesaid *guiding principles* for the concerned authorities to review their extant policies, without however interfering with those policies at this stage. A copy of



this order be sent by the Registry to the Chairman, Central Board of Secondary Education; the Director, Directorate of Education, Government of NCT of Delhi; and the Commissioner, Kendriya Vidyalaya, Sanghatan, expeditiously.

15. Insofar as the query framed in para 8.2 of order dated 07.12.2023 is concerned, this court is of the view that no further action is warranted on that issue.
16. Furthermore, the direction contained in para 11 of order dated 23.11.2023 passed in the present proceedings is made absolute.
17. In supersession of the direction contained in various earlier orders, barring the uploading of the orders in this matter, it is directed that a copy of *the present order* be uploaded on the website of the High Court, and be forwarded to various authorities as directed above.
18. Needless to add that the petitioner's name shall remain anonymised and no other aspects that may lead to disclosing the petitioner's identity shall be placed in the public domain.
19. The petition stands disposed-of in the above terms.
20. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

FEBRUARY 28, 2025

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