

In the
SUPREME COURT OF THE UNITED STATES

Texas House Bill, 1181

v.

Eshika Sahu and Shahwar M. Khan

CASE TYPE: CIVIL

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SUMMARY OF ARGUMENT:

Cited authorities:-

- Texas legislature online (gov.)-
- United state vs playboy entertainment group (2000)
- 1st Amendment
- 4th amendment
- United state v. Playboy Entertainment (2000)
- FCC v. Alabama (1990)
- Packingham v. North California (1990)
- Free speech coalition v. Texas

{ Followed by students of NSURL, RANCHI , JHARKHAND AND CONCERNED DEPARTMENT TEACHERS}

QUESTION PRESENTED:

WHETHER TEXAS HOUSE BILL 1181 SHOULD BE REVIEWED WITH RATIONAL BASIS REVIEW SCRUTINY OR STRICT SCRUTINY?

[US BEING RESPONDENTS PRESENTS: RATIONAL BASIS REVIEW SCRUTINY]

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SUMMARY OF ARGUMENT:

We the respondents argue that the primary purpose of the bill is to safeguard minors from exposure to sexually explicit material . By implementing age verification, it aims to reduce minor's access to potential harmful content .Looking from public warfare :- Protecting public health and safety including shielding young people from content that may promote violence , abuse or unhealthy behaviour. The bill attempts to enforce protection that will regulate children's access to harmful content. Significant challenge to bill is 1st amendment which protects the freedom of speech . Statistically bill's age verification requirements could be too restrictive, chilling the production and distribution of legitimate adult content. The Bill's provision that prohibits data retention seeks to mitigate the privacy implication of requiring users to provide personal identification and sensitive data to access adult content , itself raises the privacy concerns. The bill could disproportionately impact legitimate, non harmful content. Smaller platforms and content creators could face difficulties competing with new regulation, potentially stifling free expression. The bill might derive explicit content to less regulated or illegal channels which could increase exposure to minors. The restriction (TEXAS HOUSE BILL 1181) is justified from a protective standpoint, as it aims to shield minors from exposure to potentially harmful material. However it raises serious concerns about free speech and privacy and it's effectiveness remains uncertain. Though challenges are ongoing and courts likely need to balance competing interest when evaluating bill constitutionally. Also believing a potential effectiveness or alternative approaches.

Justifying our stand by using Supreme Court Precedents

CASE:01

UNITED STATES V. PLAYBOY ENTERTAINMENT GROUP [2000]

This case depicts an abrogative diminution on cable broadcasts of adult material, demanding the need for less restricted alternatives.

The decision taken by the district court of Delaware not just confine it to the actual case of irrelevancy rather it broadens its aspects to parent's right , i.e. right to raise their children as they wish .

The supreme court affirmed to the opinions and stand of the district court .

APPLYING TO TEXAS HOUSE BILL, 1181:

Using AI servers, International cooperation which means engaging with international stakeholders to develop global standards for regulating online content access ,

Using filters such as ISP based filtering which is a demand on filtering content .

ISP FILTERING IS :

Internet service provider also known as content filtering can be a boon to this loophole,

As it will block access to certain sites such as adult and irrelevant content

For bringing affirmative and productive results , it becomes quite necessary to give the hold and power of techniques and software like these to parents , or implementing must provision for sites to include on demand filtering to safeguard our children

It is very helpful for parents , state , judiciary indeed as they will be able to come up with a productive result as it will curb the activities by juveniles.

Justifying our stand using Supreme Court Precedents.

Case:02

FCC v. Pacifica Foundation [1978]

The honourable court gave the verdict regarding the regulation of indecent broadcasts during hours when child might be watching random or extraneous content to shield minors from irrelevant or harmful content .

Applying the scenario to TEXAS HOUSE BILL 1181:

If we require age verification for the pornographic content definitely this will be in states interest , i.e. irrelevant or harmful content.

Hence, helping to recognise the legitimate state interest. The above respectful precedent is an example that marks the ambition of state to cease the minors from absurd content and justifies our stand of reformative action to the bill once brought up in the reviewing stage.

Justifying our stand using Supreme Court Precedents.

CASE: 03

NAACP V. ALABAMA (1958)

This case is a stance for privacy concerns where disclosure of personal information compelled state interest.

Applying and referring to TEXAS HOUSE BILL 1181:

Since , privacy concern is one of the greatest matters of consideration for the case and at the individual level as well and the bill commence to curb data retention in turn questions the collection and preceding this initiative at stake.

Justifying our stand using Supreme Court Precedent

Case : 04

Osborne v. Ohio (1990)

Highlights the case in which a law banning possession of child pornography , emphasized safeguarding the minors from absurd , irrelevant and exploitative content.

Applying it to TEXAS HOUSE BILL 1181:

The bill can henceforth claim banning sites , explicit contents rather fostering strict methodology.

The case above much justifies our stand for rational basis review scrutiny over strict scrutiny .

Justifying our stand using Supreme Court Precedent .

Case: 5

Packingham v. North Carolina (2017)

A case which inspires the world as it prohibited the registered sex offenders from accessing social media , claiming social media as a public forum and virtuous of 1st Amendment protection .

Applying it to TEXAS HOUSE BILL 1181

Since the cases emphasises the access to online platform as a public forum , the House Bill may be challenged for the same

Hence , much validating our point for a rational basis scrutiny over strict scrutiny , otherwise state may face odd repercussions

CONCLUSION :

TEXAS HOUSE BILL 1181 , deals with serious matters of privacy, individual rights and core values of right to privacy etc which is a triggering and jeopardised topic in this modern era where everyone out here is a global citizen understanding terms and conditions. The court should determine if the law satisfies the least restrictive means requirement for protecting minor while respecting constitutional rights. Implementation of rational scrutiny by the supreme court definitely will curtail the budding repercussion

RESPECTFULLY SUBMITTED,

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