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Online Games, Cyber Threat & Cyberbullying

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Recently we have seen a revolution in the online gaming industry in the past few years, especially during the period of the Covid19 pandemic. The online gaming industry came up with its full potential in the year 2019 when the whole world went through lockdown & when people are confined to four walls of their houses. Online games help people to engage themselves when they have no one around them & help them to maintain their mental & physical health during the Covid19 period. The inclination toward these games leads to troubles that affect people in long run. This article will discuss the debate that has been running for years ago about video games or online games, their advantages & disadvantages, legal troubles that arises through this medium of entertainment.

Keywords: *online gaming, fantasy gaming, cyber bullying, covid-19, cyber threat.*

INTRODUCTION

Online games are computer games that are played over the internet. These games are also known as E-sports. Online games are popular all over the world & India is not an exception. Online games allow players to get access to the same network through which they can join other players & hang out with them. People enjoy playing online games along with their friends & family. The main reason people enjoy playing online games is that they can

communicate with each other throughout the gaming session. There are many Indian gamers who are popular among the youth such as Carryminati, Techno Gamers, Gamer Fleet, and other gaming content creators. Today video games are so much popular that moviemakers are scripting their movies based on the stories of games. As we have seen HBO has officially announced that they will broadcast a show named Last of Us which is based on a video game developed by Naughty Dogs studio. Sony Pictures recently released its movie uncharted starring Tom Holland which is also based on a video game. Amazon Prime videos will release a movie based on Santa Monica's God of War video game. We witness how video games have evolved from the mid-1900s when there are no such demands for games but now we acknowledge that people are spending thousands of rupees on gaming PCs & gaming consoles like PlayStation, Xbox, Nintendo, and many more. As of now, the gaming industry is worth 10 times more than the film industry.

ADVANTAGES

In the year 2022, online games are considered one of the great career opportunities from part-time to full-time employment. There is a diverse category from streamers to game developers so you can opt for it as a full-time career as well as your hobby. Video games improve our decision-making skills & quick response in an unexpected situation because the decision you make in the game has its own consequences in the meantime while you proceed in your story mission. People are able to use their application of mind in a more efficient way while playing video games as it requires a quick & timely response to survive in the game. While playing you have to take the call & take the instant decision to survive in the game. We have also observed that the plot & storyline of video games are very realistic & wonderful that you enjoyed it like a movie in fact movie makers are purchasing the copyrights from the game development studios to make a live-action movie based on video games. While playing games we learn thousand of things simultaneously that might take a long time to learn if we practice it through books or lectures. Online games that are based on skills are allowed in the countries so that people can make money using their skills. The major difference between the game of chance & game of skill is that winning in the game of skill is based on the player's mental skill

to predict the outcome of the game unlike a game of chance where the player does not possess any skill and winning of a player based only on mere chance. There are several instances where online games are considered gambling & wagering which is completely wrong. The game of Skill is not gambling but a game of chance is categorized as gambling. In gambling & wagering, a person is only concerned about the monetary gain over the monetary loss of another. The urge for the monetary gain of one person over the monetary losses to another person is known as gambling which is prohibited under section 3¹ of the Public Gambling Act, 1867. The penalty for violating the law is a fine or imprisonment or both. The Public Gambling Act, 1867 also prohibits visiting Gambling houses, in the case of being found guilty under the law, there is a provision for a fine or imprisonment or both.

ISSUE WITH ONLINE GAMES

Generally, games featured violent content for the players. There is a notion that children get influenced by violent content while playing such games & they might practice violent activities outside of the virtual world. There is another issue that players have addicted to games especially children & who sometimes that end up their life just because they are not allowed to play games. We have witnessed multiple times that people spend enormous money on in-game purchase which seems useless & create a financial burden on the family who purchase such goodies. Another issue that recently comes into the picture is that online games are a source of gambling, terror funding, money laundering, spot-fixing, etc. Sometimes online games give fuel to the fire when it comes to cyber threats & cyberbullying. Phishing is one of the common cyber threats to online game users where they get attacked to steal money by getting you to reveal personal information. We have also seen cases of sexual harassment in virtual spaces. Recently, a 45-year-old woman was sexually harassed in the virtual space of Metaverse. There are multiple cases of online harassment where it is quite difficult to trace the offender in the virtual world. As far as metaverse is concerned there are multiple avatars with a similar appearance which create trouble while raising objections to any individual believing he/she is an offender. Metaverse is a virtual space for the user to spend time with their family

¹ Public Gambling Act, 1867, s 3

& friends by using a digital avatar. Metaverse is not a new term for video games users as we have already seen metaverse in online games like Fortnite, PUBG, Call of Duty (COD), and many more where players come together and play in an open virtual world. Metaverse will create a digital avatar for every user to get access to the virtual world. There are many multinational companies that are working on creating virtual spaces like Microsoft, Meta formally known as Facebook, Epic Games, and many more. These companies will create a virtual world with its own branding and provide services to the users. There are role-playing games that are based on one-world themes and allow players to invite their mates into the game. The response from the company to the sexual assault that has taken place in their virtual space of Metaverse is that they will provide a safe zone feature in the virtual space to avoid such incidence. The practicality of the situation is far away to be solved by such steps by the company.

In the Indian Penal Code (IPC), most sections on sexual offenses refer to man, woman, human body, and bodily injury. So to what extent it can be attributed to an avatar is far-fetched. At present, it is difficult to argue that digital avatar harassment equated with some consequences as that of a human being. There are some other issues that are associated with the rise of online games are the exchange of virtual currencies which are decentralized. User privacy is at stake when it comes to sharing data with virtual playgrounds. In 2020, India ban 117 Chinese Apps including the popular mobile game Player Unknown's Battlegrounds (PUBG) by Tencent Games on the grounds of sharing users' private data with Chinese Firms which resulted in the breach of data privacy of the user under section 69² of the Information Technology act, 2000. Earlier we have seen games that influenced children and forced them to do some mischievous activities. Sometimes these games assigned such types of tasks that lead children to end up their life considering it a part of the game.

LEGAL ASPECTS

Recently, the Karnataka High Court in the case of All India Gaming Federation v State of Karnataka struck down the Karnataka Police (Amendment) Act, 2021 on the ground of

² Information Technology act, 2000, s 69

violating the right to trade & commerce under article 19 (1)(g)³ of the constitution as well as the right to privacy under article 21⁴ & freedom of speech & expression guaranteed under Article 19(1)(a)⁵ of the constitution. Karnataka Police (Amendment) Act, 2021 imposes an outright ban on online gaming on the grounds that it will lead to gambling, terror funding & involve risking money on an uncertain event. The Karnataka High Court in its judgment stated that the amendment is arbitrary & irrational as it did not distinguish between 2 categories of game, i.e. games based on skill & games based on chance. The game of skill is based mainly on the mental & physical level of expertise of a player rather than chance. Games based on skills are allowed in the country but games based on mere chance to determine success are prohibited under law.

The Karnataka High Court is not the only High Court that struck down the orders banning online games. Similar laws were introduced by the Tamil Nadu government with the aim to ban online gaming in the state. The law was struck down by the Madras High Court in August 2021. Similarly, Kerala High Court had quashed the NOTIFICATION issued by the state government specifically banning the online games of skills. In an alternative, it is humbly submitted that Telangana, which was the 1st state to ban online games in the state in 2017 has seen a spurt of illegal or underground online gaming apps that are originated from foreign countries without any regulation in the country where people are playing such games and spending their money. In India, the public Gambling act, of 1967 was enacted to regulate online gaming & gambling activities within the territories of India. These laws deal with physical gambling, the operation of gaming, or gambling house. These laws provide no reliance on the concept of virtual & online gaming activities. Online gaming is a platform that is used for investment & generating employment in the country for the welfare of the people. In the case of Raman Nair, the court held that gaming is not an offense but it is punishable only when it is played for the mere purpose of winning to gaining profit in terms of money & carried out in a public place for commercialization purposes.

³ Constitution of India, 1950, art. 19(1) (g)

⁴ Constitution of India, 1950, art. 21

⁵ Constitution of India, 1950, art. 19(1) (a)

CONCLUSION

Today, video games & online games help us to improve our decision-making & quick response mechanism. It helps in generating funds for public good & employment for the people. Recently online games are way more popular than ever before in the history of the gaming industry. There is multiple online gaming competition national & international all over the world. India is not an exception in online gaming tournaments. Online games need to be promoted with the distinction between games based on chance & games based on skills. Government framework shall be provided for the better regulation of online games & avoid the abuse of law that troubles people without any justification. Government should come up & make necessary changes in the online game regulation in order to provide a safe environment to the people so they can play without any fear or threat of getting accused of gambling while playing online games. There is an urgent need for amendments in the law to protect people from harassment in the virtual space. We have laws that protect the rights of the human being but not the virtual identity of a person. The rise of such virtual spaces as video games will create issues that need to address before the situation turns to its worst phase.