

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

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REGULATING ONLINE GAMES OF DEATH: DIGITAL ABETMENT, ALGORITHMIC CAUSATION, AND THE CASE FOR LEGISLATIVE REFORM IN INDIA

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Abstract

The proliferation of harmful online games — most notoriously the Blue Whale Challenge, which claimed multiple adolescent lives across India between 2017 and 2018 — has exposed a profound structural vacuum in India's criminal and regulatory legal framework. Despite documented deaths, no perpetrator was prosecuted, no platform was sanctioned, and no victim's family obtained legal redress. This paper investigates why India's existing legal architecture is structurally incapable of responding to this category of harm, conducts a comparative analysis of the United Kingdom and United States regulatory models, and proposes a comprehensive hybrid framework for reform centred on the statutory recognition of digital abetment, a proactive duty of care for platforms targeting recommendation systems, and the creation of a dedicated Digital Harm Regulator.

Keywords: Digital abetment, algorithmic causation, Blue Whale Challenge, Online Safety Act 2023, Section 230, Bharatiya Nyaya Sanhita, platform liability, harmful online games

I. Introduction

In 2017, adolescents across Tamil Nadu, Kerala, and Maharashtra began dying in circumstances linked by police reports, judicial proceedings, and investigative journalism to an online game administered through encrypted messaging platforms by an anonymous Russian perpetrator. The Blue Whale Challenge — a structured fifty-task programme designed to psychologically manipulate vulnerable teenagers over fifty days toward the commission of suicide — had reached India, and India's legal system had no coherent response to it.¹ The Madras High Court issued administrative directions to technology companies to remove related content.² The Supreme Court took cognisance of a petition seeking a ban on the game.³ The Central

Government invoked Section 69A of the Information Technology Act 2000 to direct platforms to remove Blue Whale-related URLs. And then, effectively, nothing happened. No individual was prosecuted for abetting the suicides. No platform faced criminal or civil liability. The game's creator, Philipp Budeikin, was eventually convicted under Russian law — but Indian law enforcement had neither jurisdiction over him nor a domestic legal provision capable of prosecuting a domestic equivalent.⁴

This paper argues that this outcome was not a failure of enforcement effort but a failure of legal architecture. India's existing criminal law — the Bharatiya Nyaya Sanhita 2023, the Information Technology Act 2000, and the Intermediary Guidelines 2021 — was built for a physical world of direct, proximate, human-to-human interaction. The digital world that produced the Blue Whale Challenge operates on fundamentally different principles: harm is psychological and cumulative, causation is distributed and algorithmically mediated, and perpetrators are anonymous and transnational. The structural mismatch between these two worlds produces systematic impunity for the operators of harmful online games and the platforms whose recommendation algorithms deliver harmful content to the adolescents least equipped to resist it.

The paper proceeds as follows. Part II analyses the doctrinal failures of India's existing criminal law framework. Part III conducts a comparative analysis of the UK and US regulatory models. Part IV develops the proposed reform framework. Part V concludes.

II. The Doctrinal Failure of India's Existing Framework

A. The Positive Act Requirement and Its Digital Incompatibility

The foundational doctrinal obstacle to criminal accountability for harmful online games in India is the "positive act" requirement for abetment of suicide developed through Indian appellate jurisprudence. Section 107 of the Bharatiya Nyaya Sanhita 2023 — which substantially re-enacts the abetment provisions of the Indian Penal Code 1860 — defines abetment as consisting of instigation, conspiracy, or intentional aiding.⁵ The instigation limb, which is most relevant to harmful online game cases, requires the prosecution to establish that the accused actively encouraged, provoked, or incited the commission of the offence through a direct and deliberate positive act.

The Supreme Court articulated this requirement most authoritatively in *Ramesh Kumar v. State of Chhattisgarh* (2001), holding that instigation must involve a positive mental act of goading or provoking the deceased toward suicide, and that words spoken in anger without the genuine intention of provoking the victim to act upon them will not satisfy the requirement.⁶ The

Supreme Court further tightened this standard in *Sanju v. State of Madhya Pradesh* (2002), holding that a temporal distance of even two days between the accused's conduct and the victim's suicide was sufficient to break the causal chain.⁷

When mapped onto the Blue Whale Challenge fact-pattern, this doctrine reveals the precise structural inadequacy of existing Indian abetment law. The gradual, anonymous, algorithm-mediated instigation characteristic of harmful online games — operating through fifty graduated tasks delivered over fifty days by an unidentified administrator through an encrypted messaging platform — does not constitute a single identifiable positive act of instigation in the sense demanded by *Ramesh Kumar* and its progeny. The doctrinal gap is therefore not merely the absence of case law on digital facts, but the structural incompatibility between a doctrine built on the premise of direct human-to-human incitement and a harm that operates through cumulative psychological conditioning mediated by automated systems.⁸

B. The Information Technology Act's Inapplicability to Psychological Harm

The Information Technology Act 2000's provisions are equally inadequate. Section 66, read with Section 43, criminalises acts of dishonesty or fraud committed using computer resources — a provision that is fundamentally property and fraud oriented in its legislative design, targeting financial loss, data theft, and unauthorised system access rather than psychological harm.⁹ The conduct of harmful game administrators — who do not access computer systems without authorisation but rather manipulate human beings through legitimate platform interfaces — falls entirely outside Section 66's operative scope.

Section 67 criminalises the publication or transmission of obscene material in electronic form, applying a definition of obscenity drawn from Section 292 of the Indian Penal Code. The critical limitation is that obscenity, as legally defined, does not capture psychological harm. The tasks distributed through the Blue Whale Challenge — self-harm instructions, sleep deprivation mandates, and escalating psychological control — are not obscene in the technical legal sense. They do not appeal to prurient interest, do not depict sexual conduct, and would not satisfy any standard definition of obscenity under Indian law. Their harm is purely psychological in character, a form of harm for which the IT Act contains no specific legislative provision.¹⁰ This represents a significant legislative lacuna that existing provisions are incapable of filling through interpretive creativity.

C. The Intermediary Guidelines' Reactive Architecture

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules

2021 impose a framework of due diligence obligations on intermediaries including social media platforms, digital news publishers, and online gaming operators. Significant intermediaries — defined as those with more than five million registered users — are subject to enhanced obligations including the appointment of compliance officers and the publication of monthly compliance reports.¹¹

The fundamental structural limitation of the 2021 Rules is that they establish a reactive, complaint-driven due diligence model rather than a proactive, risk-assessment-based harm prevention framework. Platforms are required to respond to complaints and government directions regarding harmful content — but are under no obligation to proactively identify, assess, or mitigate the systemic risks posed by their content recommendation systems, algorithmic design choices, or platform architecture. A platform can algorithmically recommend Blue Whale Challenge content to a clinically depressed fifteen-year-old, face no complaint, and incur zero legal consequence under the existing framework. The recommendation is invisible to Indian law.¹²

D. The Normative Incoherence at India's Legal Core

The most significant normative failure of India's existing framework is its internal incoherence. The BNS 2023, through its re-enumerated abetment of suicide provisions and its enhanced protections for vulnerable groups — children, persons of unsound mind, and those in positions of dependency — explicitly commits Indian criminal law to the protection of precisely those individuals most systematically targeted by harmful online games.¹³ Yet the regulatory framework governing the digital platforms through which that harm is delivered contains no mechanism whatsoever for preventing, detecting, or sanctioning the specific form of psychological manipulation to which those vulnerable groups are subjected. The same legislature that re-enacted enhanced protections for children in the BNS simultaneously enacted an online gaming framework in the 2023 IT Rules amendments that is structurally blind to psychological harm, addressing only financial harm from real-money gaming.¹⁴

III. Comparative Analysis: UK and US Models

A. The United Kingdom: Proactive Duty of Care

The United Kingdom's Online Safety Act 2023 represents the most structurally ambitious regulatory response to platform-mediated digital harm enacted by any jurisdiction. Enacted following years of campaigning by the family of Molly Russell — a fourteen-year-old British girl who died by suicide in 2017 after viewing self-harm content algorithmically recommended

to her by Instagram and Pinterest, and whose 2022 inquest produced the first judicial finding that social media content played a role in a child's death — the OSA imposes a statutory duty of care on regulated platforms to identify, assess, and mitigate risks of harm arising from content on their services.¹⁵

The OSA's core innovation is its prospective orientation. Where India's 2021 Rules require platforms to respond to harm after it has occurred, the OSA requires platforms to prevent harm before it manifests. Platforms must conduct mandatory risk assessments identifying foreseeable harms — including self-harm and suicide risks — and implement proportionate mitigation measures. The OSA specifically addresses harmful content related to self-harm and suicide as priority harmful content requiring expedited action.¹⁶ Of com, as the designated regulator, is empowered to conduct investigations, issue binding codes of practice, and impose financial penalties of up to ten percent of global annual turnover for serious or systemic duty of care failures.¹⁷

The OSA's games-specific provisions are particularly relevant to this paper's analysis. User-to-user services — including gaming platforms with chat and community features — are specifically regulated as services where the duty of care applies to content generated by users including self-harm challenges, suicide glorification communities, and harmful dare content. Age verification requirements for harmful content and mandatory child safety duties for platforms accessible to minors further strengthen the OSA's protective architecture.¹⁸

B. The United States: Platform Immunity and Its Consequences

The United States' regulatory landscape is shaped by the broad immunity conferred on online platforms by Section 230 of the Communications Decency Act 1996. The provision states that no provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.¹⁹ As interpreted by the Fourth Circuit in *Zeran v. America Online* (1997), this provision immunises platforms from liability for third-party content even after being notified of its harmful character.²⁰

The consequences of this immunity regime for harmful online game accountability are significant. In *Force v. Facebook* (2d Cir. 2019), families of victims of terrorist attacks sought to hold Facebook liable for algorithmically recommending ISIS content to potential recruits — the court held that Section 230 barred the claim.²¹ In *Herrick v. Grindr* (2d Cir. 2019), a man stalked through fake profiles on the Grindr platform could not hold Grindr liable because Section 230 shielded the platform from publisher liability.²² The over one hundred consolidated lawsuits filed against Meta, TikTok, and Snapchat by families of adolescent suicide victims — consolidated

in the *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation* proceedings — demonstrate the unmet demand for accountability that the Section 230 framework systematically frustrates.²³

The US experience also provides a critical piece of documentary evidence relevant to platform liability more broadly. The 2021 disclosure of Facebook's internal research—brought to public attention by whistleblower Frances Haugen and reported by *The Wall Street Journal*—revealed that Facebook's own data scientists had documented that Instagram use was associated with worsened body image, increased anxiety, and elevated rates of suicidal ideation among teenage girls, and that Facebook chose not to implement the design changes its own researchers recommended as mitigation.²⁴ This disclosure establishes, on the basis of a platform's own internal evidence, that the knowledge required to ground a finding of recklessness or wilful blindness was present within the institution — a finding with profound implications for any legal framework seeking to impose liability for platform-mediated harm.

C. Comparative Synthesis: What India Must Learn

The comparative analysis yields three conclusions of overriding significance for India's reform agenda.

First, the recommendation algorithm — not the individual instigator — is the primary mechanism of harm at scale. The Blue Whale Challenge spread to India not because Philipp Budeikin personally recruited Indian victims but because the recommendation systems of VKontakte, Telegram, and other platforms algorithmically identified and connected vulnerable teenagers with harmful communities. Any regulatory framework that fails to impose legal obligations on these recommendation systems will systematically fail to prevent the harms they cause.

Second, the preventive duty-of-care model is structurally superior to the reactive civil litigation model as a harm-prevention mechanism. The UK's OSA creates prospective obligations that force platforms to invest in harm prevention before adolescents are harmed. The US's Section 230 regime creates retrospective liability exposure that platforms have systematically neutralised, producing a system in which platforms bear virtually no meaningful financial consequence for foreseeable harms that their design choices cause.

Third, broad platform immunity of the Section 230 type is constitutionally unnecessary in India. Article 19(2) of the Indian Constitution expressly permits reasonable restrictions on speech and expression in the interest of public order and the prevention of incitement to offences — restrictions that a statutory duty of care plainly satisfies.²⁵ The constitutional argument that has

been advanced against duty-of-care regulation in the United States — premised on the First Amendment — carries no equivalent force in India's constitutional framework.

IV. Proposed Reform Framework

A. Redefining Digital Abetment Under the BNS

The central doctrinal reform required is the statutory recognition of digital abetment as a distinct legal category within India's criminal law framework. This paper proposes that Section 107 of the BNS be amended to include an explicit definition of digital abetment as a distinct form of instigation, defined as:

The intentional or reckless facilitation of self-harm or suicide through the design, administration, distribution, or algorithmic amplification of content or interactive systems that systematically exploit the psychological vulnerabilities of the recipient, undermine their capacity for autonomous decision-making, and produce a reasonably foreseeable risk of serious bodily harm or death.

Three features of this definition are critical. First, the incorporation of recklessness as a sufficient mens rea responds directly to the anonymity and distributed responsibility problems of digital coercion — removing the requirement of proving specific intent to harm an identified individual while preserving meaningful mental element requirements. Second, the extension of the actus reus to encompass platform-level conduct — including algorithmic design and recommendation amplification decisions — operationalises the concept of algorithmic causation as a legally cognisable causal mechanism. Third, the replacement of the directness requirement with a standard based on systematic psychological exploitation reflects the empirical reality that digital coercion operates through cumulative manipulation rather than single-instance incitement.²⁶

This definition is specifically tailored to prevent over-extension: liability attaches only where psychological vulnerability is deliberately targeted, tasks or interactions escalate over time in a structured manner, and harm is reasonably foreseeable. General content hosting, passive platform operation, and legitimate interactive gaming are expressly outside its scope.

B. Creation of a Standalone Offence of Digital Coercion

The digital abetment amendment addresses derivative liability — the criminal responsibility of those who facilitate self-harm by others. It does not address the independent wrong of digital coercion itself — the systematic psychological manipulation of a vulnerable individual through digital means, regardless of whether that manipulation ultimately produces the intended harmful outcome.

A person who administers forty-nine of the Blue Whale Challenge's fifty tasks to a vulnerable teenager — establishing manufactured intimacy, escalating self-harm tasks, issuing threats to prevent withdrawal, and systematically dismantling the victim's psychological autonomy — commits a serious wrong even if the teenager manages to disengage before completing the fiftieth task. Yet under the existing framework, no criminal liability attaches to that conduct. This paper proposes the creation of a standalone offence of digital coercion within the BNS framework, constituted by the intentional administration through digital means of a structured programme of psychological manipulation — including graduated task assignment, manufactured emotional dependency, threats directed at the victim, and the deliberate exploitation of documented psychological vulnerabilities — with the intention or knowledge that such manipulation is likely to cause the victim to engage in conduct harmful to themselves.²⁷

C. Statutory Duty of Care for Platforms

The most transformative element of the proposed framework is the introduction of a statutory duty of care for online platforms operating in India — modelled on the UK Online Safety Act 2023 but adapted to India's constitutional framework, institutional capacity, and socio-legal context.

The proposed duty would apply to all user-to-user digital platforms operating in India with more than five million registered users and would require: mandatory annual risk assessments identifying the foreseeable risks of self-harm and psychological coercion posed by their recommendation systems; implementation of technical safeguards preventing the recommendation of self-harm-inducing content to users exhibiting vulnerability indicators; child protection mandates including age verification and heightened moderation for minors; and quarterly transparency reports detailing recommendation algorithm safeguard specifications and third-party safety audit results.²⁸

The duty's prospective orientation is its critical feature. Unlike the 2021 Intermediary Guidelines which require platforms to respond to harm, the proposed duty requires platforms to prevent it. This shift — from reactive complaint-processing to proactive risk-assessment — is the single most important structural change India's digital harm framework requires.

D. Algorithmic Transparency and Safety Audits

One of the most significant obstacles to effective regulation of harmful online games is the opacity of platform recommendation algorithms. Platforms currently operate their content distribution systems as proprietary black boxes, inaccessible to regulators, researchers, and law

enforcement. This opacity systematically undermines the ability of any regulatory framework to assess the causal contribution of recommendation design to digital harm.

This paper proposes the introduction of mandatory algorithmic transparency and safety audits as a component of the statutory duty of care framework. Designated platforms would be required to submit to annual third-party safety audits of their content recommendation algorithms, conducted by accredited technical auditors operating under regulatory oversight. The audits would assess whether the platform's recommendation systems foreseeably amplify self-harm content to vulnerable users, whether adequate technical safeguards are implemented, and whether design choices reflect genuine prioritisation of user safety over engagement maximisation.²⁹ Platforms found to have failed to implement adequate recommendation safeguards would face graduated regulatory sanctions including financial penalties calibrated to global annual revenue.

E. Institutional Reforms — Digital Harm Regulator and Specialist Courts

The effectiveness of any legislative framework depends on institutional capacity to enforce it. India's existing enforcement architecture is fundamentally inadequate for digital abetment cases — lacking the specialised forensic capabilities, cross-jurisdictional cooperation mechanisms, and evidentiary frameworks necessary to hold harmful online game operators accountable. The Blue Whale cases demonstrated this in practice: Indian police could not identify, locate, or prosecute a single administrator despite multiple suspected adolescent deaths.³⁰

This paper proposes four institutional reforms. First, the creation of a dedicated Digital Harm Regulator within MeitY's oversight architecture — modelled on Of com's role under the UK OSA

— with statutory independence, technical expertise, and sanctioning powers including financial penalties of up to ten percent of a platform's global annual revenue for serious duty of care failures. Second, the establishment of specialist cybercrime courts at the sessions court level with judicial training in digital harm law and access to court-appointed technical experts. Third, digital forensics capacity building across state cybercrime units with standardised protocols for encrypted communications recovery and recommendation algorithm forensic analysis. Fourth, bilateral and multilateral digital harm cooperation agreements providing for the expedited sharing of digital evidence in cross-border cases — the mechanism whose absence made it impossible to hold Budeikin accountable in India even after his Russian conviction.³¹

F. Evidentiary Reforms

The proposed framework's effectiveness in criminal prosecutions depends on appropriate evidentiary standards for cases involving psychological manipulation as the primary harm mechanism. The Bharatiya Sakshya Adhiniyam 2023's Section 63 certificate requirement — which demands authentication certificates from the responsible official of the device or system from which electronic records were obtained — creates a structural obstacle in cross-border digital abetment prosecutions where records are held by foreign platform operators who may be uncooperative or subject to conflicting legal obligations.³²

This paper proposes three evidentiary reforms: a streamlined certificate mechanism for digital evidence obtained from foreign operators through mutual legal assistance procedures; recognition of expert psychological testimony as admissible and material evidence in digital abetment prosecutions to establish the systematic character of the manipulation and its causal connection to the victim's self-harm; and a rebuttable presumption of foreseeability in digital abetment cases involving minors, providing that where a platform's recommendation algorithm has been found by a certified safety audit to have amplified self-harm content to a minor, the causal contribution of that amplification to any resulting harm shall be presumed absent demonstration of adequate safeguards.³³

V. Conclusion

This paper has argued that India's legal vacuum in the face of harmful online games is structural rather than incidental — the product of criminal law provisions designed for a physical world being applied by analogy to a digital reality for which they were never designed and cannot adequately serve.

The Blue Whale Challenge cases proved this beyond doctrinal argument. No prosecution was possible. No platform was accountable. No family received redress. Philipp Budeikin was convicted in Russia under Russian law — proving that prosecution is legally achievable where domestic law provides the framework for it. India's failure was not a failure of evidence or of enforcement will. It was a failure of law.

The proposed framework — statutory recognition of digital abetment as a distinct criminal offence, a standalone offence of digital coercion, a proactive statutory duty of care targeting platform recommendation systems, mandatory algorithmic transparency and safety audits, a Digital Harm Regulator with Of com-equivalent powers, specialist cybercrime courts, and reformed evidentiary standards — provides the structural architecture that India's legal system currently lacks. It is built on four organising principles: targeted proportionality, ensuring

liability is calibrated to deliberate exploitation rather than general platform operation; platform responsibility, placing enforceable legal obligations on platforms as primary duty-bearers; victim-centred causation, assessing voluntariness in light of coercive conditions rather than in isolation; and institutional effectiveness, recognising that law without enforcement infrastructure is illusory.

The adolescents who died deserve a legal system capable of naming what happened to them. The adolescents who remain vulnerable require a legal system capable of preventing it from happening to them. The proposed framework provides the foundation for both.

References

Primary Sources

India

BharatiyaNyayaSanhita, No. 45 of 2023, §§ 61, 107-108 (India).

BharatiyaSakshyaAdhiniyam, No. 47 of 2023, § 63 (India).

InformationTechnologyAct, No. 21 of 2000, §§ 43, 66-67, 69A, 79 (India).

InformationTechnology (IntermediaryGuidelines and Digital Media Ethics Code) Rules, 2021, Rules 3-4 (India).

InformationTechnology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, Rule 4A (India).

Indian Penal Code, No. 45 of 1860, §§ 292, 305-306, 120B (India).

Constitution of India, art. 19(2).

United Kingdom

Online Safety Act 2023, c. 50 (UK).

Sexual Offences Act 2003, c. 42, § 15 (UK).

United States

Communications Decency Act of 1996, 47 U.S.C. § 230 (2018).

Cases

India

Chitresh Kumar Chopra v. State (Government of NCT of Delhi), (2009) 16 SCC 605.

Ramesh Kumar v. State of Chhattisgarh, (2001) 9 SCC 618.

Sanju v. State of Madhya Pradesh, (2002) 5 SCC 371.

Shreya Singhal v. Union of India, (2015) 5 SCC 1.

United Kingdom

R v. Kennedy [2007] UKHL 38.

United States

Force v. Facebook, Inc., 934 F.3d 53 (2d Cir. 2019).

Herrick v. Grindr LLC, 765 F. App'x 586 (2d Cir. 2019).

In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, MDL No.

3047 (N.D. Cal. 2023).

Zeran v. America Online, Inc., 129 F.3d 327 (4th Cir. 1997).

Secondary Sources

Balhara, Yatan Pal Singh, et al. *Media Reporting of Suicides Attributed to Online Gaming in India*. 63 Indian J. Psychiatry 580 (2022).

Blue Whale Game: SC Seeks Centre's Response on Plea Seeking Ban on the Online Game. SCC Online Blog (2017).

BBC News. *Blue Whale: What Is the Suicide Game and Who Is Behind It?* (Nov. 13, 2018).

<https://www.bbc.com/news/blogs-trending-46505722>.

BBC News. *Momo Challenge: Self-Harm Promotion or Moral Panic?* (Mar. 1, 2019).

<https://www.bbc.com/news/technology-47393510>.

BBC News. *Molly Russell Inquest: Instagram and Pinterest Content Contributed to Girl's Death* (Sept. 30, 2022). <https://www.bbc.com/news/technology-63113519>.

Centre for Countering Digital Hate. *Deadly by Design: TikTok Pushes Suicide and Self-Harm Content* (2022). <https://counterhate.com/research/deadly-by-design/>.

Firdous, Iqra. *Expanding the Scope of Abetment of Suicide in the Digital Era?* 8 J. L. & Research 1 (2025). <https://ijlrs.com/wp-content/uploads/2025/11/70.-Iqra-firdous.pdf>.

Government of India, Ministry of Finance. *Economic Survey 2025-26* (2026).

King, Daniel L. & Paul H. Delfabbro. *The Concept of 'Harm' in Internet Gaming Disorder*. 65 Clinical Psychol. Rev. 1 (2018).

Kumar, R. S. & S. Nair. *A Critical Study on Abetment of Suicide of Child or Insane Person*. 120 J. Acad. & Pub. L. 1 (2018). <https://acadpubl.eu/hub/2018-120-5/1/86.pdf>.

Madras High Court. *Directions to Centre to Check Blue Whale Game*. Manupatra Update (2017).

National Crime Records Bureau. *Accidental Deaths and Suicides in India* (2022).

Primack, Brian A. et al. *Social Drivers and Algorithmic Mechanisms on Digital Media*. PMC.

<https://pmc.ncbi.nlm.nih.gov/articles/PMC11373151/>.

Saxena, Namit. *Beyond the Algorithm: Criminal Liability and Mens Rea in AI-Driven Offenses*. 25

J. L. & Tech. 1 (2024). <https://www.ijlra.com/post/beyond-the-algorithm-criminal-liability-and-mens-rea-in-ai-driven-offenses>.

Scheinmann, Gabriel L. *Regulating Algorithmic Harms*. 119 Mich. L. Rev. 1 (2020).

https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1388&context=law_econ_current.

Scheinmann, Gabriel L. *Accountability for Digital Harm under International Criminal Law*. Essex

L. Rev. (2025). <https://repository.essex.ac.uk/40376/>.

Schuh, Daniel. *The Drivers of Platform Harm*. Belfer Center for Science and International Affairs (2023). <https://www.belfercenter.org/publication/drivers-platform-harm>.

Singh, K. S. *Critical Analysis on Abetment of Suicide under Section 306 of the Indian Penal Code*. 5 J. Legal Res. & L. Rev. 1 (2022). <https://www.ijlra.com/post/critical-analysis-on-abetment-of-suicide-u-s-306-of-the-ipc>.

Singh, Swarndeeep & Yatan Pal Singh Balhara. *Rules for Online Gaming Regulation in India: The Endgame or We Need to Level Up?* Available at SSRN (2023).

Tamil Nadu State Judicial Academy. *Phishing the Blue Whale* (2017).

Tripathi, A. K. *Deciphering the Possibility of AI Mens Rea for Criminal Liability*. 8 MagLaw 1 (2025). <https://maglaw.puchd.ac.in/index.php/maglaw/article/download/344/79/1315>.

UK Department for Science, Innovation and Technology. *Online Safety Act: Explainer* (May 2024). <https://www.gov.uk/government/publications/online-safety-act-explainer>.

United Nations. *Transforming Our World: The 2030 Agenda for Sustainable Development* (2015).

Verma, Jatin & Sadhana. *Abetment by Instigation, Conspiracy, and Aiding: A Comparative Study*. 11 J. L. & Research Analysis 1 (2025). <https://www.ijlra.com/details/abetment-by-instigation-conspiracy-and-aiding-a-comparative-study-by-jatin-verma-sadhana>.

Wells, Georgia, Jeff Horwitz & Deepa Seetharaman. *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*. Wall St. J. (Sept. 14, 2021).

<https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

World Health Organisation. *International Classification of Diseases, Eleventh Revision (ICD-11)*, Gaming Disorder, Code 6C51 (2019).

Footnotes

¹ Tamil Nadu State Judicial Academy, *Phishing the Blue Whale* (2017); BBC News, *Blue Whale: What Is the Suicide Game and Who Is Behind It?* (Nov. 13, 2018),

<https://www.bbc.com/news/blogs-trending-46505722>.

² Madras High Court, Directions to Centre to Check Blue Whale Game, Manupatra Update (2017).

³ *Blue Whale Game: SC Seeks Centre's Response on Plea Seeking Ban on the Online Game*, SCC Online Blog (2017).

⁴ BBC News, *supra* note 1; Iqra Firdous, *Expanding the Scope of Abetment of Suicide in the Digital Era?*, 8 J. L. & Research 1, 5 (2025).

⁵ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 107 (India); Jatin Verma & Sadhana, *Abetment by Instigation, Conspiracy, and Aiding: A Comparative Study*, 11 J. L. & Research Analysis 1, 3-5 (2025).

⁶ Ramesh Kumar v. State of Chhattisgarh, (2001) 9 SCC 618 (India); K. S. Singh, *Critical Analysis on Abetment of Suicide under Section 306 of the Indian Penal Code*, 5 J. Legal Res. & L. Rev. 1, 4-7 (2022).

⁷ Sanju v. State of Madhya Pradesh, (2002) 5 SCC 371 (India).

⁸ Firdous, *supra* note 4, at 7-10; Singh, *supra* note 6, at 9-12.

⁹ Information Technology Act, No. 21 of 2000, §§ 43, 66 (India).

¹⁰ *Id.* § 67; Indian Penal Code, No. 45 of 1860, § 292 (India).

¹¹ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Rules 3-4 (India).

¹² Gabriel L. Scheinmann, *Regulating Algorithmic Harms*, 119 Mich. L. Rev. 1, 8-12 (2020); Daniel Schuh, *The Drivers of Platform Harm*, Belfer Center for Science and International Affairs 6-9 (2023).

¹³ Bharatiya Nyaya Sanhita, No. 45 of 2023, § 108 (India); R. S. Kumar & S. Nair, *A Critical Study on Abetment of Suicide of Child or Insane Person*, 120 J. Acad. & Pub. L. 1, 3-6 (2018).

¹⁴ Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules, 2023, Rule 4A (India); Swarndeeep Singh & Yatan Pal Singh Balhara, *Rules for Online Gaming Regulation in India: The Endgame or We Need to Level Up?*, available at SSRN (2023).

¹⁵ Online Safety Act 2023, c. 50 (UK); BBC News, *Molly Russell Inquest: Instagram and Pinterest Content Contributed to Girl's Death* (Sept. 30, 2022), <https://www.bbc.com/news/technology-63113519>.

¹⁶ Online Safety Act 2023, *supra* note 15, §§ 9-11; UK Department for Science, Innovation and Technology, *Online Safety Act: Explainer* (May 2024), <https://www.gov.uk/government/publications/online-safety-act-explainer>.

¹⁷ Online Safety Act 2023, *supra* note 15, §§ 83-84.

¹⁸ *Id.* §§ 28-31.

¹⁹ Communications Decency Act of 1996, 47 U.S.C. § 230 (2018).

²⁰ *Zeran v. America Online, Inc.*, 129 F.3d 327 (4th Cir. 1997).

²¹ *Force v. Facebook, Inc.*, 934 F.3d 53 (2d Cir. 2019).

²² Herrick v. Grindr LLC, 765 F. App'x 586 (2d Cir. 2019).

²³ In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation, MDL No.

3047 (N.D. Cal. 2023).

²⁴ Georgia Wells, Jeff Horwitz & Deepa Seetharaman, *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021).

²⁵ Constitution of India, art. 19(2); Shreya Singhal v. Union of India, (2015) 5 SCC 1 (India).

²⁶ Namit Saxena, *Beyond the Algorithm: Criminal Liability and Mens Rea in AI-Driven Offenses*, 25 J. L. & Tech. 1, 10-14 (2024); Scheinmann, *supra* note 12, at 18-22.

²⁷ Firdous, *supra* note 4, at 15-18; Kumar & Nair, *supra* note 13, at 7-9.

²⁸ Online Safety Act 2023, *supra* note 15, §§ 9-11; Scheinmann, *supra* note 12, at 22-25.

²⁹ Schuh, *supra* note 12, at 14-17; Brian A. Primack et al., *Social Drivers and Algorithmic Mechanisms on Digital Media*, PMC, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11373151/>.

³⁰ Tamil Nadu State Judicial Academy, *supra* note 1; BBC News, *supra* note 1.

³¹ Online Safety Act 2023, *supra* note 15, §§ 83-84; Firdous, *supra* note 4, at 17-19.

³² Bharatiya Sakshya Adhinyam, No. 47 of 2023, § 63 (India).

³³ A. K. Tripathi, *Deciphering the Possibility of AI Mens Rea for Criminal Liability*, 8 MagLaw 1, 6-9 (2025); Scheinmann, *supra* note 12, at 25-28.