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GAMING INDUSTRY: THE NEED FOR REGULATIONS

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Abstract

Gaming industry is one of the fast-growing industries in India. With the enormous growth there are rising psychological disorders and crimes. As per American Psychological Association, video games can lead to increased aggression in a person. Some games have even instigated the players to commit suicide or even murders. One of the popular cases which made a huge spur was the Blue Whale. Online games include high stake gambling that are considered illegal are governed by law like Lotteries(Regulation) Rules 2010 and Public Gambling Act of 1867 .The general laws like Information and Technology act of 2000 and the Indian Penal Code for the crimes committed by the player are available, but there is rarely any liability on the game creators. Therefore, through this paper the author tries to analyse ways through which games can be regulated before entering into the market through analysing whether there are any measures taken by any other country to regulate this problem or any suggestion by any author through articles, blogs, papers etc. There are philosophies which govern prohibition of certain things which may influence the society in a bad way. This paper also analyses why not the same philosophies can be applied be in video and online gaming which have similar impact. Through this study we try to find whether regulations can be implemented to reduce the crimes and ensure the mental safety of the players playing them and whether there are rules regulating these games in other countries and hoe useful are they in reducing these crimes. At the end of this paper the author tries to conclude that the government lacks laws to regulate the gaming industry and recommend ways to reduce the crime caused due the games.

Keywords: Gaming industry, Aggression, Game creator, Philosophy, Regulations

Introduction

The gaming Industry is one of the fastest-growing industries in India. India currently has more than 400 million and more than 500 gaming studios in India.¹ Also, the pandemic saw a huge spike in the number of gamers. Its value is estimated to be \$3.9 billion in 2025, as stated in the KPMG report.² Gaming has led to increased crimes like spreading inappropriate content to viewers for whom it is not meant, gambling, cyberbullying, sexual abuse, and addiction, which lead to physical problems like insomnia, heart-related problems, cancers due to the blue light, and fraud. Nowadays, the increase in smartphones and the importance of the internet everywhere due to digitalization have increased crimes. These crimes have been considerably more in children. Children are exposed to pornography, cyberbullying, and violence which leads to many behavioural issues, which in turn results in crime like the online game pub, due to which cases have been registered for fraud, cyberbullying, murder, etc. According to the American Psychological Association's Journal of Personality and Social Psychology, violent games may make the player game more aggressive. They may worsen the condition of people who are already short-tempered. Around 85% of the games in the market are violent.³ But there is no specific law governing video games or online gaming except for some umbrella provisions to govern only some aspects of online gaming, like the Information and technology act. At the same time, it is also seen that many games are dangerous for people; but there is no specific legislation to govern the games. Due to the increase in children attracted to the more violent game, the United States of America has implemented a voluntary rating system that mandates the company to rate the game designed and produced by the company. In return, the companies have also proposed an Entertainment Software Rating Board to impose a limitation on the gaming industries.⁴

Gaming And Its Impact

In 2018 the World Health Organisation defined gaming disorder as a pattern of gaming behaviour characterized by impaired control over gaming, increasing priority given to gaming

¹ Dilsher Dhupia, Gaming Industry in India-Invest in Gaming Companies, <https://www.investindia.gov.in/sector/media/gaming>, Sep 26,2022

² *Big Bang Growth Of India's Gaming Industry*, the economic times, <https://economictimes.indiatimes.com/news/international/business/big-bang-growth-of-indias-gaming-industry/articleshow/92053190.cms>, Sep 26, 2022

³ American Psychological Association, Violent video games can increase aggression, <https://www.apa.org/news/press/releases/2000/04/video-games>, Sep 26, 2022,

⁴ Mark Hughes, Infoplease, Video Game Rating System, Sep 26, 2022, <https://www.infoplease.com/culture-entertainment/toys-games/video-game-rating-system>

over other activities to the extent that gaming takes precedence over other interests and daily activities, and continuation or escalation of gaming despite the occurrence of negative consequences⁵. Many games trigger players to involve in real-life crimes. From the time the technology has developed, the graphics have also improved. They include crimes that involve violence, sexually inappropriate content, religious outrage, inaccurate portrayal of religion, gender, sexual orientation, nationality, ethnicity, race, cyberbullying, and online harassment. There are already laws governing the games which involve betting and gambling, with the Public Gambling Act of 1867⁶ which restricts people from betting or running a betting house since it is classified as a game of luck and not a game of skill but has some exceptions to it that includes betting on a horse or a dog house, games of 'mere' skill and lotteries but this also does not include online gambling. Still, under the Sikkim Online Gaming (Regulations) Act of 2008,⁷ the government allowed certain licensed authorities for online gambling. These types of gambling are prohibited due to the problem of addiction it poses to lavishly exhaust money by betting.

A similar threat of addiction to video games has been noticed. Online gaming poses health-related problems, and there have been cases of children using a large amount of money on the game without their parent's knowledge. Cyber-attacks have increased. In 2020 over 240 million web applications were attacked, which considerably increased due to the pandemic's digital uprising.⁸ They used sensitive information and also the information used for in-app purchases. These players enjoy more by purchasing game characters and the tools in the game; a news article also reported that a person purchased a character worth \$14 million, which is done through micro-transactions since games allow money transactions through microtransactions.⁹

Cases Of Violence Influenced By Games

⁵ World Health Organisation, <https://www.who.int/standards/classifications/frequently-asked-questions/gaming-disorder#:~:text=For%20gaming%20disorder%20to%20be,for%20at%20least%2012%20months>. Sep 26, 2022

⁶ The Public Gambling Act 1867, Central act no. 3 of 1867

⁷ The Sikkim Online Gaming (Regulation) Act, 2008 Act no. 23 of 2008

⁸ Computer weekly.com: <https://www.computerweekly.com/news/252503205/Video-game-industry-under-relentless-cyber-attacks>: last visited Sep 26, 2022

⁹ Crime among city youths due to online gaming a concern: Times of India <https://timesofindia.indiatimes.com/city/jaipur/crime-among-city-youths-due-to-online-gaming-a-concern-cops/articleshow/81728208.cms>: Sep 27, 2022

Pub G is one of the games played by many people but was later banned during the conflict between China and India under section 69A of the IT Act. Crimes have been reported due to addiction to a particular game¹⁰. In 2019 a man stabbed his friend, who refused to give him his phone to play.¹¹ In Maharashtra, Bhiwandi, a 15-year-old boy stabbed his elder brother when he restricted him from playing Pub G. In Andhra Pradesh. A 14-year-old boy committed suicide as their parents scolded him for playing. A 16-year-old also staged his kidnap to receive a ransom from his parents after confiscating his phone.¹²

Another game that caused a stir due to one of the tasks to make the player commit suicide was Blue Whale. This game was first introduced in Russia. In 2017 more than 170 deaths were reported around the world due to the game. The creator of the game claimed that he wanted to wipe out the 'weak.'¹³

A man from West America made the cops chase him under the influence of LSD by stealing multiple vehicles on the way, thinking he was playing grand theft auto.¹⁴

An American murderer Devin Moore was accused of car theft but had no criminal record. After being booked, he grabbed the gun from the police officer and shot them. in court. His lawyers argued that his action was due to childhood physical and mental abuse and affinity to his exposure to violent video games. After his trial, he also made a statement showing us the impact games have on the players: "Life is a video game. You've gotta die sometime."

Pavel Mateev, a 15-year-old who is said to be addicted, reportedly would inflict serious head injuries with a chainsaw after losing the game.

Nikolas Cruz, who was convicted of shooting 17 students and the staff of Marjory Stoneman Douglas High School located in Parkland, Florida, has been reported that for a language arts

¹⁰ The Information and Technology Act of 2000 sec 69 A No. 21, Acts of Parliments, 2000 (India)

¹¹ Guns, Chicken Dinner and Murder: Gruesome crimes committed by PUBG addicts in India: The New Indian Express <https://www.newindianexpress.com/galleries/nation/2019/nov/12/guns-chicken-dinner-and-murder-gruesome-crimes-committed-by-pubg-addicts-in-india-102634--1.html> Sep 27 , 2022

¹² *Id*

¹³ Joyshree Baruah: Blue Whale: Blue Whale Challenge and other 'games' of death: The Economic Times: <https://economictimes.indiatimes.com/magazines/panache/blue-whale-challenge-and-other-games-of-death/articleshow/60135835.cms> : Sep 27, 2022

¹⁴ Everton Bailey: Car thief on LSD thought he was playing 'Grand Theft Auto' as he led cops on chase, police say: Oregon Live: https://www.oregonlive.com/pacific-northwest-news/2018/06/car_thief_on_lsd_thought_he_wa.html Sep 30, 2022

class, he wrote a story 'Die, Die, Die, and has been reported to be inspired by the game' call of duty since he was an addict of such violent video games.¹⁵

They are more problem-associated with gaming though there is no solid data to support its negative impact on players. But enough crimes are reported due to the games, which shows the influence of over-addiction to video gaming. Due to this, even China has imposed restrictions on gaming by children. Some Chinese newspapers have also compared gaming with 'opium.' The government also restricted gaming to people younger than 18 between 8 pm and 9 pm on Fridays, Saturdays, Sundays, and public holidays.¹⁶ However, this policy seems to affect many tech and gaming companies' profit but saves many people's lives. Similar restrictions should be imposed even in India, though it is difficult to impose. When China which has more gamers than India, can impose them, there is a great possibility of imposing similar restrictions even in India. Apart from the abovementioned restriction, a censor board has to be established to scrutinize the game before entering the market. Games like Blue Whale would not have taken so many lives if such a board had been established. There are laws in India, but they govern only the game of chance, and after the boom of the internet, there have been various online gaming that comes, even those games which were played outside in the field, have come on our screens. The Information and Technology Act ¹⁷and the Indian Penal Code ¹⁸govern only the criminal aspect of games. The IT Act also protects the players' information but still, without the Data Protection Bill, there is no guarantee of the security of the players' information. However, implementing regulations would prevent these games from affecting the people coming from the market. It is said that banning a game would have very less impact on the players since there are similar games available in the market, and banning comes into the picture only after the damage has already been done. Therefore a censor board will prevent such damage.

Philosophy

In this case, we could apply the harm principle by the English philosopher John Stuart Mill,

¹⁵ James Cahill: Top 10 Violent Crimes Tied to Video Games; Listverse; :<https://listverse.com/2017/10/28/top-10-violent-crimes-tied-to-video-games/> Sep 30, 2022

¹⁶ The World Economic Forum; <https://www.weforum.org/agenda/2021/09/what-s-behind-china-s-video-game-restrictions/>; Oct 6, 2022

¹⁷ Supra, 8

¹⁸ The Indian Penal Code Act No, 85 of 1860

mere social disapproval to a person's action to be condemned.¹⁹ In this situation, there is not much disapproval of gaming itself, but it creates a huge spur when there is a large number of people being affected by it since these games promote violence and thus affect others too. It can also be said that "Your freedom to swing your fist ends where my nose begins." The harm principle states that an action that harms another is not only wrong but wrong enough that the state can intervene to prevent that harm from occurring.²⁰ According to this theory, there is a need for the government to interfere in this case to make certain regulations on the gaming industry regarding content. Though they might have self-regulations, they can easily be adjusted to their liking and are available for manipulation for the company to increase their profit. Therefore government regulations for the companies to follow strictly.

Conclusion

Thus, we can say that gaming which currently is not covered under any specialized law, should be regulated through the introduction of laws governing the entry of games into the market according to John Stuart Mill's principle of harm due to the degree of harm it poses due to the addiction of playing such games or the influence it has on people which blurs the gamers view on reality and the gaming world when we look into the cases. Therefore there is a need to govern the gaming sector. Thus a regulatory body can also be established which shall govern the game and the psychological effects it can have on the players. E-gaming is an important sector that needs to be looked into since the generation is gone where children can be seen in the streets playing; now they are in the virtual world gaming and socializing. Though gaming does help people in many ways, it does have a dark side to it, and this is the side that has to be regulated for the safety of gamers. The crimes go beyond addiction and bad influence. It also serves as a source for various other crimes like information theft, obscenity, financial crimes, etc... Since the gaming sector has become a source of crimes, they have to be regulations in place to govern it. Since the gaming sector has seen a rapid growth, especially during the pandemic, the developments and the downfall or the changes in the society will also have an impact on the economy too now. Therefore the provisions that have to be established should be drafted multi-dimensionally.

¹⁹ Study.com; <https://study.com/learn/lesson/harm-principle-overview-examples.html> Oct 6, 2022

²⁰ FutureLearn; <https://www.futurelearn.com/info/courses/introducing-humanism/0/steps/37114> Oct 6, 2022