

## Video games and children- A need for regulation

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**ABSTRACT:** *The most sought out leisure activity of children these days is video games and online games. The Video game culture has evolved in time, predominantly in association with internet culture. It is agreed that computer plays a very important role in shaping a child's future as today everything revolves round the usage of computers but still it has its negative impact. Children are getting addicted to these new technologies and games and it has impacted the health and well-being of the children. There are no laws in India to regulate the video games and online games and this has exposed the children to dangerous and negative effects. This paper focuses on how the lack of regulations over video games and online games has been impacting the growth and development of Children and seeks to support a need for its regulation.*

**Key Words :** *Technology, Impact on children, Video games, Smart Phones, physical activities.*

### INTRODUCTION

Technology has redefined contours of human development. Internet is growing at a fast pace with every changing day. Due to technology, improvement in infrastructure and technology has taken place enormously. The onset of technology has brought in a sea change in the life of people across the globe. With it, it has brought in new challenges and primarily has exposed the young population i.e., children and adolescent. The technological development has made the modern day children and adolescent to have access to new technologies like touch screen mobile phones, tablets, laptops etc. Computers have now been supplemented with the latest gadgets like tabs and mobile phones. Anything can be accessed through smart phones now. Even in rural areas technology has not been left untouched. Internet is easily available and accessible now a days and this has resulted in a large number of apps being developed by the developers. People with smart phones are gradually addicted to their phones as all information is available on phones. These technologies have also resulted in passing of boredom. Adding to this another development that has taken place is that the parents who have children around the age group of 3-10 years have exposed their children to these new technologies<sup>1</sup>. A time has now come wherein a child can only be consoled by a parent by showing them videos or by giving them their phones, tabs etc., to play games in order to keep them quiet<sup>2</sup>. This has resulted in children getting addicted to these new technologies. The physical activities of the children have reduced drastically limiting them to the four walls of home. Some games that are available today are violent in nature and they are hampering the moral growth of the children. Children are most susceptible to these games and fall victim to such technological development resulting in drastic changes in their behaviour and attitude. Children who play such online or apps based games portray violent behaviour and aggression at homes and beyond. Evidence suggests violent video games have also resulted in mass shootings in the United States of America (USA). Although USA has been affected largely, no federal law regulating the sale of violent video games in USA has been made so far. Legislations that were framed by the Federal states were struck down by the Courts stating that the Video games were protected under the First and Fourteenth Amendments of the American Constitution. This is one of the reasons why USA has not been able to regulate violent video games which have resulted in mass shootings in schools and public places. But to contain such a grim scenario European nations have come up with legislations. In the wake of such a situation, India's young population is not free from the effect and given the gravity of the situation, India is in dire need of a regulation in order to tackle the menace of video games and online games. There is

<sup>1</sup> Victoria Ward, *Children using internet from age of three, study finds*, The Telegraph, May 1, 2013, <https://www.telegraph.co.uk/technology/internet/10029180/Children-using-internet-from-age-of-three-study-finds.html>

<sup>2</sup> Michael Kooren, *97% of small children have used mobile device, most have their own – study*, Nov 2, 2015, <https://www.rt.com/usa/320541-young-children-mobile-devices/>

no specific law or regulation in India which regulates the video games and online games that impacts on the minds of the Children and adolescent. In the absence of regulation it becomes very difficult to regulate the violent video games and online games that are being developed. Violent games have an impact on the moral, psychological and intellectual growth of the Child<sup>3</sup>. In the wake of such a scenario a need has arisen for such technology to be regulated.

Video games have joined other mass media in asserting a claim on children's time and attention<sup>4</sup>. The gaming portals are advancing day by day. New games are introduced every day and the competition is becoming more intense and stiff. Day by day Children are becoming vulnerable to these games adding profits to game developers and gaming portals. We can see that games are introduced to attract young children as well as old people. Video games can now be played on different platforms in different ways. USA, Japan and UK are on the top level market when it comes to video games and online gaming. As on October 9, 2018, the UK games industry is worth nearly £ 3 billion to the economy of Britain and nearly 47,000 people are employed to work in this industry across the country<sup>5</sup>.

The Video games and online games bear an influence on the minds of the children and adolescents from its excessive use. They result in impacting on brain development, social interaction and education in children. It is said that a typical 8 to 10-year-old watches an average of 3 hours and 41 minutes of television and spends over an hour playing video games every day<sup>6</sup>.

It can be observed that the present generation teenagers and Children have become very technology savvy and orientated. These teenagers and children use technology on a day to day basis and they basically grow up using, playing, and watching games/videos on phones and I-pads; they are often engaged on these technological devices for most of their day, and it has become a die-hard habit for them. This has become their comfort zone and they enjoy spending most of their time on it. The board games and action figures have now been forgotten, and these children now prefer spending most of their time on phone or other technological device.

### **Effects of Video games and Online Games**

The very essential and important aspect of life which is interaction and communication with others is lacking now a days due to technology. The excessive use of technology by children and adolescents is becoming very widespread and has a deep impact on the social skills and speech of children<sup>7</sup>. This is because of the amount of time a child or a teenager spends on these devices which result in less interaction and communication with others. The use of these devices also hampers on reading skills and even curtails the child from playing outside. There is a decrease in a child's interaction with one another directly. By allowing children to use technology, especially drastically and continuously, at a very young age could be disastrous and impede their ability to learn these skills. Though, online communication is easier, quicker and faster, but children and teenagers are growing up with lack of social interaction due to incessant usage of technological devices. This has led to missing out on learning of these communication skills and children do not want to speak to others and also have difficulty in starting small talks. Also on the other hand they find it really awkward to maintain the conversation going.

We can also see that with the introduction of Amazon's Alexa and Apple's Siri which are virtual assistants capable of voice interactions and taking commands, there have been behavioural changes in the children. Some parents in the USA believe that these virtual assistants are in fact making their children rude and arrogant towards others. The influence that these devices are having is changing the attitude of children. As Alexa listens to anybody and does basically whatever one asks of her to do, the parents are scared and worried of what their children might learn from this and they also apprehend that the use of such a rude and

<sup>3</sup> Marie Louise Mares and Valarie Kertz, *Media Effects on Children's Social and Moral Development*, Elsevier SciTech Connect, Oct 20, 2015, <http://scitechconnect.elsevier.com/media-childrens-social-moral-development/>

<sup>4</sup> Gary L. Creasey and Barbara J. Myers, *Video Games and Children: Effects on Leisure Activities, Schoolwork, and Peer Involvement*, Merrill-Palmer Quarterly, 32(3), July 1986, 251-262

<sup>5</sup> Tom Hoggins, *Games industry contributes nearly £3bn to UK economy*, THE TELEGRAPH, Oct. 9, 2018, <https://www.telegraph.co.uk/technology/2018/10/08/games-industry-contributes-nearly-3bn-uk-economy/>

<sup>6</sup> Douglas A. Gentile, Amy I. Nathanson, Eric E. Rasmussen, Rachel A. Reimer and David A. Walsh, *Do You See What I See? Parent and Child Reports of Parental Monitoring of Media*, Family Relations, Vol. 61, No. 3 (July 2012), pp. 470-487.

<sup>7</sup> Griffiths, M.D. *Friendship and social development in children and adolescents: The impact of electronic technology*. Educational and Child Psychology (1997) 14, 25-37.

arrogant attitude or behaviour in all situations, especially at school will hamper the well-being of the child. Another major problem about the video games and online games is that these Games also result in aggression and violence in children<sup>8</sup>. Research shows that children and adolescents who play violent video games showed an increase in emotional arousal and aggression and a consequent decrease of activity in brain involving self-control, reticence and awareness. Some video games have led to aggressive behaviour and negative thoughts. Some researchers suggest a co-relationship between depression and playing online games. Children or teenagers who are depressed tend to spend a lot of time alone on these new technologies. They find solace in spending time on these technologies.

In USA, there has been a raising predicament regarding mass shootings in schools and other public places. Some researchers argue that playing violent games is one of the factors that result in mass shootings<sup>9</sup> whereas some argue that there is no link between the mass shootings and the violent videogames<sup>10</sup>. There has also been much debate about the relationship of gaming with that of aggressive behaviour.

Another aspect of Technology is that it has also played a major role in increase of obesity in adolescents and children as per the report of The World Health Organization<sup>11</sup>. Children around the age of 5-19 years predominantly are gaining weight because of lack of physical exercise which is a result of spending a lot of time in front of computers or their phones.

Each and every person who ever plays a video game has a different reason for playing the video game. The continuous usage of the video games or online games leads to diverse effects on every individual or child who ever are playing it. Some of the factors that are responsible for association or have a strong connection for addiction of games are the child's or the individual's upbringing, family issues, peer or friends influence and sometimes pressures at school or colleges and most importantly boredom.

Some video games have been created particularly to teach people about a particular subject matter and in turn help them develop and learn some skills. These games also have a positive impact as some studies show that playing of video games can change the brain regions and help children become more efficient<sup>12</sup>.

It can be said that playing of video games maybe relaxing and therapeutic for some people, but there are some who have been impacted by it negatively also. World Health Organisation has classified gaming addiction as mental disorder<sup>13</sup>. So it is necessary that the use of these games should be limited so as to see that it doesn't impede the life of children or the individuals who are playing it.

### **The Blue Whale Challenge**

All over the world a game called blue whale challenge was responsible in abetting suicides of children and young adults. It is estimated that around 130 teenagers lost their lives in Russia alone<sup>14</sup>. The main scheme of the game is that an administrator assigns some tasks to the members which they have to complete in a time period of 50 days. The tasks include appalling things like causing self harm, watching some horror movies and waking up at unusual hours. After completion of each level the tasks gets more extreme and self inflicting. On the last day, the administrator who is in control of the game instructs the player to commit suicide. Here the player cannot forfeit the game as all the personal information about the player is known to the administrator. The administrator blackmails the player into completion of the game that ultimately results in the suicide of the player.

In 2017, due to the alleged Blue Whale game, Indian media reported many cases of child suicide, self-harm

<sup>8</sup> Bonita Klemm, *Video-Game Violence*, Young Children, Vol. 50, No. 5 (JULY 1995), pp. 53-55

<sup>9</sup> Meghan Keneally, *Breaking down the debate over violent video games and school shootings*, ABC News, May 22, 2018, <https://abcnews.go.com/US/breaking-debate-violent-video-games-school-shootings/story?id=55324231>

<sup>10</sup> Christopher J. Ferguson, *Violent Video Games, Mass Shootings, and the Supreme Court: Lessons for the Legal Community in the Wake of Recent Free Speech Cases and Mass Shootings*, New Criminal Law Review: An International and Interdisciplinary Journal, Vol. 17, No. 4, Special Issue: Developmental Science in Criminal Law, Part II (Fall 2014), pp. 553-586

<sup>11</sup> <https://www.who.int/end-childhood-obesity/en/>

<sup>12</sup> <https://www.sciencedaily.com/releases/2017/06/170622103824.html>

<sup>13</sup> <https://www.bbc.com/news/technology-42541404>

<sup>14</sup> Gemma Mullin, *CHILLING CHALLENGE- What is the Blue Whale suicide game, how many deaths are linked to the challenge and is it in the UK?*, THE SUN, Feb 20, 2018, <https://www.thesun.co.uk/news/worldnews/3003805/blue-whale-suicide-game-challenge-deaths-uk/>

and attempted suicide<sup>15</sup>. Several newspaper articles also wrote about the stories of children committing suicides as a result of this game<sup>16</sup>. As there was an apprehension of more suicides, the Indian Government's Department of Ministry of Electronics and Information Technology, requested several internet companies like Facebook, Google, etc., to remove all the links which linked to the use the game<sup>17</sup>. The Centre for Internet and Society which is an internet watch dog in India condemned the coverage of the news which stated that the suicides resulted from the game as there was lack of evidence<sup>18</sup>. A series of cases was also filed before the High Court of Madras and Delhi seeking a ban on the game. Subsequently a petition was filed before the Supreme Court in the form of a Public Interest Litigation<sup>19</sup>. The Supreme Court directed the Central government to ban the game, following which the government contended that it was not possible to regulate or ban the dangerous game that had claimed many lives across the globe. The government said that Blue Whale was not an app or website or even a URL, and that made it difficult to trace and erase. Since Blue Whale wasn't an application, it couldn't be banned<sup>20</sup>. The Supreme Court directed all the state governments to spread awareness among students and their parents about the deadly game. It also urged the parents to infuse a sense of resilience in their children and make them understand the consequences of the game.

Further the Supreme Court also asked the government to respond to a petition asking that deadly and violent online games like 'Choking game', 'Salt and Ice Challenge', 'Fire challenge', 'Cutting challenge', 'Eyeball challenge' and 'Human Embroidery game' be firewalled<sup>21</sup>.

Finally in January 2018, the government reported after a complete investigation that there was no evidence that any death was as a result of Blue Whale game saying "The committee analysed the internet activities, device activities, call records and other social media activity, other forensic evidences and also interacted with rescued victims associated with these incidents. Involvement of Blue Whale challenge game in any of these incidents could not be established."<sup>22</sup>

### **Lack of Regulations governing video games and online games in India**

To address the ill effects of video games and online games the United Kingdom had passed a legislation namely Video Recordings Act, 1984 which stated that the video game which depicts gross violence, sexual activity or techniques likely to be useful in the commission of offences should be classified under the British Board of Film Classification's (BBFC) based on film rating system. This act was later repealed and the Video Recordings Act 2010 was drafted by the UK Parliament and was given Royal Assent on 21 January 2010. Under this act if a person supplies any of the above stated depiction of video games he is liable to be punished with fine of 5000 Pounds or imprisonment upto six months.

Though there are laws governing video games in UK, there are no dedicated and specific laws regulating the video games or online gaming in India. As per the Constitution of India, betting and gambling fall under the

<sup>15</sup> Lalitha Ranjani, *Blue Whale Challenge: At least 75 Whalers in Tamil Nadu's Madurai*, THE NEW INDIAN EXPRESS, Sep.1, 2017, <http://www.newindianexpress.com/states/tamil-nadu/2017/sep/01/blue-whale-challenge-at-least-75-whalers-in-tamil-nadus-madurai-1651006--1.html>

<sup>16</sup> *Blue Whale Challenge: Indore boy noted tasks in school diary before trying to kill self*, THE FINANCIAL EXPRESS, Aug 11, 2017, <https://www.financialexpress.com/india-news/blue-whale-challenge-indore-boy-noted-tasks-in-school-diary-before-trying-to-kill-self/803991/>

<sup>17</sup> Will Worley, *Blue Whale: Fears in India over 'viral suicide game' mount as 'government calls for internet giants to ban links to it'*, INDEPENDENT, Sep 19, 2017, <https://www.independent.co.uk/news/world/asia/blue-whale-suicide-game-latest-news-india-online-viral-internet-google-ban-links-a7954786.html>

<sup>18</sup> *Supra* note 10.

<sup>19</sup> (2018) 12 SCC 674

<sup>20</sup> 'Can't ban app-based games like Blue Whale', Centre tells Supreme Court, THE TIMES OF INDIA, Nov 21, 2017, [http://timesofindia.indiatimes.com/articleshow/61722857.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](http://timesofindia.indiatimes.com/articleshow/61722857.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>21</sup> Edited by Deepshika Ghose, 'Blue Whale' National Problem, Need Prime Time Warnings: Supreme Court, NDTV, Oct 27, 2017, <https://www.ndtv.com/india-news/blue-whale-national-problem-tv-channels-must-spread-awareness-supreme-court-1767939>

<sup>22</sup> *No evidence of any death due to Blue Whale challenge game: Govt.* THE HINDU, Jan 3, 2018, <https://www.thehindu.com/news/national/no-evidence-of-any-death-due-to-blue-whale-challenge-game-govt/article22359294.ece>

state subject and it is left to the state legislatures to enact laws pertaining to these subject matters<sup>23</sup>. There are in fact dedicated laws relating to gambling and betting but there are no laws governing video games and online games.

Only a single state in India has regulated and enacted a law pertaining to online gaming. The Sikkim Online Gaming (Regulation) Act, 2008 was passed on June 28, 2008 by the Government of Sikkim and the main objective of the act is to control and regulate the online gaming and also to impose tax on the games. Thereafter The Sikkim Online Gaming (Regulation) Rules, 2009, was passed on March 4, 2009 in order to make the Act of 2008, operational.

Under the Indian Penal Code, Section 292<sup>24</sup> punishes those who deal with sale, drawing, writing, painting, publication, advertising, import, export of obscene books. The penalty of committing this offence is imprisonment for a term of up to two years and fine of Rupees Two thousand for the First Conviction. If the accused is guilty for the same offence again he is liable to be punished and imprisoned for a term which may extend to five years and fine of Rupees Five thousand.

Section 293<sup>25</sup> of IPC punishes selling of obscene objects to young people. Here the age of the person should be below 20 years. So if a person sells, distributes or even shows an obscene object to a young person who is below the age of 20 years he is liable to be punished. The penalty for this offence in case of first conviction is imprisonment which may extend up to three years and with fine of Rupees and in the event of second conviction the imprisonment may extend up to seven years and with fine of Rupees five thousand.

The information technology act, 2000 is also another legislation which briefly covers the aspect of punishing the works of publishing obscene or sexual content in the electronic form.

Section 67<sup>26</sup> and 67A<sup>27</sup> of the IT Act deals with punishment for publishing and transmitting obscene content in electronic form. According to S.67 if the material is obscene, in electronic form and in its nature is lascivious and appeals to the prurient interests and corrupts them then such a person who ever is publishing it is liable to be punished with an imprisonment which may extend to three years and with fine which may extend to Rupees five lakh in case of first conviction and in case of second conviction the imprisonment may extend up to five years and fine which may extend to rupees ten lakh. Here we can see that the fine is an exorbitant amount of money and the punishment is also quiet serious in nature.

According to Section 67A if a material is published or transmitted which is sexually explicit in nature then whoever does it is punishable for imprisonment which may extend to five years and fine which may extend to Rupees Ten Lakh in case of first conviction. In case of second conviction he shall be punishable for imprisonment which may extend to seven years and fine which may extend to Rupees Ten Lakh.

Apart from these two legislations there is also The Indecent Representation Of Women [Prohibition] Act, 1986 which also prohibits indecent representation of women. It prohibits showing or depicting of a women's body or any part thereof, which is done through advertisement, drawing, painting, or publication etc., and penalises the person responsible for it.

We can see that these legislation deals with matters that are only obscene in nature. It doesn't specifically touch upon the subject matter of violent video games and online games. It does not specify to curb violent video games that might have a negative impact on the minds of an individual. For example violent games like blue whale challenge could not be banned in India due to technical and legal issues. These issues are not recognised by our laws as there is no specific legislation dealing with the same. When there are no specific laws relating to video games and online games in India, it rather becomes difficult to deal with the legal issues that arise on this subject matter. We also have to draw an inference between online gaming and online gambling. Online gambling has been restricted to some extent and as stated above different states have enacted their own laws in order to regulate online gambling. But the problem here arises with that of online gaming. There are no specific laws that regulate this subject matter. Jurisdiction also becomes one of the biggest concerns when we deal with legal issues pertaining to violent video games and online games. The question that arises in our mind is how do we regulate these games that are not only violent in nature but also have a negative impact on growing children and adolescents?

### **Conclusion and Suggestions**

<sup>23</sup> Constitution of India, Seventh Schedule, List II, Entry No. 34

<sup>24</sup><https://indiankanoon.org/doc/1704109/>

<sup>25</sup><https://indiankanoon.org/doc/601866/>

<sup>26</sup><https://indiankanoon.org/doc/1318767/>

<sup>27</sup><https://indiankanoon.org/doc/15057582/>



The growth of technology is welcome but not its ill-effects. And the usage of technology by the young Indian masses as discussed above is fraught with danger to the society. The involvement of children and adolescent in video games has long term and serious implications for the nation. Unless such technological growth is regulated properly it will land the young population in a savage land and put the nation into a perilous situation. Further, the blue whale challenge posed difficulties in our Country and it could not be banned immediately due to various legal and technical issues. In the absence of any specific legal framework or legislation to limit and regulate violent video games and online games and the increased use of it day by day across India will make situation bad to worse and will become absolutely unmanageable.

In the face of such a scenario and given the widespread usage and proliferation of video games and online games across India and to protect the interests of children and adolescents from harm discussed above a legal framework like that of the UK is the need of the hour. Regulations regulating the violent video games and online games are urgently required. The major recourse available at present is to regulate these video games and online games by law. It is imperative now for our policy makers and representatives to frame laws which regulate and govern these games and also help in developing standards of these games.

Apart from this there is an urgent need to create public awareness among the people. This can be done through newspapers and other form of media. Further, the parents need to be sensitised as to limiting the use of technological devices or mobile phones by their children.

In order to make the society comprehend the impact of these games we need to make sure that professionals who have deep and connected knowledge in these areas share their knowledge and impart them onto the parents who can in turn influence their children in becoming responsible and healthy adults. By this way we can try to regulate the impact of violent games on adolescent minds and help them develop positive skills for better behaviour and better interaction.

Some of the suggestions to regulate the video games and online games at schools are as follows:

- Schools should take up the initiative of communicating the negative effects of video games and online games to the children.
- The schools must also instruct the parents to supervise and monitor the children when they indulge in playing of these games.
- If a child is addicted to these new technologies then counselling should be provided to the child in order to help the child overcome the addiction of such technologies.
- Schools should also teach the Children about the impact of video games and online games by making them think critically and also help them to become decisive consumers of video games.