

SUO MOTU WRIT PETITION(MD)No.23708 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

While this Bench was hearing HCP(MD)No.1515 of 2022, regarding missing of a girl who was found to be addicted in playing online mobile game namely, 'Free Fire', some of the Advocates who were present in the Court, also made complaints that their kids are also addicted to these types of online games.

2. The Advocates who were present in the Court produced some materials with regard to Free Fire Game and other online games and submitted that now a days, online games such as, PUBG, Garena Free Fire, Call of duty, etc., are famous among the children and youngster and most of the games are Chinese games. In 2020, the Central Government due to security reasons, banned certain online games and Chinese app and delisted them from the play store and apple store. After the ban, these gaming companies revised their privacy policies and security policies and again

entered into the official gaming stores in the year 2021. These online games became popular among the youngsters especially, the school going children and college students. Since Free Fire Game consists of more violent activities, there is a drastic change in the behavior of the children or the person who is playing the said game.

3. Free Fire Game is a fully functional online game. It is played by a group of four members. The main stream of the game is that 100 of gamers are connected in a common pool through online and equipped with guns and ammunition and the last surviving gamer will be declared as winner. The gamer will be declared as winner on killing the remaining 99 gamers in the game. From the above explanation, it could be inferred that there are explicit violent activities in the said game and it is played by 'N' number of persons throughout the country who belong to the age between 8 and 18. There is also an in-app purchases available in the games for the prices between Rs.8/- and Rs.12,800/-, for purchasing fancy dresses and guns in the games for equipping the gamer. The children using their parents' credit card, are purchasing these kinds of stuff through online. There are number of cases in this regard published in the newspapers.

Even a child had committed suicide, since his parent had refused to allow him to play Free Fire Game. Playing of online games is very dangerous especially, to girl children and women also, since they get caught in the hands of the scandalous persons.

4. It is further submitted that by these types of online games, a person can connect himself with any person in the world and speak to them through the game and there is also in-app messaging services which is not traceable or come under the purview of TRAI and there is no regulatory authority for the calls and messages sent through such games. Thus, the anti-social elements easily connect themselves through such games and get accessed to the private accounts of a person and steal all the personal data of a person and then threatening him for money and also making harassment. These types of online games are causing evil threats to the society. The Government of India has banned Garena Free Fire Game on 14.02.2022 along with other online games, since there were security threats in those games. Even thereafter, the banned games are very much available in the pirated websites that can be easily accessible by any person. As far as mobile phones are concerned, globally, there are only two Operating Systems available, one is Android OS owned by Google and

another is IOS owned by APPLE Company. As far as Android phones are concerned, they are explicitly accepting the third party Apps which are not authorized by them. On the other hand, IOS are easily cracked through softwares by cracking the software games that are installed in the IOS mobile phones. These banned games are not working under the Indian servers and the gamers are using the technology namely, Virtual Private Network(VPN) and through this VPN application, the gamers are connected to the other country's server as if they are playing in another country. These VPN softwares are very much available in the play store and apple store. Above all, these aspects are explained by Youtube Channels by broadcasting tutorial videos as to how to install the banned games and how to play them and how to access foreign servers etc. According to the learned counsels, these Youtube Channels are also to be regularized. Thus, the learned counsels prayed this Bench to take up this issue as *suo motu* public interest writ petition for the following prayers:-

(i) to regulate the usage of VPN application;

(ii) to regulate the Youtube Channels that are publishing unethical practices, such as, tutorial videos to install a pirated application, to install banned games, etc; and

(iii) to direct the Central Government to take steps for effective

implementation of banning of these types of online games and to conduct awareness programmes in all the schools and colleges regarding the impact of playing such online games.

5. In view of the abovesaid submissions made by the Advocates while hearing HCP(MD)No.1515 of 2022 relating to that issue, we deem it fit to consider the impact caused by Free Fire Game and other online games among the younger generation and the society at large.

6. Free Fire Game is one of the most played online games among the school going children, college students and home makers. It is like PUBG game, which was banned by the Government of India. Free Fire Game players can chat with strangers directly who may use inappropriate language or be potential sexual predators or data thieves. Free Fire blocks suspicious accounts, but the app remains prone to hackers who ruin games and may steal personal information.

7. Addiction to online games by the school going children and college students and women, has become a major public health issue and a great concern for the parents. The children who are at the verge of

schooling and college students, are almost become addicted to such online role-playing games like, Free Fire, Subway Surfers etc., and it has taken a heavy toll on their physical, emotional, psychological, social and academic life. By such addiction, the younger generation become a prey to ophthalmic issues, musculo skeletal issues, neck ailments, obesity, anxiety and depression. Because of the attractive built in structure, real time, competitive and interactive features of these types of online games, the younger generation get inspired and thereafter become addicted to such online games. The inspiring features of online games make the younger generation to immerse themselves in these games. Consequently, they are no longer interested in studies, social life or other healthy hobbies. Like an autistic person, they too remain absorbed in these types of online games and consequently, their level of thinking is restricted within the features of these games namely, air drop gloo wall, custom room, number of kills etc. Further, they spend hours together in playing online games with friends and other participants, thereby, they lose track of real world happenings and without sleeping during night time, they keep on playing these online games. The deprivation in sleep results in heavy toll on their physical and mental health. To buy ammunition, protection gear and to unlock further levels and other features of online games, the users have to pay money

through online, and therefore, the school going children and college students are made to waste their parents' hard earned money in such futile things. Some of them go to the extent of stealing money from the pocket of their parents while they refused to give money.

8. Another facility in these types of online games is that those who are playing very good in online games, they can sell their game accounts at huge rates and there are persons to purchase such high rated game accounts, for which, some of the addicted players are pressurising their parents to give them money and even some of them go to the extent of stealing money from their homes to buy such high rated accounts, which is only for the purpose of grandiosity and there is nothing else. Further, those who fail to score the coveted rank in such online games, develop feelings of worthless and even some of them go to the extent of committing suicide. Further, some of the gamers are bullied by strangers through such online games and in an attempt to take revenge therefor, sometimes, the youngsters fight offline and those who are very smart at playing online games, develop feelings of grandiosity and superiority complex, thereby, psychologically they feel flying between manic like highs and depressive lows and some players also face withdrawal symptoms. Such addiction on

the part of the younger generation results in constant conflicts with their parents or sibling and affects peaceful home environment. In some cases, it leads to marital conflict, as parents blame each other for giving access to mobile phone or money to children for playing such online games.

9. The age of younger generation namely, teenagers/adolescents is very vital for personality development and it is not only the age to start exploring the world, engaging in brainstorming, analysis, critical evaluation, knowing the facts, the fundamentals of history, polity, anthropology, geography, life sciences, physics, chemistry and identity exploration, but also the stage at which a person gets to know himself as to what he is meant for and what his ambitions and potentialities are. At this teenage, the younger generation have to develop their characters and healthy habit formation and to understand the social, dynamics and social issues. The future of our Nation is in the hands of younger generation. The younger generation are the backbone for the development of our country in all fields, for which, they should be fit physically, psychologically, economically and socially, but by virtue of wasting their precious teenages in playing such online games, watching filth, chit chatting and sticking to social media, they are deviating from the productive means like, academics and healthy

hobbies, thereby, they put their future at stake, consequently the development of our country is affected at large.

10. Thus, there is an emergent need to curb the menace of these types of online games. We should sensitize the youth and more particularly, the students. The police and the social activists got a definite role to play in this matter. The parents have a primary responsibility to watch as to what their children are doing with their smart phones and computers. Those who are playing online games, must be given counselling and they should be made to uninstall the games.

11. In our view, the State as well as the Central Governments must come forward with a clear-cut report as to how these types of online games which damage the life of younger generation, are permitted despite the ban imposed by the Government of India. We are, therefore, of the view that constitutional Court has got the responsibility to take up the issue in larger public interest. We, therefore, direct the Registrar (Judicial) to register a Public Interest Writ Petition under Article 226 of the Constitution of India, impleading the following respondents as parties with the prayer for issuance of a Mandamus, directing the respondents,

(i) to regulate the usage of VPN application;

(ii) to regulate the Youtube Channels that are publishing unethical practices, such as, tutorial videos to install a pirated application, to install banned games, etc; and

(iii) to direct the Central Government to take steps for effective implementation of banning of games and to create awareness programmes in all the schools and colleges regarding the impact of playing such violent online games.

The respondents are;

1. The Secretary to Government, Union Ministry of Communications, Government of India, New Delhi.

2. The Secretary to Government, Ministry of Electronics and Information Technology (MeitY), Government of India, Eletronics Niketan, 6, CGO Complex, Lodhi Road, New Delhi-110003.

3. The Official In-charge, Computer Emergency Response Team, Ministry of Communications, Government of India, New Delhi.

4. The Principal Secretary to Government, Home Department, Government of Tamil Nadu, Fort St. George, Chennai.

5. The Director General of Police, Chennai.

6. The Commissioner of Police, Cyber Crime (CBCID), Police

Department, Chennai.

7. The Director of Social Welfare, Government of Tamil Nadu, Chennai.
8. The Director of School Education, Chennai.
9. The Director of Collegiate Education, Chennai.
10. The District Collector, Madurai.
11. The Commissioner of Police, Madurai.
12. The Superintendent of Police, Madurai.
13. Resident Grievance Officer for YouTube, Google LLC – India Liaison Office, Unit No.26, The Executive Center, Level 8, DLF Centre, Sansad Marg, Connaught Place, New Delhi – 110001.
14. Resident Grievance Officer for Google, No.3, RMZ Infinity Tower E Old Madras Road, 4th and 5th Floors, Bangalore-560 016, India.

12. List the *suo motu* writ petition for admission.