

**IN THE HIGH COURT OF JUDICATURE AT MADRAS
MADURAI BENCH.
(Special Original Jurisdiction)**

W.P.(MD)No. of 2020

Mr. I.Mohamed Razvi,
S/o. Iqbal,
S, C-92, New H I G Colony,
Senbagathottam, Anna Nagar,
Alavandan, Kailmangalam,
Madurai - 625020

..Petitioner

-Vs-

1. The Telecom Regulatory Authority of India (TRAI),

Mahanagar Door Sanchar Bhawan,
(Next to Zakir Husain College),
Jawaharlal Nehru Marge (Old Minto Road),
New Delhi – 110 002.

2. The Secretary,

Ministry of Electronics Information Technology Government
of India,
No. 6, CGO Complex,
Delhi – 11003.

3. The Secretary,

Union of India,
Ministry of Communication and Information Technology,
Sanchar Bhawan,
No.20, Ashoka Road,
New Delhi – 110 001.

4. The Joint Secretary (P&A),

M/O Information & Broadcasting,
Room No 552, A wing Shastri Bhawan,
New Delhi-110001.

5. The Home Secretary,

State of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009

6. The Secretary,

Ministry of Telecom of Information Technology,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.

7. The Director General of Police (DGP),

Post Box No.601,
RadhakrishnanSalai,
Mylapore, Chennai – 600 004.

8. The District Collector,

Madurai District,
Madurai – 20.

9. The Chief Executive Officer (TORF),

The Online Rummy Federation of India,
011/A, Keval Tower,
B. J. Patel Road, Malad-West,
Mumbai-400064,
Maharashtra.

10. Virat Kohli (Cricketer),

DLF City phase -1,
Block C, Gurugram,
Uttam Nagar,
West Delhi,
Delhi – 110059.

11. Sourav Ganguly (Cricketer),

Willow Tower,
115A, Raja Rammohan Roy Road,
Kolkata – 700008,
West Bengal,
Mail.Id.soumavo.d@souravganguly.co.in

12. Prakash Raj (Actor),

New No.21, Old. No.9,
Balaraman Street,
Near Lancer Motors LbRoad,
Adyar,
Chennai.
Mail.Id.q4pqrqkqsh@gmail.com

13. Tamannaah Bhatia (Actor),

D/o. Santhos,
Shop.No.72/74,
Building.No. 70, Kansara Chawl,
Kalbadevi Road,
Mumbai – 400002,
Maharashtra.

14. Rana Daggubati (Actor),

Film Nagar,
Hyderabad,
Telangana.
Mail.Id.sureshproductions.combusinessqueries

15. Sudeep (Actor),

Next to Hanuman Temple,
25th Main, J.P. Nagar,
5th Phase,
Bangalore,
Karnataka.

..Respondents

AFFIDAVIT OF I.MOHAMMED RAZVI

I, I.MohammedRazvi, S/o.Iqbal, Muslim, aged 38 years, residing at No4/820A, Main Road, 1st Floor, Tahsildar Nagar, Madurai – 625 020, do hereby solemnly affirm and state as follows:-

1. I humbly submit that I am the Petitioner herein and as such I am well acquainted with the facts of the case.

2. I humbly submit that this is the Public Interest Litigation filed by me for the relief sought for in the main Writ Petition. I have been taking out this present litigation out of my own cost and not for any personal gain and I undertake to pay the cost if this Hon'ble Court will find that this litigation is taken out by me for the personal gain if any. I further submit that I have been practicing as an Advocate for the past 12

years and I am also involving in creating consumer and Social awareness among the general public. I filed the so many public interest litigations in our Hon'ble High Court. I am not Income Tax Assessee and I am not having PAN Card. I have filed this Petition based on my personal knowledge and information. My Aadhar Card Number is 688501584217.

3. I state that our Tamil culture is a culture of great antiquity and it has made, and will continue to make, a rich contribution to world civilization. Tamil communities are some of the most ancient living communities of the current human world. Even before the ocean rise of 12500 years ago; flooding Catastrophes, they spread from all Mediterranean, North Africa, West Asia and also North West Asia where we have Afghanistan Pakistan now. They were also the prime force behind the ancient Sumeria, and later Mesopotamia, Arabia and Egypt and NW India. Tamils have gained, and continue to gain, by their interaction with other peoples and other cultures particularly. The words of the Tamil Poet Kaniyan Poongundranar, written two thousand years, serve as a useful reminder of the truth of that which it is at the heart of national consciousness that international consciousness lives and grows. And this two-fold emerging is ultimately the source of all culture...".

4. I humbly submit that social media platforms having large focus on India and so many good and bad opportunities presented by social media platforms. Some of the social media application changed the manner in which his consume, content and communicate with each other, but the social media firms need to be mindful of certain dos and don'ts and guard against any misuse of their platforms. In particular,

these “Public platforms” must not be misused by those with wrong intentions for the purpose of exploitation and denigration of others.

5. I humbly submit that India’s rising digital clout on the back of its large smart phone’s user base, strong IT outsourcing industries electronic manufacturing capabilities. The Ministry of Information Technology Union of India asserted that the country will never barter its digital sovereignty and is in fact, bringing a strong data protection law, to safe guard its digital information. Internet and Mobile application designed for common good, it should be safe and secure.

6. I humbly submit that an online game is either partially or primarily played through the Internet or any other computer network available. Online games are ubiquitous on modern gaming platforms, including PCs, consoles and mobile devices, and span many genres, including first-person shooters, strategy games and massively multiplayer online role-playing games (MMORPG). In the year of 2019, revenue in the online games segment reached \$16.9 billion, with \$4.2 billion generated by China and \$3.5 billion in the United States. Since 2010s, a common trend among online games has been operating them as games as a service, using monetization schemes such as loot boxes and battle passes as purchasable items atop freely-offered games. Unlike purchased retail games, online games have the problem of not being permanently playable, as they require special servers in order to function. Online gaming has drastically increased the scope and size of video game culture, online games have

attracted players from a variety of ages, nationalities, and occupations. The online games promote cyber bullying, violence, and xenophobia. Some are also concerned about gaming addiction or social stigma. However, since the players of an online game are strangers to each other and have limited communication, the individual player's experience in an online game is not necessarily different from playing with artificial intelligence. Types of games are,

1. First-person shooter game (FPS)
2. Real-time strategy game (RTS)
3. Massively multiplayer online game (MMO)
4. Multiplayer online battle arena game (MOBA)
5. Battle Royale games
6. MUD
7. Free Fire online game

7. I humbly submit that as per the studies of the World Health Organization, this mental health disorder is characterized by giving priority to gaming, despite the consequences in the person's social life, work life and the degrading mental condition. The people who just don't care about anything but gaming are most susceptible to this disorder. As long as the person cares about other things in life, such as hobbies, homework, social activities, etc. This disorder is the worst case scenario where a person is prioritizing gaming for at least 12 months.

8. I humbly submit that Deadly disadvantages of online games recognized by WHO is our child spending too much time on online games, we may need to reinforce stricter parenting rules especially after knowing what repercussions one could stumble upon, by overspending time on online games. In a major and much-needed recognition, WHO (World

Health Organization) in the International Classification of Diseases 2018, will include gaming addiction as a mental disorder. This news infuriated millions of people worldwide, resulting in a flood of angry tweets on the micro-blogging platform Twitter, Face book and other Social media networks.

9. I humbly submit that Disadvantages of online games given below,

i. Behavioral and mental changes

Children who spend hours on gaming may become violent, introvert, lose interest in the environment that surrounds them. This will lead to an underdeveloped personality because the person never likes to talk to other people and socialize.

ii. Lack of other hobbies and poor academic performance

While the online game is also a hobby, over spending time on them will deprive the person of learning new things and playing outdoor games. An addict will always think of gaming, sacrificing other things that are sometimes more important than gaming, like studying, sports, socializing, etc.

iii. Lethargic nature, which will also lead to weight gain

Too much screen time translates into laziness and may cause weight gain. Addict gamers tend to forget to drink water, eat food on time, and laying in one place for hours staring at a screen. We all know how unhealthy that is.

iv. Gaming addiction can slow down the brain growth

There are a lot of games that help in brain development by imparting critical thinking skills, at the same time, playing online games for hours every day also results in a slowdown in brain development.

v. Gaming addiction negatively affects eyesight and also results in Insomnia

Small children can be seen wearing spectacles these days. Not all persons will get weak eyesight, but getting more screen time from a close distance definitely contributes towards myopia. Also, the screen time negatively affects your ability to sleep. It would be harder to fall asleep at night and get a good deep sleep.

10. I humbly submit that Internet is an open place where people can access a vast amount of information. Kids may download games from less reputed sites. As a result, they end up downloading spam, viruses, malicious software etc. Some people out there are always trying to find ways to take undue advantage of kids. Kids are fooled and cheated and can also be abused and harassed online. These multi-player games mean that people cannot interact with real life people, but instead people are talking to people that they don't even know over the internet. Online gaming can be deceiving, a gamer could be communicating with somebody online who is telling them false information about themselves, an example of this could be a pedophile using these games to get into contact with children that may give out information about themselves. Cyber bullying can occur via online gaming. Online games can make people violent. If they are constantly using violence to solve a problem in an online game it may seep through into their everyday lives. Some online games teach kids what many would view as the wrong values. The games can confuse gamers the difference between games/fantasy and reality. Gaming can affect a child's academic performance, if they miss out on homework and are staying up late to play games and are tired at school. They can have attention

problems such as focusing on a particular task other than gaming it also affects the social life of children if they ditch others because they'd rather spend their time online. Gaming can cause obesity and other severe health problems. The internet being an open place where there is vast information to access, it is possible to end up downloading games especially from sites that are less reputable. This will in the process lead to downloading viruses, spasms, and malicious software.

11. I humbly submit that People can end up being fooled or swindled of our hard earned cash in the name of gaming. There is also a likelihood of being cyber bullied. If the session is long, it can leave people tired physically, affecting our performance for other duties. In the process, it can affect our personal attainment. The cost of online gaming fluctuates depending on the number of games people want to get involved in. There is also the expense of computer upgrade which is required in order to run the most recent games.

12. I humbly submit that the television channels and social media networks airing the advertisement for promoting Online Games and Gambling, the 10th and 11th Respondents are Famous Celebrity Star in the Indian Cricket Teams. And 12th to 15th Respondents are stars in the Cine field. The 10th to 15th Respondents are promoting and endorsing unethical immoral Online Gambling, using their familiarities to promote Online Gambling. And they are harvesting money from Online Gambling Business. The 10th to 15th Respondents they hook innocent youngsters to play Online Gambling Games. They are encouraging Online Gambling. And they are spread over the poison seed through their advertisement.

13. I humbly submit that 12-year-old youth from Rajasthan Kota boy commits suicide while playing online game Kushal was playing an online game for a long time, game was said to be similar to Blue Whale challenge, which caused a lot of deaths while it was a rage till last year. Telangana police files case against online rummy website ace2three. The youth were fast getting addicted to online gambling and were losing heavily to the highly programmed computers. Following this, the Nagaland government has introduced a Bill in its Assembly to regulate online skill games like rummy, bridge and poker, among others.

14. I humbly submit that Nagpur, 13-year-old ends life after losing in PUBG, The boy used to play games on mobile phone most of the time, the official said, adding that he was apparently depressed after losing a PUBG game. In a tragic incident, the 13-year-old son of a policeman allegedly committed suicide after losing a PUBG online mobile game in Maharashtra. Online games expose children to a world of crime and negative thinking.

15. I humbly submit that Policeman K.Saravanan (26) Played online game of Rummy, he lost Rs 43,000, and he committed suicide at villupuram. In a recent case in Maharashtra a bank cashier in Nuzvid was arrested for diverting over 1.5 crore from customers bank accounts to his account to play online rummy. In the state of Andra Pradesh, Vijayawada, Udhayaman (32) was a gaming freak and got addicted to online rummy websites. "He lost all his savings and finally lost his job in a hospital and he committed suicide. A 28-year-old Chennai man, Dinesh, killed himself on September 14 after losing about Rs 8 lakh in online gambling. A 24- years-old youngster, Madhukar in

Mancherial, Telangana, committed suicide in second week of July, after he lost Rs.15 lakh to the fraudsters in an online gambling game. In the same week, a 24-year-old man, Doddi Venkata Aravind in Kotturu village in Visakhapatnam district allegedly killed himself after losing money in online gambling. A 20-year-old Chennai college student, Nithish Kumar, Killed himself in July end after he lost all his savings on a gambling app online game named as "Casto Club". One can trade money on certain colours and digits in the game and if the same colour and digits appear on screen, you win upon nine times the money you traded. Each trading lasts about three minutes, first two and half minutes to choose the colour and the digit and the result will be displayed in the next 30 seconds. The money will be sent directly to the gamer's bank account if he wins. Many felt sad for the youngster whereas others expressed their disappointment over his ignorance. In Madurai, one Couple Venkata Subramanian, 41, and his wife Pattu Meenakshi, 33, Suicide over Debts Due To Online Gambling Having racked up debt of an by playing Rummy, the couple took the final step. Police are investigating the joint suicide of a married couple from Nagamalai, Madurai, who had taken their lives over losses while playing the online gambling game Rummy.

16. I humbly submit that the Public Gambling Act, 1867, is the central enactment on the subject, which has been adopted by certain states of India like Uttar Pradesh, Punjab, Madhya Pradesh, etc. This Act prohibits all games of chance except lotteries and games of skill. Other states have enacted their own legislation to regulate gaming /gambling activities within their respective states. It is to be

noted that state legislations have been enacted prior to the advent of virtual/online gambling in India and therefore references of gaming/gambling in respective state legislatures are in relation to physical premises only, barring Sikkim and Nagaland which are the only states which have introduced regulations pertaining to online gaming. Lockdown brings spotlight on online gaming addiction, as online gaming fuelled by lockdown turns from fun to a dangerous addiction among the young and the old alike claiming many a career and life, experts sound caution and suggest some remedies.

17. I humbly submit that as gaming addiction had become a worldwide phenomenon, the World Health Organisation in 2018 included 'Gaming Disorder' in the 11th revision of the International Classification of Diseases as one of the mental disorders caused due to addictive behaviour alongside 'Gambling Disorder'. "Till recently one suggestion given to parents of gaming addicted children is to see that their wards spend less time on the phone by keeping it away and engaging them in some other activity. But with online classes becoming a must for many children, now there is no much scope," says Dr. Vishal Indla, chief psychiatrist at VIMHANS.

INCREASING CASES:

"Post lockdown time parents realize when their children start behaving strangely, having disturbed sleep, refusal to eat food and revolting when confronted. Gaming disorder can be better treated in the early stages and it is important to monitor children who play games," he explains. Online gaming has not

only been a problem for children and youth but adults to get addicted to games that involve real money. One of the games most played by adults is online rummy offered by various platforms on the internet.

GAMBLER'S FALLACY:

Women's are also ending up in marital troubles due to addiction to online rummy games, married women who lost a lot of money in online rummy without the knowledge of their partners and vice-versa. Such people go through a condition called gambler's fallacy in which they think the money lost in numerous games could be won back in the next game," Dr. Vishal says. All the addicts have impulsive tendencies due to which they act without forethought and such people will be offered cognitive behavior therapy with a focus on faulty thought process, he says.

DEATHS CAUSED BY ONLINE GAME ADDICTION:

Online games have been here, it has now turned into serious a money-making business and a career for many. However, it is also sad to know that the addiction has many of the younger generations hooked to the gaming console. There are a few games that can be a cause of concern. Personality damage due to violent games is on the rise. There are known physical and mental development issues and side effects caused by violent games. Too much of online gaming can cause serious health and brain issues and can also prove fatal in certain cases.

SOCIETAL PROBLEMS CAUSED BY ONLINE GAMBLING APPS:

Online gambling is plunging Indians into penury and forcing people to commit suicides in these trying times. The Respondents need to take necessary action against it. A UK study found that “problem gamblers” in England were eight times more likely to have attempted suicide than others.

18. I humbly submit that this every third person in an Indian city today is a youth. In about seven years, the median individual in India will be 29 years, very likely a city-dweller, making it the youngest country in the world. India is set to experience a dynamic transformation as the population burden of the past turns into a demographic dividend, but the benefits will be tempered with online games and social Medias and Networks. The Respondents may give urgent attention to improving Data security, Nation security, defiance, sovereignty & integrity of India and to protect data & privacy of people of India. The population in the age-group of 15-34 increased from 353 million in 2001 to 430 million in 2011. Current predictions suggest a steady increase in the youth population to 464 million by 2021 and finally a decline to 458 million by 2026. By 2020, India is set to become the world’s youngest country with 64 per cent of its population in the working age group. With the West, Japan and even China aging, this demographic potential offers India and its growing economy an unprecedented edge that economists believe could add a significant 2 per cent to the GDP growth rate.

19. I humbly submit that the global online game market is forecast to be worth \$159 billion in 2020, The Indian e-gaming industry was estimated at \$91 million in 2019; it is

expected to grow at a CAGR of 43% year on year. The pandemic has altered consumer behavior, global spending on games rose by 17% to \$10.5 billion. In India, the industry grew at a CAGR of 21% during the lockdown, with a steadily increasing customer base crossing 300 million users. The pandemic is contributing to the normalization and adoption of e-gaming. For instance, a leading Indian gaming company has witnessed a 200% increase in its user base during the lockdown, with about 1, 00,000 new users joining the platform every day. In India, 85% of the online gaming takes place on mobile. Convenience and flexibility have made mobile gaming extremely popular.

20. I humbly submit that in the month of August and September Government of India banned 224 Chinese apps including PUBG Mobile, TikTok, Weibo and mobile apps having Chinese links and citing security reasons .The apps are prejudicial to sovereignty and integrity of India. For safety, security, defense, sovereignty & integrity of India and to protect data & privacy of people of India the Government has banned 224 mobile apps.

21. I respectfully submit that there by the said online games groups are working against the sovereignty of India. Both the Central and State Governments are afraid to take action against the said online game groups. The Governments has not taken any steps to investigate the source of funds and Headquarters, Origin of Nation. The Online Games Groups for their personal benefit misusing the young population of India. Hence it is just and necessary to conduct detail probe in the above matter and ban online games, erred groups, Website and Social Network. I have given representations to the

Respondents to take action against the online gaming groups and Website and Social Network who are online games groups are working against the sovereignty of India anti national thought in our Nation and working to divide India. The Respondents received my representation. But they have not taken any action.

22. I further submit that I preferred the detailed representation along with necessary documents on 16.09.2020 and the same was received by the Respondents. Even after the same, the Respondents are acting like a silent spectator in this issue. It is a duty cast upon the Respondents to discharge their statutory duties in accordance with law for the benefit of public. But the Respondents are not taking any action till date.

23. I humbly submit that in the above said circumstances I left with no other alternative remedy except to approach this Hon'ble Court file way of this Writ petition seeking relief of mandamus under Article 226 of the Constitution of India. I hereby declare that I have not filed any other Writ Petition or case either before this Hon'ble Court or before any other Court of law regarding the same subject matter of the present Writ Petition.

Therefore it is prayed that this Hon'ble Court may graciously be pleased to grant an order of **INTERIM DIRECTION**, directing the Respondents to ensure that online games, particularly for kids, comply with best international standards, regulations and practices and Safeguard the Indian Youths from the unwanted Social Media Network, Cyber crimes & Online games, cyber bullying, violence,

and xenophobia, pending disposal of the above Writ Petition and thus render Justice.

Therefore it is prayed that this Hon'ble Court may be pleased to issue a **WRIT OF MANDAMUS** or any other appropriate Writ or order or direction in the nature of Writ, directing the Respondents to taking action against the 9th and 10th to 15th Respondent and online games groups and parties who are involving Cyber crimes, Scam, cyber bullying, violence, and xenophobia, illegal Data transport and ensure the safety, security, defense, sovereignty & integrity, culture of India and protect the data privacy of people of India on the basis of the Petitioner's representation dated 16.09.2020 and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render Justice.

Solemnly affirmed at Madurai
this 15th day of October 2020
and signed his name in my
presence.

BEFORE ME,

ADVOCATE, MADURAI