

Sexual Violence depicted against Women in Video Games: The Effect of Virtual World on the Real World

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Video games have replaced many traditional childhood pastimes as the leisure activity of choice. A stroll through the halls of a day care or a college dormitory demonstrates the strong presence these games have for the youth. Children are spending more time and money on electronic entertainment than ever before. In fact, video game use has steadily increased throughout the past than ever before. Video games are popular social artefacts with the potential to shape behaviour, attitudes and identities of players. Violent video games produce aggressive behaviour and emotions.

Video graphics are becoming increasingly realistic portrayals of holistic worlds. California passed a ban on the sale of violent games and sought “to plow new legal ground by equating violent video games with pornography.” However, the Supreme Court of US with 7-2 majority declared the law unconstitutional but hint to the fact that the Court might have ruled differently if the legislation would have been banning video games containing sexual violence. The European Women’s Lobby while condemning the “The RapeLay” have rightly stated that the games containing sexual violence promote a hostile attitude towards the women, girls and male sexuality which enforce and promote harmful and discriminatory gender stereotypes. This cannot be a question of freedom of speech and expression, but the banalisation and promotion of sexual assault.

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The authors' in this academic venture investigate how gender based violence depicted in the video games contribute to the socialisation of youngsters and how the role played by any player in virtual world affects his real life. An analysis of the content, development, dynamic and possible effect on young mind has also been done, based on the video graphic content. The results show that video games, which contain explicit incitement to violence, are widely available on Internet for free. From "anime" and "Custer's Revenge" to the world famous "GTA" contain clear incitement to gender based violence, as Amnesty International claims, we are in breach of the Convention on the Elimination of All Forms of Discrimination against Women, which requires States to take steps to remove such discrimination in all its manifestations.

1. INTRODUCTION

Women have been placed at very highly regarded position in Indian society. They have been depicted as the Goddesses and have been treated in an aesthetic manner. However, in the present era, women are treated like objects and are depicted in indecent and vulgar forms. This depiction of women in indecent, vulgar and obscene manner lowers their status in society. The gender-based violence, is not new in human society, howsoever it claims to be civilised. Gender-based violence is violence perpetrated against women, which is primarily or exclusively motivated by their sex, and includes both intimate partner abuse and physical or sexual assault by strangers. A new trend of sexual harassment, obscenity and indecent representation of women has been experienced with the emergence cyber world, more specifically, social media, video games etc.

Video games are popular social artefacts with the potential to shape players' behaviours, attitudes, and identities. The growing popularity of games makes it essential to study their content and effects. Specifically, it is important to study the characters and themes of games. There is both anecdotal and scientific evidence that playing video games affects player' attitude and behaviour.³ This is particularly a concern because many games contain violence and the level of violence in games may be increasing. Such concerns have led a few lawmakers to attempt to regulate video games. Video games comprise an increasingly large part of young people's time; they (Video games) have also emerged as an important source of learning and socialization that significantly affects the modern experience of childhood. It is only the violent and sexual content of video games that led many countries to ban even world famous video games such as GTA, Custer's' Revenge, RapeLay, Command & Conquer: Generals, Bully, The Guy Game etc. In spite of the fact that there are so many National and International Instruments which advocates the prohibition the indecent representation of women, the commercialisation of vulgar, obscene and indecent portrayal of women's figure in video games is at its peak to attract more players.

2. GENDER BASED VIOLENCE DEPICTED IN VIDEO GAMES

³ Tracy . & Dietz, (March 1998), An examination of violence and gender role portrayals in video games: implications for gender socialization and aggressive behaviour, Retrieved from: https://www.researchgate.net/publication/255617498_An_Examination_of_Violence_and_Gender_Role_Portrayals_in_Video_Games_Implications_for_Gender_Socialization_and_Aggressive_Behavior

In the study by clinical psychologist Linda Papadopoulos (2010)⁴ titled *Sexualization of Young People: Review*, the author explains that women in video games are rewarded- for their physical attributes, encouraging male gamers to perceive women as being essentially hypersexual, with little reference to their intelligence or abilities, and promoting a mentality whereby women are viewed as subordinate and, therefore, as appropriate targets for sexual violence. The report stated that "the repeated depiction of men as dominant and aggressive and females as subordinate and demeaned is arguably perpetuating violence against women." Linked to a patriarchal culture that legitimises male dominance, violence as a relationship strategy, submission and sexism, etc., these values generate a structural phenomenon that Galtung has called 'cultural violence', which is covertly transmitted in the socialisation process, and video games contribute to this.⁵

2.1 Custer's Revenge

The first commercial video game to centre its action on a form of gender-based violence such as rape was *Custer's Revenge*. Produced by the *Mystique Company* in 1982, the action in this game is focused on the rape of women. Although the graphics are very basic, a reflection of the time in which it was created, clearly depicts human characters that are sexually differentiated by their genitals. Gamers control the character of General Custer, represented by a naked man wearing a cowboy hat, a scarf and boots and sporting a visible erection. Custer has to overcome several obstacles to achieve his goal, which is to rape a naked woman with large breasts, tied to a cactus tree, and is called "revenge." If the gamer successfully complete the first challenge, they can rape the bound woman and will receive *score for each act of rape perpetrated*. The game has no story or argument other than overcoming volleys of arrows in order to commit rape, which is rewarded. The aim was to represent the "revenge" taken by this U.S. Army cavalry officer for a defeat by the Sioux Indians, through raping a female member of the opposing side (a relatively common event in warfare).⁶ Complaints about the game lodged by groups of women human rights defenders were disregarded. On the contrary, about 80,000 copies of the game were sold, an extraordinary figure for the time. Later, *Mystique Company* sold the rights to their games to *Playaround*, which continued to sell *Custer's Revenge* under the name of *Westward Ho* for some time. Some changes were made to the game, such as darkening the woman's skin and making her extended arm towards Custer which extended the macho imagery and suggested that deep down woman want to be raped.⁷

2.2 RapeLay

In 2006, a Japanese company - *Illusion Software* - marketed a series of anime-type games, including one which achieved particularly widespread notoriety entitled RapeLay. In this

4 papadopoulos, l. (2010). Sexualisation of young people review. London: home office publication, Retrieved from: <http://www.homeoffice.gov.uk/documents/sexualisation-young-peopleel>

5 Enrique Javier Díez Gutiérrez, (May 2014) video games and gender-based violence, Retrieved from: <https://www.sciencedirect.com/science/article/pii/S1877042814031887>

6 Ibid.

7 Matthew Thomas Payne, Peter Alilunas (August 24, 2015), Regulating the Desire Machine Custer's Revenge and 8-Bit Atari Porn Video Games. Retrieved from: <http://journals.sagepub.com/doi/abs/10.1177/1527476415601212>

game, the main character is a rapist who has recently escaped from prison and returns to wreak his revenge by raping as many women as possible, including a schoolgirl and a ten year old girl, and "making them enjoy" the experience. It is an interactive role-playing game where the gamer assumes the role of the main character, a rapist, and chooses the kinds of aggression to perpetrate. In order to take revenge on an adolescent who had reported him for the attempted rape of a friend, the main character decides to abuse her, her mother and her 12 year old sister. *RapeLay* also includes sexual attacks on women and girls on a train, as well as gang rapes.⁸

There are various options in the game, such as being able to select any part of the body, to strip women naked on a train or in a park, remove their clothing, sexually abuse them with a virtual hand, force their submission by using certain objects (handcuffs, for example) and choose other form of rape. While the female characters scream, a menu appears enabling the gamer to select the form of rape to perpetrate: "vaginal insert", "oral sex or "Take off pants". The "risk" that the protagonist runs are that victims can become pregnant as the number of rapes increases. In such cases, if the gamer successfully advances through the levels, the rapist must force them to abort and then turn them into his sex slaves, otherwise the possibility increases that the adolescent will stab him to death and thus end the game.⁹

The degree of sexual violence that the game transmits is extreme. The higher the number of attacks and virtual abuses, the better the gamer's level. Amazon, a multinational in internet sales, presented the game as follows: "*You are a public enemy and you escaped from prison in search of new targets. This time, you meet a single mother and her two daughters. You quickly begin your hunt and capture each woman, one by one. The game includes a fun training system for learning how to break each of your targets as you wish*".

In their condemnation of the game, the European Women's Lobby (EWL) stated that "*The RapeLay game promotes a hostile attitude towards women, girls and male sexuality, and enforces and promotes harmful and discriminatory gender stereotypes. The EWL cannot regard this as a question of freedom of expression, but as the banalisation and promotion of sexual assault*". The distributor of *RapeLay* replied that "*the game was approved by Japanese regulations and we will not accept this kind of criticism from groups located on the other side of the world*".¹⁰

2.3 Grand Auto Theft

In the different versions of the popular and controversial series of *GRAND THEFT AUTO* (GTA), women working as prostitutes are subject to assault and murder. In the *San Andreas* version, gamers can steal a car, drive around any of the streets in their city (finding prostitutes in virtually all of them), pull up beside a woman who engages in prostitution and avail themselves of her services.¹¹

8 W. Galbraith, Patrick. (2017), *RapeLay and the return of the sex wars in Japan*, Retrieved from: https://www.researchgate.net/publication/312871540_RapeLay_and_the_return_of_the_sex_wars_in_Japan
9 Ibid.

10 Enrique Javier Díez Gutiérrez, (May 2014) *video games and gender-based violence*, Retrieved from: <https://www.sciencedirect.com/science/article/pii/S1877042814031887>

11Alessandro Gabbadini, Paolo Riva, Luca Andrighetto, Chiara Volpato, & Brad J. Bushman, (: April 13, 2016) *Acting like a Tough Guy: Violent-Sexist Video Games, Identification with Game Characters, Masculine Beliefs,*

Whilst it is true that in this game the gamers can choose to seduce a woman instead of paying for the services of a prostitute, this former zone of the highest cash rewards is obtained by gamers after killing one of the women prostitutes who are walking through their neighbourhood. This is explicitly stated in the guide to the *Grand Theft Auto: San Andreas* version of the game: "While the woman is giving you a "good job", you gain life points but your money reserves go down. But if you want to recover the money you've spent, or even gain more, kill the girl as soon as you get out of your car..."¹²

Moreover, *Phantasmagoria*, a 1995 horror adventure game written and designed by designer Roberta Williams, included a rape scene. *Slave of the red mansion* is a game where girls are sold into sexual slavery and bound with chains. In *Fear Effect*, one of the characters is raped by tentacles. There are explicit rapes in *Knights of Xentar*. *Slap Dat* is presented with the following line: "If you're the kind of guy who likes to spank girls to get them horny, this is your game". In *Slap the booty*, gamers must hit the buttocks of a girl, who screams in pain each time. A clock measures the speed with which she is slapped. In *Sim Girl*, a girl asks to be beaten. Gamers hit her while she tells them how she should be beaten and when she is most vulnerable. Studies by the Fundación Directa entitled *Keys to non-sexism in software development* (2007) or the Andalusian Institute for Women, led by Bertomeu (2005), indicate that this type of game is common on the Internet.

In video games available for free download on the Internet, such as *BENKI KUOSUKO*, the abuse of women even includes torture. In this game, a gagged, handcuffed and practically naked Japanese woman is sitting on a toilet with her legs spread apart. The gamer, encouraged by the phrase "you have to make this Japanese woman experience pleasure with all sorts of contraptions", can insert syringes, eggs, a jar of milk or pills into her vagina and anus. Abuse, torture and rape are presented as a fun game starring the gamer, which is ordered to "make this woman experience pleasure". Despite having also been condemned by Amnesty International (2004) several years ago, the game is still available on internet.

3. Video Games and Pornography

Pornography and videogames are pretty much the same thing, according to a sensational editorial published on CNN today called 'The Demise of Guys: How Videogames and Porn are Ruining a Generation.' However, games and porn may not be the same, but they are equally damaging to young men, destroying their ability to connect with women, and therefore threatening the future of our entire species.¹³

The article, by psychologist Philip G. Zimbardo and Nikita Duncan argues that young men are "hooked on arousal, sacrificing their school work and relationships in the pursuit of

& Empathy for Female Violence Victims, Retrieved from: <http://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0152121&type=printable>

12 Martinez, Michelle & Manolovitz, Tyler. (2018). Incest, Sexual Violence, and Rape in Video Games, Retrieved from:

https://www.researchgate.net/publication/265034955_Incest_Sexual_Violence_and_Rape_in_Video_Games

13 Dr. Philip . Zimbardo & Nikita Duncan, (May 23, 2012) 'the demise of guys'_ how video games and porn are ruining a generation, <http://edition.cnn.com/2012/05/23/health/living-well/demise-of-guys/index.html>

getting a tech-based buzz”. It goes on to acknowledge that games and porn “are different” but both pastimes are having much the same effect - rewiring the feeble synapses of young men so that they are compelled to seek out short-term images of satisfaction at the expense of real-life pursuits, like getting an education or finding a job or a mate.¹⁴

There's a key difference between porn and gaming. Pornography can't be consumed in moderation because it is, by definition, immoral. A video game can be a harmless diversion along the lines of a low-stakes athletic competition. But the compulsive form of gaming shares a key element with porn: both are meant to simulate something, something for which men long. Pornography promises orgasm without intimacy. Video warfare promises adrenaline without danger.¹⁵ Video games and Pornography have much in common with how they affect the brain and habits of a user. To name few:

- a. Both access the same instant reward centre of the brain, causing a demand for constant stimulation, which is addictive.
- b. Both Promote isolation, which has been proven to cause many problems such as depression and poor physical health.
- c. Both can easily become a substitute for healthy face-to-face interactions, social or sexual. Just as pornography acts as a poor substitute for real intimacy, video games act as the same for social interactions.
- d. Both industries have been heavily criticised for promoting sexism, hyper-masculinity, and false gender expectations.¹⁶

4. Effect of Video Games

Violent video game play has been associated with several violent incidents. For example, teenager Devin Moore, who was being held on suspicion of car theft, seized an officer's gun and fatally shot three people. Moore then stole a patrol car and fled the jail. Moore later told police, “Life is like a videogame. You have to die sometime.” Moore frequently played the game *Grand Theft Auto*, which raised concerns that the game influenced his violent behaviour.¹⁷ In 2008, a young man named Polwat Chino hailed a Bangkok taxi and, when it was time to pay for his ride, instead pulled out a knife and stabbed the driver to death. When cops picked him up, Chino blamed *Grand Theft Auto* for his violent actions, saying “killing seemed easy in the game” and he needed the money to play it.¹⁸

14 Steve Vaughan, (31 AUGUST 2012)why boys never become men (part 1) – pornography & video games, Retrieved from: <https://stevevaughan10.com/2012/08/31/why-boys-never-become-men-part-1-pornography-video-games/>

15 Russell D. Moore, (Jul 24, 2012,)why are so many men hooked on internet porn, video games?, Retrived from: <https://www.christianpost.com/news/why-are-so-many-men-hooked-on-internet-porn-video-games-78758/>

16 Katie Patterson, (n.d.), pornography & games, <https://everaccountable.com/blog/pornography-gaming/>

17 Miller, Monica. (2009). Content Analysis of the 18Year Evolution of Violence in Video Game Magazines. *Journal of Criminal Justice and Popular Culture* (16), Retrieved from: https://www.researchgate.net/publication/254410066_Content_Analysis_of_the_18Year_Evolution_of_Violence_in_Video_Game_Magazines

18 K. Thor jensen & kthorjensen,(05.29.2017) 11 video games that got banned and why, Retrieved from: <https://www.geek.com/games/11-video-games-that-got-banned-and-why-1645406/>

Experts say video games let people embrace their individuality, help them feel competent and also make them able to relate to other gamers. Those three perks could keep a person so hooked that he or she hardly does anything except play during any free moment.¹⁹ Their concern isn't about morality, but instead about the nature of these addictions in reshaping the pattern of desires necessary for community. If you're addicted to sugar, or tequila, or heroin you want more and more of that substance. But porn and video games both are built on novelty, on the quest for newer and different experiences. That's why you rarely find a man addicted to a single pornographic image. He's entrapped in an ever-expanding kaleidoscope.

According to Johanna Blakley²⁰, - research has shown over and over again that entertainment and play have a huge impact on people's lives; for instance, on their political beliefs, and on their health.²¹ So if you have any interest in understanding the world, looking at how people amuse themselves is a really good way to start. *Just because someone is spending time in leisure does not mean that he or she is immune to ideological influence.* In fact, according to Adorno and Horkheimer, one cannot be entertained by something without agreeing with its ideology.²² Recently, several young children committed suicide while playing the notorious games "Blue Whale." Philipp Budeikin, a former psychology student who was expelled from his university, claimed that he invented the blue whale game. Budeikin stated that his purpose was to "clean" the society by pushing to suicide those he deemed as having no value.²³

5. Regulation of Video games & Need of Separate Legislation

Over the last few years, governments around the world have been firing shots across the bow of the interactive video game industry, seeking to constrain increasingly graphic and violent content found in current interactive games. As morality groups chant battle cries for the protection of children as their permanent justification for censorship of controversial and violent videos or erotic expression, the stage is set for a battle in digital age.

In the United States the censorship efforts started a few years ago with the imposition of a voluntary rating system that required all video games to include a rating level. The industry agreed to a system created by the Entertainment Software Rating Board (E.S.R.B.) with ratings ranging from E (everyone) to M (Mature, above 17) and A.O (adults only).²⁴

19 Kayla Minguez, (Nov. 7, 2014) The merging of social media and gaming, Retrieved from:

<https://www.socialmediatoday.com/content/merging-social-media-and-gaming>

20 The then- Deputy Director of the Norman Lear Centre, a media-focused think-tank at the University of Southern California

21 Alfreda Smith, Mark Troutt, Ethan Lawrence & Nathanael Thorn (03/03/2011) Socially Responsible Games, Retrieved from: https://web.wpi.edu/Pubs/E-project/Available/E-project-030411-170044/unrestricted/Socially_Respsible_Games.pdf

22 Theodor Adorno and Max Horkheimer. (n.d.), The Culture Industry: Enlightenment as Mass Deception, Retrieved from: <http://faculty.georgetown.edu/irvinem/theory/Adorno-Horkheimer-Culture-Industry.pdf>

23 PIL Filed In Delhi HC against Blue Whale Challenge, (AUGUST 16, 2017), retrieved from:

<http://www.livelaw.in/pil-filed-delhi-hc-blue-whale-challenge-read-petition/>

24 Piya Bose, (n.d.) Censorship of Video Games, Retrieved from:

<http://www.legalservicesindia.com/articles/cenpb.htm>

The Supreme Court of United States of America in *Brown v. Entertainment Merchants Association*²⁵ has held that video game qualify as protected speech, and that California's 2005 law banning the sale of violent video games to minors without parental consent is unconstitutional. The Supreme Court agreed (7-2 majority) with the lower court, and Justice Scalia's majority opinion is thunderous in support of the proposition that video games are to be offered the same type of First Amendment protection as any other type of media, for example, protected books, plays, and movies that preceded them, video games communicate ideas, etc.²⁶ There are some fascinating contours to the decision. California's law was held unconstitutional because it regulated violence, not sex. Had the California legislature written the exact same law banning sexual video games instead of violent video games, an entirely different set of laws would have kicked in, and Judge Scalia seems to hint that the Court may have ruled differently.²⁷

5.1 Legislation in India

a) Indian Constitution

Article 19 of the Indian Constitution guarantees that all citizens shall have the right to freedom of speech and expression, however, this right is subjected to Article 19(2) which restricts the freedom of speech and expression in the interest of *decency and morality*. Article 39(f) is the directive policy which provides that children must be given facilities to develop in a healthy manner in conditions of freedom and dignity, childhood and youth to be protected against exploitation, and against moral and material abandonment. In special circumstances, this constitutional provision can be invoked to seek the directions from the High Court or Supreme Court of India, for appropriate directions to the government agencies, to prohibit violation or enforcement of some legislation, where such agencies are inactive.

b) Indian Penal Code, 1980

The Indian Penal Code, 1860 ("IPC") is a comprehensive penal code intended to cover all substantive aspects of criminal law in India.

IPC penalizes sale, publication and distribution of obscene content. The IPC, amongst others, also prohibits the sale, hire, distribution, exhibition, circulation of any obscene object and also penalizes any person who engages in or advertises or promotes or offers or attempts to do any obscene activity.²⁸ It is pertinent to note that the term used is "obscene object", which is very wide and would include video games as well. Section 293 of IPC is a special provision dealing with the sale of obscene objects to young persons.

25 564 U.S. 786 (2011).

26 Niley Patel, (Jun 27, 2011) supreme court says video games are protected free speech, california can't regulate sales of violent games: a complete analysis, Retrieved from:

<https://www.theverge.com/2011/06/27/supreme-court-video-games-protected-free-speech-analysis>

27 *ibid*.

28 Section 292 of Indian Penal Code.

Section 292 provides that whoever sells, distributes, exhibits or advertises *such material*, shall be punished on first conviction with *imprisonment of either description for a term which may extend to two (2) years*, **and** with *fine which may extend to two thousand rupees*, and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to five (5) years, and also with fine which may extend to five thousand rupees.

Similarly, Section 293 of IPC provides that whoever sells, distributes, exhibits or circulates any obscene object, to any person under the age of 20 years, shall be punished on first conviction with imprisonment of either description for a term which may *extend to three (3) years*, **and** with *fine which may extend to two thousand rupees* and, in the event of a second or subsequent conviction, with imprisonment of either description for a term which may extend to seven (7) years, and also with fine which may extend to five thousand rupees. Even the attempts to commit the offences as provided above, are also punishable with the same punishments respectively.

c) The Information Technology Act, 2000 (IT Act)

The IT Act, amongst others, penalizes the publishing or transmission of any obscene content or sexually explicit material including child pornographic content in electronic form. Publication and distribution of a video game through a DVD/blue ray, and distribution of the same through internet will fall into the category of publication and transmission respectively. Sections 67 and 67A of the Information Technology Act provides stringent punishment and fine for publishing or transmission any information in electronic form, which is **obscene**, or **contains sexually explicit act** or conduct. Section 67, like Section 292 of the IPC, provides that any material which is lascivious or appeals to the prurient interest or which may deprave and corrupt persons would be considered obscene, and would be punishable under the IT Act. Similarly Section 67A provides that any material in electronic form, which contains sexual act or conduct, shall be punishable under the Act.

Section 67 provides imprisonment up to three (3) years and fine up to five lakh rupees for first conviction and imprisonment up to five (5) years and fine up to ten lakh rupees for subsequent convictions. Section 67A provides punishment up to five (5) years and fine up to ten lakh rupees for first conviction and imprisonment up to seven (7) years and fine up to ten lakh rupees for subsequent convictions.

d) The Indecent Representation of Women [Prohibition] Act, 1986

This Act was enacted to prohibit indecent representation of women through advertisement or in publications, writings, paintings, figures or in any other manner and provides for penalty in connection with the same. Section 4 of the Act prohibits any person from selling, distributing, or circulating any film, photograph, representation of figure, which contains indecent representation of women in any form. Section 6 of the Act, 1986 provides that whoever produces, sells, distributes, or circulates any film, photograph, representation of figure, which

contains indecent representation of women in any form, shall be punished on first conviction with imprisonment of either description for a term which may extend to two years, and with fine which may extend to two thousand rupees, and, in the event of a second or subsequent conviction with imprisonment for a term of not less than six months but which may extend to five years and also with a fine not less than ten thousand rupees but which may extend to one lakh rupees.

e) The Young Person's (Harmful Publications) Act, 1956

This Act was introduced to prevent the dissemination of certain publications, which were considered as harmful to young persons. The act defines "young person" as a person, who is under the age of twenty years.

Section 2 (a) of the Young Person's (Harmful Publications) Act, 1956 defines "harmful publication" as any book, magazine, leaflet, news-paper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly--

- a. the commission of offences; or
- b. acts of violence or cruelty; or
- c. incidents of a repulsive or horrible nature;

in such a way that the publication as a whole would tend to corrupt a young person into whose hands it might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever.

Sec 3 of the Act makes it an offence to sell, distributes, publicly exhibits, circulates, prints, makes, produces, advertises any harmful publication or has in his possession any harmful publication, shall be punished with imprisonment which may extend up to 6 months or fine or both.

6. CONCLUSION

The beta draft of its forthcoming 11th International Classification of Diseases, the World Health Organization includes "gaming disorder" in its list of mental health conditions. The WHO defines the disorder as a "persistent or recurrent" behaviour pattern of "sufficient severity to result in significant impairment in personal, family, social, educational, occupational or other important areas of functioning." The disorder is characterized by "impaired control" with increasing priority given to gaming and "escalation," despite "negative consequences."²⁹ Human being desire to do myriad of things and the advancements in science and technology have confirmed that there are no limits for the human thinking and

²⁹Susan Scutti, (December 28, 2017), WHO to recognize gaming disorder as mental health condition in 2018, Retrieved from: <http://edition.cnn.com/2017/12/27/health/video-game-disorder-who/index.html>

he strives relentlessly to do something new. But the expansion of the mental faculties must not come at the cost of the well-being of the young minds of the civil society. As posited by Justice Patanjali Shastri in *A. K. Gopalan Case*³⁰, “*man as a rational being desires to do many things, but in a civil society his desires will have to be controlled with the exercise of similar desires by other individuals*”, and this can aptly be done by state regulations.

The large amount of sexual violence depicted in the video games is a clear misuse of various freedoms provided by the statutes and violates the very basic community standards. The standards may vary from state to state but no geo-political entity will have this kind of depiction of violence within their community standards. Applying the Miller Test as devised in *Miller vs. California*³¹ according to which if a work appealing to the prurient interest by an average person applying contemporary community standards depicts sexual conduct in a patently offensive way and has no serious literary, artistic, political or scientific value will not be protected by the law, such kind of games will not be able to qualify even the basic tests of law.

Thus, it is well established that video games affect adversely due to lack of regulation both, at family level as well as government. A separate legislation to regulate the video game industry is need of the hour as the video game industry is growing much faster than in past decades.

30 1950 AIR 27

31 413 U.S. 15