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Navigating the Metaverse: Unveiling the Spectrum of Opportunities and Challenges, With a Focus on Sexual Harassment and Legal Frontiers

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ABSTRACT

The Digital World has come to reality in the form of an online-based possible substitute for the real world. Metaverse is nowadays the most commonly used virtual-reality world which offers its users several activities ranging from playing and socializing, to attending concerts or even marrying. All these activities are undertaken by the virtual being of the user known as the 'Avatar'. The Virtual reality world comes up with a platform, gear, and headset combined with haptic technology to give a real-life sensation of touch. As per the data, there are 400 million monthly active users on the Metaverse. There is an ever-growing craze for the Metaverse as evident from the fact that the famous pop singer Justin Bieber performed live in the Metaverse. This is not the only instance many Indian corporations are actively promoting the use of virtual realities in their businesses.

But like every other innovation metaverse is not all crime-proof. Incidents of Sexual Harassment in the metaverse are not a new occurrence. Several posts on social media related to 'Virtual Rape' garnered negative responses, with netizens questioning the seriousness of the crime. The use of Haptic devices makes the experience all the more real which is a compelling reason why stringent laws are needed to tackle the problem of sexual harassment in the metaverse. Some laws that regulate privacy matters and prohibit sexual harassment could come to the rescue of women but they are not adequate and have several limitations from the non-applicability to Digital Avatars, Cross Border crimes, to the anonymity of the identity of the avatars. However, since the metaverse is still evolving the state governments are expected to evolve with the ever-growing techs.

Keywords: *Metaverse, Virtual Reality, Sexual Harassment, Online Gaming Laws.*

I. INTRODUCTION

Imagine a world where you can travel without any boundaries and engage in activities ranging

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from traveling, playing, owning property, and whatnot. Emerging from the minds of the Sci-fi novelist, Virtual Reality worlds like the Metaverse, VR Chat, and, Amaze VR, etc. have made an influential journey to our homes worldwide through Headsets. Modern-day technology has enabled a virtual reality (VR) world. Engaging with computer-generated settings, this alluring virtual area offers users amazing opportunities for socializing, letting their imagination run wild, and discovering new forms of enjoyment. Virtual reality has offered a world without physical and mental boundaries, thus giving a real-life sensational feeling with your personalized Avatar³ in the virtual world. When combined with a platform and a gear, the Haptic technology tricks our minds, which in-effectuates the users to distinguish between reality and virtuality. However, like any space where people gather, the metaverse is not immune to challenges, and criminal activities have already paved the way in the not-so-advanced digital world. A notable concern is the occurrence of sexual harassment within its digital domains.

II. WHAT IS METAVERSE?

In his 1992 book **Snow Crash**, Neal Stephenson first used the term "metaverse" to describe a three-dimensional virtual environment where real people's avatars lived. Metaverse-like systems can be found in many other science fiction media (some of them predating Snow Crash). However, Stephenson's and Ernest Cline's 2011 book **Ready Player One** continues to be two of the most frequently cited works for fans of the metaverse. However, these dystopian novels cannot fully justify what the Metaverse is.

The term Meta is an amalgam of Greek terms *beyond* (meta) and *universe*. Construing to something over and above the universe.

It is difficult to put the term Metaverse into water-tight compartments and give it a precise definition. However, it can be said that a platform called the Metaverse offers **virtual experiences as an alternative to or replication of the physical world**. It creates a dynamic, open, and interoperable arena that is similar to the Internet but in three dimensions by fusing virtual reality with augmented reality 3D. The authors agree with the brief description given by **Damar (2021)**⁴ where the study describes the metaverse as: "*the layer between you and reality*" and the metaverse referring to a "*3D virtual shared world where all activities can be carried out with the help of augmented and virtual reality services*".

³ Benjamin Tyson Duranske, *VIRTUAL LAW: NAVIGATING THE LEGAL LANDSCAPE OF VIRTUAL WORLDS* 7 (American Bar Association, United States of America, 2008)

⁴ Damar, M., *Metaverse shape of your life for future: A bibliometric snapshot*. 1-8 [Journal of Metaverse, 1(1)] (2021)

The term can also be defined based on its characteristics;

1. Environment;
2. Interface;
3. Interaction and;
4. Social Value.

Environmentally, Meta is the combination of both realistic and unrealistic characteristics. It is realistic in the way that at a time the avatar is present only at one place. And unrealistically, there are no physical constraints like the gravity in the metaverse and one can travel all around the universe even on another planets.

There are three-dimensional, immersive, and tangible ways when it comes to **interfaces**. Despite not being a necessary component, the phrase "**3D virtual world**" is frequently used to define the metaverse. A physical tool (like virtual reality) is utilized to replace the user's actual visual sense to generate immersion. For instance, an avatar's face-to-face conversation with a distant friend in the metaverse immerses the user, as opposed to just sending a textual "Happy Birthday" message.

Interaction is one of the most interesting characteristics of the Metaverse. You can interact with a wide number of users belonging to different cultures and backgrounds. And interestingly you can be friends with them in reality. Interaction initiates the networking. Due to this, collaborations have become popular.

Socially, one of the most significant questions about the metaverse's worth is whether or not the metaverse environment offers new benefits to society. Social values and a healthy metaverse are largely dependent on sustainability and multidisciplinary research. Both the real world and the metaverse itself use the metaverse as a tool and as its intended destination. Users can share fresh knowledge and experiences through the metaverse. Users can produce new goods, amass a financial fortune, and showcase various aspects of themselves in this way. But these social activities have platform limitations, therefore consistency is required.

The metaverse is a place where the real world and the virtual world come together, thus there will be an international demand to share and expose data with tech companies and other outside parties.

And finally, it can be said that the meta-world is parallel to the real world.

III. THE GROWING TRENDS OF METAVERSE

The craze for the Metaverse is growing at a rapid rate. According to the Google Trends data⁵, in the Indian Sub-continent, the term Metaverse was the most well-liked search topic from the period of January 2023 to December 2023. Accordingly, Chandigarh and Haryana topped the list followed by Puducherry and Delhi while Lakshadweep at the lowest. Worldwide⁶, St Helena topped the list, followed by Singapore and UAE. Statistically, there are 400 million monthly active users on the metaverse.⁷ The following chart shows the user numbers by age.

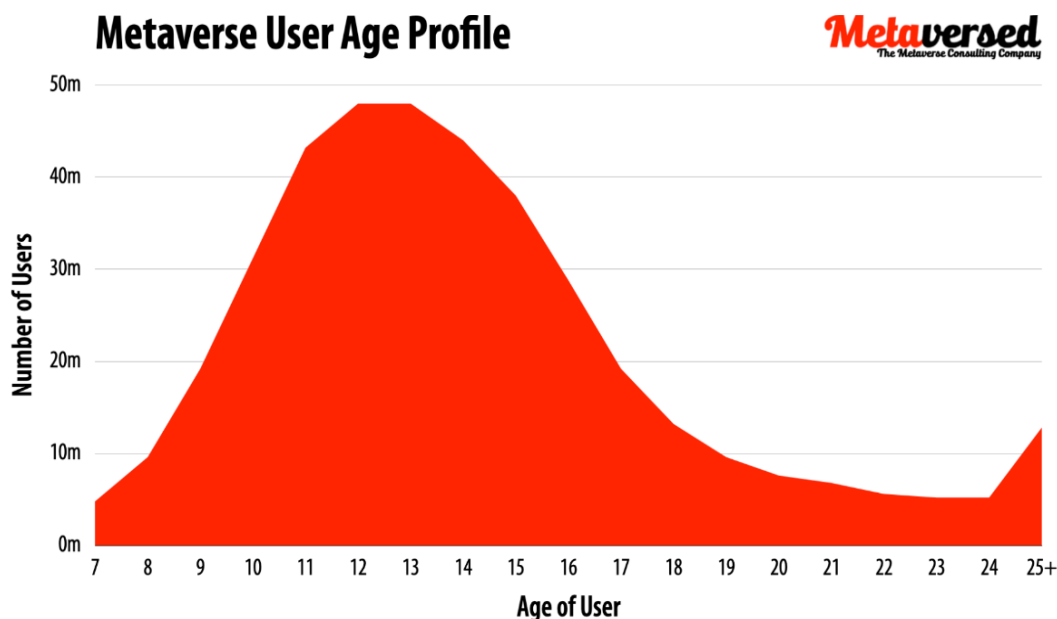


Fig. 1 Users on the Metaverse according to age⁸

It is projected that the average Value per user (ARPU) will be USD 79.5.⁹ The Metaverse market is predicted to have 2,633.0 million users by 2030. As per estimates, the Metaverse market in India will be around \$2.1 billion. In recent months, the metaverse has also attracted a lot of interest due to the growth of NFT and recent support from Facebook CEO Mark Zuckerberg. The growing trends of Meta are also evident from its popular uses as it can be used for several things- Online gaming, shopping, social media, workplace automation, Travel and Tourism, Education, Advertising, Banking and Finance, Healthcare, etc.

⁵ Metaverse trends in India, available at: <https://trends.google.com/trends/explore?q=metaverse&geo=IN> (Visited on January 24,2024)

⁶ Metaverse trends worldwide, available at: <https://trends.google.com/trends/explore?q=metaverse> (Visited on January 24,2024)

⁷ The Metaverse Reaches 400M Monthly Active Users, available at: <https://www.metaversed.consulting/blog/the-metaverse-reaches-400m-active-users> (Visited on January 24,2024)

⁸ Supra note 5

⁹ Metaverse- Worldwide available at: <https://www.statista.com/outlook/amo/metaverse/worldwide> (visited on January 24,2024)

IV. POPULAR POSITIVE AND NEGATIVE INSTANCES OF USING METAVERSE

(A) Positive Instances: Due to the ever-growing trend of Metaverse, people are using it in very unique ways. In the metaverse, the first-ever wedding reception in India was thrown by a Tamil Nadu couple. Daler Mehndi, a singer from Punjab, became the first Indian artist to perform virtually for his followers on Republic Day with his 73rd virtual performance.

The 2022 revelation that the premier football league in Italy broadcasted **AC Milan vs. Fiorentina** in the Nemesis metaverse and enabled fan interaction within the Serie A virtual room underscores the metaverse technologies' growing acceptance and revolutionary potential. Famous pop star Justin Bieber performed live at Metaverse in collaboration with the virtual entertainment company Wave which enabled the interactive virtual experience.

The path to the digital future is being paved by Indian businesses like Tanishq, MakeMyTrip, and Mahindra & Mahindra, who have entered the metaverse. Using Metaverse, Tanishq has launched its wedding jewelry collection in the 3D display zones on the Metaverse and the users were able to try it with the help of QR codes.

One of the prominent tyre producers in India, Ceat Limited, is opening a Ceat Shoppe in the metaverse. Their e-commerce platform is connected with the metaverse. Customers and buyers will be able to schedule orders and view products in three dimensions at the same time. Customers will also have the choice of having their tyres delivered and fitted at home by the company. Additionally, a pick-up option from the actual stores will be offered.

Recently, MakeMyTrip has also launched its NFT collection of Indian Tourist Destinations including Goa, Ladakh, Himachal Pradesh etc.¹⁰

Ikonz is a financial platform that aims to use NFTs to monetize digital assets inside the Metaverse.

Other Indian startups Loka and Wall App are also using the metaverse platform for their business. Even, the governments are not behind using the VR Worlds. The Forest Department of the Uttar Pradesh government hosted a Women's Day event on Yug Metaverse¹¹.

There are many other positive instances of the unique and ever-growing uses of the Metaverse.

¹⁰ Virtual Vacations by MakeMyTrip, *available at:*
<https://www.makemytrip.com/nft.html> (Visited on January 26,2024)

¹¹ UP Govt Forest Dept and Colgate Conducted First-Of-Its-Kind Women's Day Event On Yug Metaverse, *available at:* <https://www.yugverse.com/events/completed/TsiAxMk7fI0Ersad> (visited on January 26,2024)

(B) Negative Instances: There is also a negative side to the Metaverse. This place is evolving faster than ever, surpassing social norms and rules that govern how we behave in the real world. As a result, inappropriate behaviors are becoming more common in some parts of the metaverse, with data exploitation, harassment, strip clubs, and irresponsible gambling all becoming well-known. The issue of sexually explicit content in the metaverse can be divided into two parts: sexually explicit content and sexually explicit activities. About the former, the BBC revealed that using the two primary apps, VRChat and Roblox, anyone over 13 may access a strip club in the metaverse. There are several sexually suggestive elements in these virtual clubs, such as dance poles and contraceptives. But sexually explicit content is the darker component. In addition to being able to undress and mimic sexual activity, adult men were reportedly seen approaching, touching, and trying to groom an avatar that belonged to a researcher who was pretending to be a 13-year-old girl, according to the BBC article.¹² Even, it pays to gamble in the metaverse. Indeed, according to Markets Insider, the ICE Poker Virtual Casino is responsible for a third of daily traffic to Decentraland, a well-known metaverse venue, and has made over \$7.5 million in the last three months.¹³ However, even with age limits in place, it is simple for kids who reside in the metaverse to bet, much like in digital strip clubs. Furthermore, there is a legal grey area around metaverse casinos because users wager tokens rather than real money, and courts have consistently rejected legal challenges to this kind of gaming because tokens are not "something of value."

Data Protection is yet another main concern of the users of the Metaverse. The promise of the metaverse is far more pervasive surveillance. Imagine a state of the metaverse where every single social encounter, transaction, and behavior is recorded, tagged, and utilized to customize one's experiences in the metaverse in the future. For two years only, the metaverse will have continuous access to billions of users' "detailed profiles". Facebook currently receives a sizable chunk of its revenue from the sale of user data to data collection firms, who resell the information to other parties such as advertising agencies¹⁴.

¹² Angus Crawford and Tony Smith, "Metaverse app Allows Kids into Virtual Strip Clubs" *BBC News*, Feb. 23, 2022

¹³ This metaverse casino raked in \$7.5 million in last 3 months and accounts for a third of Decentraland's daily users, *available at*: A Metaverse Casino in Decentraland Has Made \$7.5 Million in 3 Months (businessinsider.com) (Visited on January 26, 2024)

¹⁴ Baily Martin, "PRIVACY IN A PROGRAMMED PLATFORM: HOW THE GENERAL DATA PROTECTION REGULATION APPLIES TO THE METAVERSE" 36 *HJLT* (250-256) (2022)

According to research by the Centre for Countering Digital Hate (CCDH)¹⁵, there is a lot of racism, abuse, and pornographic content on VR Chat, the most popular social media app in Facebook's VR Metaverse. Every seven minutes, users—including minors—are exposed to harmful behavior, according to CCDH researchers. All reports of harmful content received no response from Facebook or Meta. The following abusive behavior was observed, documented, and reported by CCDH researchers:

- i. children being exposed to explicit sexual material;
- ii. sexual harassment, bullying, and maltreatment of other users—including younger ones;
- iii. Adolescents are conditioned to recite extreme rhetoric and derogatory remarks about minorities;
- iv. violent threats and offensive material that makes fun of the 9/11 attacks;

After monitoring user behavior for 11 hours and 30 minutes, researchers found 100 possible infractions of Facebook's VR standards. Only 51 of those 100 possible infractions satisfied Facebook's requirements for reporting offensive information since the social media site doesn't accept reports that don't match up with a username in its database. Of these 51 reports of abusive behavior—including sexual harassment and child grooming—Facebook did not respond.

According to a study, in 2020, about 81% of the users have experienced a form of harassment.¹⁶ Prominent and prosperous female gamers who go under nicknames have spoken of getting doxxed—that is, having someone look for and disclose their true identity, contact details, or other personal details), and in a variety of other ways, tormented and injured them sexually. Women are significantly more inclined than men to report experiencing online stalking (13% vs. 9%) or sexual harassment (16% vs. 5%). Teenage girls are especially likely to have encountered online sexual harassment.

V. SEXUAL HARASSMENT AT METAVERSE

The magical Metaverse is not free from the shackles of crime. Since virtual reality technology has been made commercially available, there has been sexual assault by and through avatars.

¹⁵ New research shows Metaverse is not safe for kids, *available at*:

New research shows Metaverse is not safe for kids — Center for Countering Digital Hate | CCDH (counterhate.com) (Visited on January 30, 2024)

¹⁶New research shows Metaverse is not safe for kids,*available at*:

<https://counterhate.com/blog/new-research-shows-metaverse-is-not-safe-for-kids/> (Last visited on Feb 1, 2024)

On the LambdaMOO platform, one of the first cases ever documented happened in 1993. Code that overrode the others' control and had their characters engage in sexual activity in the virtual world was introduced by a user going by the handle Mr. Bungle. The game at the time lacked any immersive features and didn't even have any graphics. His assault played out in words on their screens for several hours.

A female Second Life user reported to Belgian police in May 2007 that her Avatar had been sexually assaulted.

Several women have reported encounters with harassment; among them is a beta tester, Nina Jane Patel who experienced virtual gang rape after logging onto Facebook's Horizon Venues social network for just 60 seconds. According to her, before she could understand what was happening, three male-voiced avatars started touching her lower and upper body and while doing so they took screenshots of them touching Nina's avatar. Things like, "Don't pretend you don't love it," were spoken.

Journalist Hugo Rifkind claimed in December 2021 that he was sexually assaulted on his second visit to the virtual reality game Horizon Worlds.

Recently, a similar instance of gang rape in the metaverse has been reported by a girl who was under the age of 16 in the UK, making it the first virtually reported in the country. Strangers gang-raped the child she met online while playing a virtual reality video game. According to the Police reports, the child has suffered psychological trauma just like she has suffered physical rape.

VI. INTERNATIONAL LEGAL SCENARIO

Global legislation relevant to the Metaverse and its users is necessary, given the possibility of criminality and criminal activities within its space. The UN's Guiding Principles on Business and Human Rights¹⁷ state that companies must respect individual privacy rights and use "best practices" that are updated by commercial and regional alliances to safeguard marginalized groups, such as women, minorities of color, and caste minorities. Every state must begin regulating the Metaverse by implementing these guiding principles.

The European Union has also come up with the General Data Protection Regulation (GDPR) in 2016 which came into effect in 2018. The basic aim of these regulations is to protect the privacy of the information in the European Union and the European Union Areas. The two

¹⁷United Nations Human Rights Office of High Commissioner, Guiding Principles on Business and Human Rights (New York and Geneva, 2011)

main objectives of the GDPR are enhancing individuals' ownership and rights over their personal information and streamlining rules for global business. According to Article 3, if a foreign, non-European entity offers users virtual goods or solutions or keeps track of user behavior within the EU, it too must comply with the GDPR. Further, according to Article 9 of GDPR, companies must obtain an individual's express consent before using their personal information for marketing. However, these regulations only ensure Data protection to the users of the virtual world. No explicit security system in terms of sexual harassment and other crimes has been provided by these regulations.

However, evolving with the recent trends the state governments are bucking up with the legislation as countries like the United Kingdom, the United States, and South Korea have penalized the making of sexual advances toward children in the metaverse. The UK Parliament has come up with the Online Safety Act of 2023 to provide safety to online users, especially to younger children. In this regard, a Threatening communications Offence has been legislated which primarily includes rapes and threats of grievous bodily harm. Similarly, South Korea has stringent laws for the protection of online users. Recently, a man has been imprisoned for four years after the creation and keeping of juveniles-targeted sexually exploitative content on the metaverse.¹⁸

VII. VIRTUAL RAPE: WHETHER A NEW TOOL FOR WOMEN TO PLAY VICTIM?

“Why did she not take off her headphones?”

“She brought this upon herself, she could have just turned off the Internet.”

“This is ridiculous, how can we even consider this stupidity newsworthy”

These were some of the comments posted by both men and women on social media when several media pages reported about the recent incident of ‘Virtual Rape’. A vast majority of the social media users while dictating what the victim ‘SHOULD HAVE DONE’ chose to remain silent on what the men groping or raping the female should ‘NOT HAVE DONE’

Which makes it pertinent to ascertain whether Virtual rape can be equated to have similar psychological effects as that of real rape?

When users log into Metaverse they use various devices such as headphones, haptic vests, and gloves. These devices alleviate the experience by giving a real sense of touch. So, if the avatar picks or touches anything in the metaverse the users can feel the touch, they can feel the texture of its surface as if they were touching or using it in real life. Similarly, if one avatar touches

¹⁸ Danny Park, “S.Korean man sentenced to four years for sexual abuse in metaverse” *Forkast News*, Sept.12,2022

another avatar, the touch can be felt through these devices. So, one can only imagine how disturbing the whole experience can be. Even though no physical harm is caused as such to the victim there is no denial of the fact that these incidents have identical effects on the mind of the victims as if they have been groped or raped in real life. So, expecting the victim to just take off the headset or switch off the Wi-Fi is no solution, as these measures do not erase the threat that these people pose to women online.

VIII. DO WE HAVE SUFFICIENT LAWS TO PROHIBIT SEXUAL HARASSMENT IN METAVERSE?

Ernest Cline in his dystopian novel 'Ready Player One' set in 2045 depicted that to escape the miserable real-world people switched on to the virtual world. This is no longer a science fiction. With its amazing visuals/graphics metaverse offers its users a fantastic escape from the real world by providing the users a realistic experience. One can attend school, gyms, concerts, and operate offices, and banks in the metaverse.

Since it is an alternative way to socialize and where our Avatars can do anything and everything, consequently it is increasingly becoming a new medium for predators to harass women. Thus, like every other innovation, this groundbreaking advancement is not all crime-proof. The need for a set of laws and regulations is inevitable to protect women.

In the absence of any specific law that defines and punishes sexual harassment in Metaverse, these are some of the laws that can come to the rescue of women.

(A) The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013 Or (The Posh Act)

What one can do in this virtual world is not limited to one thing as one can say it is an extension of the real world where our avatars represent us. Several organizations taking advantage of the same are setting up their virtual offices for various purposes. Now, one may ask whether the POSH Act will be applicable in the Virtual workspace as well or not.

The very purpose of the POSH Act is to ensure a safe working environment for women so leaving out the virtual workspace (which has become the new normal, especially after Covid) from the ambit of the POSH Act would only defy its purpose. So, to make sure that no wrongdoer is left unpunished and to make sure that no working space is unsafe for women, the ambit of the POSH Act has been widened to include virtual working spaces.

Various High Courts¹⁹ have emphasized the point that the definition of ‘Workplace’²⁰ under the POSH Act is not exhaustive and extended the definition of ‘Workplace’ to Virtual Workspace as well. This decision arose out of the need to provide women with a safe working environment everywhere and a mechanism to report instances of sexual harassment in the workplace.

Furthermore, Section 2 (o) under clause (vi) includes ‘a dwelling place or a house’ under the definition of ‘workplace’ which could be interpreted to include work-from-home cases.

(B) The Digital Personal Data Protection Act, 2023.

Several reasons why we use the internet involve the sharing of our personal data. While shopping online we share our address, to book a cab we share our location, to open a social media account we share our personal details and thus we run the risk of invasion of privacy in case our data is misused. The Digital Personal Data Protection Act, of 2023 protects the same.

The act specifically provides that the data of the Data principal can be used for legitimate purposes only to which the Data principal has consented,²¹ after properly being informed of the purpose for which the data is to be used.²² This implies that using the data for any purpose not consented to by the Data principal will attract punishment under this act. Section 2(j) of the act defines ‘Data Principal’ as someone to whom the data in question is related. It even includes children within the definition.

Furthermore, the act fills the lacuna in the present laws, that deal with the protection of privacy by providing specific provisions dealing with the case of ‘data breach’²³. To prevent the same, it assigns the task of the protection of personal data to the Data Fiduciary. Proper security measures are to be taken for the protection of data and in case of data breach the Data Principal is to be informed.

As the right to Privacy is one of the fundamental rights²⁴ that fall within the ambit of Article 21 of our constitution, our privacy should also be protected in cyberspace. Thus, this act when it becomes a Legislation can be of great use to protect one’s privacy in the metaverse.

¹⁹ *Jaya Kodate v. Rashtrasant Tukdoji Maharaj Nagpur University* [2014 SCC Online Bom 814], *Sanjeev Mishra v. The Disciplinary Authority and General Manager, Zonal Head, Bank of Baroda, S.B. Civil Writ Petition No. 150/2021*.

²⁰ *The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013 (Act No. 14 OF 2013)*, s. 2(o)

²¹ *The Digital Personal Data Protection Act, 2023 (Act No. 22 Of 2023)*, s.4

²² *The Digital Personal Data Protection Act, 2023 (Act No. 22 Of 2023)*, s.5

²³ *The Digital Personal Data Protection Act, 2023 (Act No. 22 Of 2023)*, s.8

²⁴ *Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors. AIR 2017 SC 4161*

(C) Information Technology Act, 2000

IT Act with its extraterritorial applicability²⁵ is an act that aims at providing us with a safe cyberspace. It does so by making sure that crimes committed by people while sitting behind their screens do not go unpunished. The sections that are relevant in the protection of women in case of breach of privacy and harassment are-

SECTION 66E- (BREACH OF PRIVACY)-

Under this section deliberately capturing and publishing the photos of private area of any person without consent is punishable

SECTION 67- (PUBLICATION OF OBSCENE MATERIAL)-

This section punishes the publication or transmission of any such material that is lascivious or has the effect of corrupting people.

SECTION 67A- (MATERIAL CONTAINING SEXUALLY EXPLICIT ACT)-

Publishing or transmitting any material that contains sexually explicit acts or conduct is punishable under this section.

SECTION 67B- (MATERIAL CONTAINING CHILDREN IN SEXUALLY EXPLICIT ACT)-

Publishing or transmitting any material that contains sexually explicit acts or conduct is punishable under this section. Furthermore, if anyone facilitates the abuse of children online or creates digital images, collects, downloads, promotes, distributes, etc. any kind of material that depicts children indecently or obscenely, shall also be punished.

(D) Indian Penal Code. 1860-

IPC does not directly deal with cases of online sexual harassment, but the act provides punishment for certain acts as follows-

SECTION 354- Outraging women's modesty

SECTION 354A- Sexual harassment

SECTION 354D- Stalking

SECTION 499- Defamation

SECTION 509- Insulting women's modesty

²⁵ The Information Technology Act (Act 21 of 2000), 2000, s. 1(2), s. 75

IX. LAWS TO PREVENT SEXUAL HARASSMENT IN ONLINE GAMING

(A) The Information Technology Amendment Rules, 2023

Female Online gamers are often subject to casual sexism, and harassment while playing online games. Many female players have often narrated their experiences of harassment while playing online games, over social media. While a Central law about online gaming is yet to be brought in, however considering the fact that the online gaming industry is growing rapidly and so is the rate of crimes being committed through these platforms, amendments have been made to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, notified on April 6, 2023, by the Central Government.²⁶ A new category of intermediaries, i.e. online gaming intermediaries, has been included under the amendment rules.

The Amendment rules²⁷ that will apply to 'real money games' cast certain duties upon the Intermediaries such as not hosting, displaying, uploading, modifying, storing, etc. any information (to protect the users) that results in harassment based on gender or is defamatory, obscene, pedophilic, invades the user's privacy or is violative any law, etc.

Furthermore, the intermediary shall take reasonable measures to remove content relating to Nudity, morphed images, or depicting any person in any sexual act.²⁸

But these Rules have their drawbacks. From being only directory in nature to giving ambiguous definitions these rules are not sufficient.

(B) The Sexual Harassment Of Women At Workplace (Prevention, Prohibition, And Redressal) Act, 2013

POSH Act also comes into play in case of incidents of Sexual Harassment while playing online games. Now one may ask how that works.

Long gone are the days when online games were played only to entertain ourselves. Just like online content creators, online gamers are also generating income while playing online games. As per recent studies around 83 % of gamers consider gaming as either a primary or secondary source of income²⁹. So, as it has become a source of income for many, it would only be justified

²⁶ The Information Technology Amendment Rules, 2023, regulating online gaming notified through the Jan Vishwas (Amendment of Provisions) Act, 2023 came into effect on November 30, 2023

²⁷ The Information Technology Amendment Rules, 2023, Section 3(1)(b) of Part-II

²⁸ The Information Technology Amendment Rules, 2023, Section 3(2)(b) of Part-II

²⁹ Online Gaming Emerging As Viable Source Of Income In India, Shows Study, *available at*: <https://thenfapost.com/online-gaming-emerging-as-viable-source-of-income-in-india-shows-study/> (last visited on Feb 1, 2024)

to bring these spaces within the meaning of ‘Workplace’ under the POSH Act,³⁰ and as already mentioned, the scope of ‘Workplace’ has been widened by various high courts to adapt to the changing work dynamics.

Section 2 (g) of the POSH Act under clause (iii) clearly states that an ‘employer’ includes the one who is responsible for controlling, managing, and supervising the working space, and since online gaming companies are responsible for the same concerning the games produced by them, POSH Act will apply to them and thus, they are also charged with the responsibility to ensure a safe working environment.³¹

X. CHALLENGES

1. The Present Laws Only Applicable To Real-Life People

With the advancement in technology, people are finding new ways to commit unlawful acts which become difficult to punish as our existing legislations are not fully equipped to accommodate such acts. In the present scenario, we do not have laws to tackle new-age crimes. People cannot be held vicariously liable for the acts committed by their avatars in the metaverse, as avatars are not given any legal identity. As IPC is only applicable to living people it cannot be applied to the crimes committed in the virtual world, **because there our virtual avatars represent us**. So, for crimes like Rape happening in the virtual world, these laws cannot be of any aid. The Bharatiya Nyaya (Second) Sanhita, 2023 which will replace IPC also does not extend to digital avatars.

In **State of West Bengal v. Animesh Boxi**³², the court referring to the words of Justice Stephen Breyer of the US Supreme Court emphasized the fact that law needs to evolve to respond to the ever-changing needs of society and that the decisions of the courts should reflect a proper understanding of science and technology.

2. Identity

We often see that hateful comments under posts of various people online are usually from anonymous accounts. One reason for the same can be the fact that people find it easier to bring out their antagonist side and spew venom online while hiding behind fake IDs. While pretending to be a modest, truthful, and law-abiding citizen in real life, these people commit the most shameful acts online from harassing women under their posts or DMs to making

³⁰ The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013 (Act No. 14 Of 2013), s. 2(o)

³¹ The Sexual Harassment Of Women At Workplace (Prevention, Prohibition And Redressal) Act, 2013 (Act No. 14 Of 2013), s.19

³² GR NO. 1587 OF 2017.

homophobic, racist comments online. Similarly, in the metaverse hiding behind an avatar people indulge in obscene, shameful acts that they would have never done in real life as they believe these acts would not entail any consequences.

Also, this anonymity prevents the victim from being able to take any legal recourse as it is not easy to identify the person behind their avatar. People can make several avatars or may use an avatar of the opposite gender. This gives incentive to the predators online to commit more such acts. One solution for the same could be Biometric Authentication, which if made a compulsion could be an easy way to identify the person.

3. Cross-border crimes

There is a great possibility that the victim and accused may belong to different countries because, like the physical world, there are no borders in the metaverse. Avatars of people belonging to two different countries can be present in the same virtual space easily and so as different laws apply to them, it gives rise to another problem.

The definitions of crimes vary from one country to another, and so does the punishment for the same. So, it makes it difficult to punish an offender if he belongs to another country. Thus, this is another obstacle in punishing the offender.

XI. CONCLUSION

Metaverse is undoubtedly the most remarkable innovation, enabling users to do things that due to geographical limitations would not have been possible. It is expected that by 2030 people will be spending more time navigating in the virtual world than in the physical world. But with more and more users coming forward with their experiences of sexual harassment in the metaverse the remarkability of this innovation is put to question. What makes this situation more grave is that these predators cannot be held accountable as they can easily hide behind their avatars making it difficult to track them.

Some of the measures that women take to protect themselves from sexual harassment are choosing a male avatar so they can enjoy their time in the virtual world without having to deal with objectifying remarks, groping, etc, or just removing their headset and switching off from the virtual world. But women should be able to enjoy this immersive experience without having to worry about their safety. In the absence of any stringent laws that define 'Sexual Harassment in the Virtual World' and punish these people, women are being forced to take a step back, but the threat continues to exist online. Even features like 'Personal Boundary' have been introduced, which can prevent other avatars from coming closer than two feet radius from the

avatar. AI is also being used to monitor the wording used, if offensive language is used the same can be muted. But these generic technological features are just not enough to tackle this situation.

Acknowledging that the metaverse is rapidly becoming a breeding ground for predators to hunt down their targets whom they can harass without any fear of getting caught, the government needs to come up with a new set of laws to deal with newly emerging crimes. But what also needs to be understood is that the metaverse is still materializing and with the growing challenges the Virtual reality world will evolve thereby protecting the Avatars. Just like the evolution of the internet, which poses a threat to women's privacy and was tackled by various legislations in motion, it is expected that the state governments will take initiatives for the growing privacy and safety problems in the digital realms.
