

PHISHING THE BLUE WHALE

V. Sree Vidya,
District Munsif, Tirumangalam.

DISCLAIMER

This article, with the contents, as received from the author, is published. The views and opinions expressed by the author in this article are his/her own and are not that of the Tamil Nadu State Judicial Academy. It is imperative that the readers verify the contents of the article with other relevant and authorised sources of information.

INTRODUCTION :

The Real Blue Whale has lost its colour and meaning now and no simile can be used. Wikipedia would describe "Blue Whale" as a Suicide Game on internet, that, is a crispy contradiction, an oxymoron. Whatever be, the natural and virtual can never be extinct and will continue to exist with all challenges. A self harming, choking, panicky, pressuring, and shuddering game, with all irony quoted. By a series of easy to hazardous 50 day task, the administrator challenges and instigates the player to complete all of them, the last one being suicidal. This game, a cyber bully challenge needs hacking and phishing by the government immediately.

The Teen and the Task :

Every teen claims to be the most happy and carefree person you meet. Each a goof ball in himself, tipping over the edge always. A quality amazing but prone to vulnerability. Claiming to be single and happy always, each one ramping to be a hero

himself. Still, the profound weakness being self sympathy. One can say self sympathy, of among teens is the most destructive non pharmaceutical narcotic, which is addictive, with momentary pleasure and will keep the teen immobilized and apathetic, until he plays the victim himself. Its a most destructive vice and cardinal sin. Every teen in self pity is a small bird that will drop frozen dead from the bough of a tree without feeling sorry for itself.

These teens are the target group of the Blue Whale. One of the administrators of ' Blue Whale", claimed to have cleansed the society of biological waste when arrested in 2013. A person in the lonely bestiality of emotion is the gracious victim. It would be a hyperbole to say that the Blue Whale made the player calm and serene, and player would actually be in a torment of emotions.

A secluded teen immersed in the sea of the Blue Whale very soon finds the "Whale" squirming in him on terrace tops, slit wrists and in graveyards posing for gritting selfies. He watches horror movies unmindfully and dies to save the game. He emerges winner on his death, "a blue whale" swallowed by "another".

Reportedly we see, the administrator from Russia, was into the cleansing process of biological waste and the victim represented no value to society, and that cleansing was their aim. First began in 2013, according to BBC, UK the administrator

has polished his tactics and corrected his mistakes as a developer. His task was to attract as many children and psychologically manipulate them into suicidal distress. Purportedly, it is the concern caused by the early death. Even the administrative and the judicial system don't fear death, as its prologues. It is quoted , "Death is not the greatest loss in life, the greatest loss is what dies inside us when we live. Imagination of death can be stronger than death itself, and incidentally dreams are more powerful than facts.

How to Phish a Blue whale :

Cyber crime relates "Phishing" as attempt to obtain sensitive information such as user names, passwords for malicious reasons by disguising as a trustworthy entity in Electronic communication. Phishing is a homophone for "fishing" and rightly interpreted, but, whether done by a black hat or a white hat (respectively denote villainous and heroic cowboys in the American genre) contrasts the exploitative extent. The Government has to play the black hat hacker in the Blue whale as it is high time since.

Cognizance of the Blue Whale :

Reportedly India Ranks No.1 for highest Blue Whale related deaths, as per the Google Trends Report. The whole country is now infested with this menace and the top 32 positions are held by Indian cities. Dubai and Abudhabi come to the 33rd position. The task at hand is to understand how to prevent it and not bad mouth the dead kid. The

Hon'ble High Court, Madras has asked the government to block all URLs and directed the Central and State Government to bring OTT service providers under the legal framework and to appoint a nodal Officer to ensure implementation of the order. Presumptively, necessity for understanding the challenge arises.

With reported alarming deaths, the service providers are rightly to be brought under legal scrutiny. Rising above the horizon, the Madras High Court, has now spun into action of Bentham's political and moral theory of utilitarianism said that, "law are commands of human beings addressed to other human beings." The State being the sovereign power with its wings has to develop legitimate, authoritative justification for the control of Cyber crimes. By and all, there is no law in the state that would frame the service provider. Information Technology Act -2000 also has no provision for binding the service provider. The OTT's playing catalyst have induced acidic spontaneous poisonous links in the society. Research studies have shown that till this moment, the service providers have never been brought under the rules. The remedy is in the Rule. The nucleus of it having coined by the Court, the State has to act now, upon this Principle of necessity and not upon the Principle of Proportionality.

At this juncture it is necessary to quote *Kneller Vs DPP* in 1973 AC 435 that those who skate on this ice can hardly expect to find a sign. It is necessary to also know the intricacies of the international nature of the problem.

The Hon'ble High Court, Madras, Madurai Bench has by its order resorted to the Information Technology (Procedure and Safeguards for Blocking Access of Information by Public) Rules, 2009 as an emergency measure, rightly, for the interest of society, as a suo moto PIL on 13.09.2017, but for harnessing International Co-operation, there can be no phenomenon to control this vice. Much more needs to be done at this hour of critical emergency. Hence, as rightly suggested by the Hon'ble High Court, the OTT or the service providers are to be brought under the legal framework, but the possibility cannot be anticipated.

The legal frame work should be devised after harnessing international co-operation. Cyber crime is not a static concept, and must receive more thrust, awareness among all strata of society. A Cyber Crime code of practice can be suggested at an International level. The measures of the UNO are to be crystallised at an early pace and that, would be a positive ray of hope. International Intelligence sharing is optimum, for Cyber space Regulation.

As an addendum, it can be said that it is the opinion of many that the behavioural pattern of the teenager who has been addicted to the game is relatively directly proportional to depressional mood of the teenager also. Thanks a ton to the Honorable courts in India who have devised various methods to coin the OTT providers

who have always been safeguarded by the lacunae in our system of law. Still, there is no section which can fix an OTT provider of a different country. We have to think from the global view.

This day may have only temporarily addressed this issue by blocking this game, but the world crime is huge. Human behavioral pattern cannot be changed. It also cannot be controlled. Humans seek pleasure to free themselves from pain which may be of various sorts. Banning the Blue whale has truly created vigilance among the parents and teachers and various strata of the society also.

Apart from banning the Blue whale game, the Honorable courts may come forward to bring about revolution in information technology and sting operations in the internet field may be carried out to prevent further sharks and eels in popping up new suicidal games. Methods must be devised to ensure that those OTTs which could not be brought within such framework are not accessible in India. OTT is a term used for the delivery of film and TV content via internet without requiring users to subscribe to a traditional cable or satellite service, reportedly.

Technology companies and websites follow the laws of their respective jurisdiction and as such, they do not provide data and information, in spite of making a request for it by the law enforcing agencies in India. The government must consider amending relevant rules and regulations applicable to Indian subsidiaries and websites making it compulsorily amenable to Indian laws. The Centre should direct internet

service providers to take due diligence to remove all the links and hashtags presently being circulated on social media platforms and also in dark net with URLs links related to the Blue Whale game and to furnish information regarding download access to suspicious links.

Apart from all of the above, now the weeding out has begun, " For life and death are one as the river and sea are one rightly quoted" Khalil Gibran. It is necessary to give a peaceful living rather than a peaceful death. It is now that the Blue Whale has set to be decoded. As easily seen, the teenagers are not set to torture themselves in solitude, but an administrator is watching them always and hence the teen is prey only to the watchful mind of the Administrator. The dead teenagers have been said to have undergone threat regarding the family members. Science has to yet develop, in order to save the child. The vital checks also include self regulation and Parental Control apart from harmonising international laws and systematising legal frame work.

Self Regulation does not include the consumer alone but includes the content provider also (ICP). Self regulation of ICPs with the help of public authorities by endorsing codes can ensure use of internet with impunity and there can be hotlines to evaluate the legality and illegality of specific data content to be formed.

A learning system also be formulated so that, the self regulatory mechanism can function independently and the system be continuous. It is haunting to see that all these norms were developed nearly 20 years before, still without progress, all have to

move towards the same goal, with a systematic approach. We should not only learn to deal with content concerns but also to live with varying degrees of insecurity. We must all act with social responsibility to avoid perception of Internet of furthering monocultural imperialism for fair Daffodils, we weep to see you Haste away so soon. -

---- Robert Herrick, The Daffodils.

Book reference:

- i) BBC. co in.
- ii) Wikipedia. co. in.
- iii) Google .co. in
- iv) Knüller Vs. DPP : 1973 AC 435
- v) Khalil Gibran Poems.
- vi) Bertelsmann Foundation, Gutersloh, Germany. September 1999.
- vii) Handbook on Cyber Crime.
- viii) Robert Herrick - The Daffodils.