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Legal Implications of Dating Apps in India

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ABSTRACT

Within the last 10 to 20 years technology development skyrocketed and with it, human lifestyles also changed. Dating someone is an old concept, now online dating is in trend. In this paper, we will look at the different perspectives of online dating and its legal obligations. The different aspects like pandemic which affected almost everything in the whole world, how it touched the dating apps and their users, teenager's fantasies and different risks & laws and cases related to it.

The paper shows the wide aspects which are generally missed by the users which leads them to a blind corner of extortion or harassment. It is not only the necessity of users to be vigilant but also the law enforcement authorities have to focus on these new emerging issues with new and advanced solutions with giving their fellow citizens a sense of security and safety.

Keywords: *Online dating apps, money extortion, harassment, IT Rules*

I. INTRODUCTION

In a country where marriage, dating, friendship is an issue that is highly sensitive and personal, online dating is considered to be an out of box approach. Human relation was the only concept that was spared from the internet, unlike our work affairs. The influence of western culture has made the idea of modern love changed. We have come far away from times when parents did not permit their children to choose their partner to when parents have left the age-old method and given the choices in the hand of their children. This has led to the launch of a

plethora of dating apps-Tinder, Ok Cupid, Truly Madly, Happen, Woo, Grindr, Aisle, etc.

They have made the pain of finding a suitable match simple by providing a platform to people of every kind. The dating apps gained ground because it is helpful for many to find mates that are near you. You get access to profiles of people in your vicinity, with a touch or a swipe. The similarity of profiles helps people to find a mate of their kind, the ones they can bond with.

India is a predominantly conservative society, with courtship customs culture that

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has been passed down from generation to generation. However, times are changing: the integration of improved smartphone technology (and accessibility), less expensive internet services and a growing middle class have led to a cultural shift.

II. PANDEMIC AND ONLINE DATING

Who would have thought that in this pandemic the world will turn all online and that's when the formula of online dating gained popularity. There is a tremendous rise in the usage of these apps. According to the research, Tinder recorded 3 billion swipes in a day in March 2020. Ok, cupid has seen a rise in the dates by 700% in the period of March to May. Bumble another dating site has reported a 38% increase in video calls. It may be the result of the loneliness that everyone felt when life was confined to four walls of the house, away from family and friends. But the increase has also lead to negative consequences of the same. Privacy violations, cyberstalking, bullying and harassment are words that have stuck to online dating.

The apps have although made finding a partner easier but the hindrance to privacy has come out to be an issue for all. The choices are made in a blink of an eye. People on these apps share their data, the best they can so that the app's algorithm can properly match it with others that may be interested in our profile. They do not believe that may be

the data they have shared with the apps can be sold, shared with others. Although they may guarantee you that your data is not shared but a few recent incidents have reported that these apps are tracking users, sharing highly personal and sensitive details with the third party.

III. RISKS FROM ONLINE DATING

As you swipe, type, and encounter online similarities, dating apps collect all sorts of information. There are people you tell directly, such as your name, job, partner needs, and sexual preferences. They collect a lot of data from your Smartphone, too. Most ask for access to your location, and more information such as contacts, your photos, Wi-Fi and network connections, and files on your device.

Every coin has two sides and to know the other side is as important as the first side. If you use a dating app or many other applications for that issue, you also provide data in vague ways. For example, in addition to the time you spend wandering over someone's profile, you may express your interest or dissatisfaction with the type of person you are viewing, which may include details such as their racial background or smile in their photos. Dating apps can be a way for personal data to turn into a business model.

Recently Facebook launched its dating service Sparked that claimed that data

collected will be kept separate from user profiles but this does not mean that this will not help Facebook turn a profit or gather more information about its users. The other major issue with these apps is the fake profiles that may be a concern and make the app not reliable. A person can eventually lie about his marital status, relationship status, and even personal information.

The people get tricked by such incidents. The scammers have entered every world now and also the biggest fraud after all is the romance fraud. the people use this app, some to find a mate other to get into a sexual relationship with a person. This damages a person physically as well as mentally. The emotional damage may lead to depression, shock, anger, and shame.

Even this can lead to major money scams. Even the LGBT community feels a sense of unreliability for the same apps.

Law of Attraction

Despite the major cultural changes surrounding India's fraudulent policies, local laws still reflect conservative national roots. Lack of specific regulations requires that internal representatives be more strategic when it comes to internal policy making.

The legal framework governing mobile gaming applications in India is still developing rapidly.

Joseph draws a parallel with the advent of ride-sharing apps when he describes the legal changes in the mobile gaming industry - something he saw as inevitable: 'When Uber arrived in India, there were no laws against it, because all of our laws were for the time we all rode. So there needs to be changes, and it is slow, but it is definitely possible and it is something we need to know as a business. '

Apart from the absence of a legal framework that directly regulates dating apps, certain general rules governing computers and the Internet apply. The Information Technology Act, for example, addresses issues of misrepresentation and misuse of data, including data collected by mobile phone identification services - data that may appear to be the most sensitive in India. And hence considering the laws of attraction brings forth that the use of these acts are really important for people.

Teenager's Fantasies

Despite the fact that dating is still a taboo issue, Indians swipe directly on Tinder more than any other dating service on the market. Leading the internal legal profession is Jared Sine, a legal officer and secretary of Tinder's parent company, Match Group.

'India for us is a great opportunity; we see a generation of young members of the Indian community exploring who they are, how they are dating and how they are finding love, 'he explains.

‘There are certain cultural challenges in India because of other cultural practices around how relationships and marriages and all those things start - they are a little different than other places in the world. So we really had to think of a better way to approach that. Legally, our first approach was to adopt the best practices and standards we have in other countries, and then apply them to what we do in India. ’

The legal framework governing mobile gaming applications in India is still developing rapidly. Witnessing this cultural and legal change is the service of a veteran, BharatMatrimony. The company has been in the dating market for almost two decades and is a prominent product of matrimony.com.

‘Matrimony.com is a pioneer in making online match in India, having launched its services in 2000. Laws and policies have been changing rapidly since then. Over the years, our team has developed expertise in legal matters related to the field of drama, ’said the head of law and administration at BharatMatrimony, Ravichandran Subramanian

‘Dating is a new concept in India, but our team is armed to deal with any changes at this stage.’

Starting as a computer-based service, the company has a variety of functions to install a mobile dating system to keep it competitive.

In every generation, teenagers are always one step forward from their parents in the technological field. So, this generation is no exception to it. Nowadays, not only teenagers but persons of all age groups using the internet, phone, and cyberspace., but when it comes to teenagers, they are one step forward. They are completely involved in electronic devices and after the arrival of the pandemic, it boomed the condition.

They frequently use dating apps for fun and short-term relationships just for their sexual fantasies fulfilled. Such conditions are giving rise to belief in a shallow, casual and faceless relationship which are completely lacking emotional stability in their young minds and that not only affecting their minds but also creating a section in society that is emotionally shallow and create great implications in the society in upcoming years and decades.

A recent study by Kaspersky showed that about half of the population, i.e., 48% using online dating apps for fun, while 13% of the population uses it only for sex, and the rest use it for serious long-term life partners.

Not only this many other data have been proven such in with respect to female fantasies.

New IT rules for OTT platforms, new intermediary guidelines for social media platforms but where online dating apps is:

There are no laws that particularly regulate the online dating system in India. The existing Information technology Act, 2000 facilitates lawful digital, electronic and online transactions to prevent cybercrime but no such provision regarding dating apps. But they can be held liable with little scope as they have the responsibility of providing an intermediary platform to their customers. As they are platform providers so they have a responsibility to show the correct and verified information and for such things they can be held liable.

As the use of dating apps in India is comparatively new with respect to the West but the use of dating apps is increasing very actively not only in tier 1 but also in tier 2 cities and hence our government is not prepared yet to deal with its challenges. Government has to take steps in the upcoming years. At least government has to make laws that compel these apps to follow the digital protection standards to prevent fake profiles and identity theft. It is very evident that there are scams, fraud, and criminal cases but the official registration of cases is very low, which may be due to the following reasons:

- The sufferers probably don't take action against someone to whom they are

attached to emotional levels, as in the cases of domestic violence women many times do not register complaints against their husband and in-laws and that at last harm the women themselves.

- Victims are not much aware of the laws so they see that kind of fraud and harassment did to them as in-person and hesitate to discuss it with friends and family. Also, they sometimes don't see it as online or cybercrime or problem.

- Once victims think of complaining about it at the police station, they start thinking of its outcome and think as there are no specific laws so they will not get any remedy, and due to less legal knowledge, they usually do not register any cases.

IV. CASES OF CYBER FRAUDS AND CRIMES IN DATING APPS

As there are very few reported cases but at some level, people are arising and started reporting it. A very classical example of dating fraud is the Russian Biwi Con case^[1], a pretty Russian girl befriend an older man online. After chatting and talking for some time she shows interest to come over to India and loves to learn more about Indian culture and him but due to lack of finances, she is unable to visit India. This is the time where it all starts. Then the man feels sorry for her and transfers money for traveling to India and money was transferred buy services like

western union rather than any bank so the tracing becomes more difficult. And the next day game of these criminals starts by blackmailing him to share the call records and videos with his wife if he does not transfer more money. In such cases, a person does not go to the police station so that his present relationship with his wife and other persons will not ruin. Taking advantage of it the money is extorted heavily.

In another case, a 29-year-old Bangalore-based software engineer Suman Reddy poses as a woman on a classified app called Lecanto. By the time Guntur police arrested him, Reddy had already cheated on more than 500 people making over several lakhs. The excuses used were a medical emergency, sudden travel plans in which credit cards got stolen, and many more.

Besides these cases, the queer community is more targeted as they are more reluctant to go to the police station. As in the case Mumbai based Ashish, a gay person, traveling to Delhi for work and had a match on a dating app, so decided to meet him but when he met he was threatened and demanded money of about Rupees 20000, he has to run away to save his life. After way back to his home when he talks to his friend, he found that he is not the only one in the gay community who has been caught in fraud that way but many others also. Although in the case of Justice K.S. Puttaswamy vs.

Union of India it is cleared that there is a constitutional right to privacy is inherent to the right to life, equality, and fundamental freedom. And also held the right to privacy also means having intimate relations of one own choice and having the right to gender orientation and gender identity. In the case of Navtej Singh Johar, the court held section 377 of IPC unconstitutional, and Justice Chandrachud explains that this section had marginalized a section of society and was destructive to their identity.[2] But after all these judgments there is still stigma attached to the Queer community in our society that's why before going to the police station they think about what people will say and how society will see them.

Prevention is Better than Cure

The age-old saying is always applicable in this technological world. In India generally, the legal maxim "Caveat Emptor" meaning let the buyers beware is applied and followed, so Indian customers have to be more vigilant when taking any services. There are many signs and signals of romance scammers on these apps through which customers have to be aware:

- Romance scammers want you to talk on personal messages or phone rather than using the dating app chatbox.
- Usually, their profiles look like any model and only professional pictures are there in their profile.

- Expresses strong emotions to you in a short span of time.
- Ask you a lot of questions and not tell much about them.
- They pretend to have some kind of emergency to convince you to send you some money.

After being aware of the tactic daters can get them shielded by following steps:

- Once you get some match then do some reverse search to check whether the profile is original or fake.
- Customers must go for video chats before meeting personal and use public places for meeting as it is found in many cases that crimes happened in private places, not at public places.
- Use your different profile pictures on dating apps other than the usual picture in social media profiles so that tracing you on social media will not be easy.
- Last but not least is to follow your intrinsic feeling and take the full time to make any move.

V. CONCLUSION

Western culture hits all over the world and South Asian countries are no exception to them. India being an overcrowded country with youth in maximum is a very fruitful place for these apps and also the changing minds towards technology make this process

of transformation from being social to being a tech guy more fast and quick. Some use for fun some uses for real purposes but at last, the money is made by the app manufacturers and they don't care really in this opportunistic and materialistic world if some percentage of their customers get cheated on their apps because overall business and other customers are having their piece of work done, including ordinary customers and scammers, without any problem. Many success stories overshine the frauds and business go as usual. There is a need to formalize the laws in proper ways so that the companies and app manufacturers have some kind of pressure on them to be correct. They should be bound to do an investigation and solve the issues of their customers. Citizens should not wait for something to happen the government take action and make rules but have to be more attentive and active especially in the fast-changing tech field to cope up with it. At last, it is important to be more aware of legal knowledge and come forward with problems so that voice could be heard.

“When you swipe, the future of the human race is quite literally at your fingertips”.
