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# Pranks as a Menace to Humanity

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## ABSTRACT

*Pranks are tricks pulled on someone to make fun of them in a friendly manner. They can be funny, but circumstances may occur that turn this intended mischief into something that is very harmful and destructive. Prank shows have played a significant role in entertaining the people, but the complexity it causes is never spoken of. These activities are admissible when done to known persons, as their reactions are anticipated but it may lead to serious ramifications when the reactor and their counteractions are abrupt. In recent times, pranks have become very common as Youtubers turn to perform pranks in public spaces such as parks, theatres etc. The predicament with the approach of pranks is that it has no definite perimeter, as there is no specific laws to govern them. Hence, pranksters are at liberty to perform any acts in the name of prank whereby, humiliating the reactor in public directly or by posting their reactions online. This article focuses on the history and evolution of pranks, depicting its darkest side. Prank shows have lead to incredulity in the principle of humanity, as people fear they might be on camera or are live-telecasted as a subject of uproariousness. However, not all pranks are bad, some are even illuminating and factual. The paper also discusses on the criminal and civil liability that arises from the consequences of a prank. Many victims to pranks are unaware that pranksters who perform acts that are discomfiting and abashing are criminally responsible for offences like assault, stalking, harassment and even emotional injuries. This paper enlightens its readers with the legal remedies available to prank victims. The paper also emphasizes the need for direct laws to regulate the acts of pranks. This paper concludes with the author's critic pertaining to this topic.*

**Keywords:** Pranks, tricks, remedies, victims, prankster, laws, humanity.

## I. INTRODUCTION

*“You can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time.”*

*~Abraham Lincoln*

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A prank is a trick on someone that is intended to be hilarious but not to cause harm or damage.<sup>3</sup> It is basically performed to make someone look foolish. Pranks can be of an amusing, playful or sometimes malicious nature. But in recent times, pranks are becoming harmful, inappropriate and sexual, intentionally or unintentionally. When a prank is pulled without considering the response of the victim, they set themselves up for sorrow, anger and heartache. A prankster subjects the victim to both physical and mental harassment, based on the prank. Most of the prank that is being performed is without the consent of the victim in order to capture their natural response.

Recently, the development of Internet and Social Media platforms has created new opportunities for using pranks as a disguised means of generating clicks and social media engagement by social media users. Bad pranks are highly visible online as a result of their transgressed nature makes them popular. People love to laugh at the expense of others, but when people push the envelope and cause damage for the sake of attention, boredom or envy the prank has crossed the line. As said by Giseline Kuipers<sup>4</sup>, pranks are rarely billed as a group bonding experience, nor the perpetrator's motivation. The main purpose is to poke fun at someone or something. When a victim of a prank is affected, physically or mentally, they require a shift in his or her mindset from taking the situation to understanding that everything that happened was for fun.<sup>5</sup> Not everyone react the same way and in some cases as a result of humiliation, the victims even commit suicide.

Pranks are a form of interpersonal humiliation which involves a tri-partite relationship between the prankster who humiliates the victim; and the witnesses. The prankster who comes up with the prank holds the power; they know the truth and their intent is to manipulate the truth for laughs. The person being pranked is the pawn in the game; they must either participate in the manipulation or if they don't want to risk being invalidated and maybe told to "lighten up". A prank is classified into good and evil based on the intention of the prankster to harm or to embarrass. Evil pranks tend to threaten the safety of the victim.

There are various online prank shows like Scary Maze Game-The Original, which has been viewed by more than 27 million times as of March 2015 and received more than 51,000 comments.<sup>6</sup> This maze game is an online pranking video which spectacles children as the

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<sup>3</sup> Cambridge Dictionary, available at <https://dictionary.cambridge.org/dictionary/english/prank> ; last visited 08 August 2021, Sunday at 5.50 PM

<sup>4</sup> Anthropologist and Sociologist at the University of Amsterdam, Netherlands

<sup>5</sup> Carrie Arnold-"Jesting our limits: Do April Fools' Day Pranks Alienate or Engage People?": Scientific American; available at <https://www.scientificamerican.com/article/do-april-fools-jokes-tests-limits-alienate-engage/> ; last visited on 13 August 2021, Friday at 10. 15 AM

<sup>6</sup> Renee Hobbs & Dr. Silke Grafe- "YouTube pranking across cultures": First Monday- Peer Reviewed Journal on

victim of the prank. They are startled by the sound and visuals of screaming and a gruesome face dripping with blood. This video has been responded with children crying uncontrollably in a deeply visceral fear response, which viewers find it to be hilarious. Such pranks are played insouciant of the consequences and trauma that brings with the act.

Apart from online prank shows, certain acts are performed in public to test the reactions of passer-by to depict the existence of humanity. Pranksters fake being in a critical health emergency or in need of money or food on the road or in a public places and place hidden cameras to record the response of the public. They are being recorded without their knowledge and consent. As a result, they refrain from helping any other person in the same state thinking that is also a prank. These videos are then telecasted in TV shows and platforms like YouTube where they become a subject of ridicule. Some pranks are adverse to a level where individuals are physically humiliated by throwing whip cream on their face or even sexually harassed like forced kiss, hugging or lifting in public and private places in the name of pranks.

The paper focuses on the unspoken dark side of pranks and prank shows being a threat to humanity apart from being an entertainment program. The paper also discusses on the criminal and civil liability that arises from the consequences of a prank. The paper also emphasizes the need for direct laws to regulate the acts of pranks.

## **II. HISTORY OF PRANKS**

Pranks are said to be emanated from the April Fools' Day. Historians speculate that April Fools' Day dates back to 1582, when France switched from the Julian calendar to the Gregorian calendar as called for by the Council of Trent in 1563. The victims of this prank were called Poisson d'Avril or April Fish. This day is also said to have a link with the festival such as Hilaria (Latin for joyful) which was celebrated in Ancient Rome at the end of March for followers of the cult of Cybele, where people dressed up in disguises and mocked fellow citizens and even magistrates inspired by the Egyptian legend of Isis, Osiris and Seth.<sup>7</sup>

Several other speculation states that April Fools' Day was tied to the Vernal Equinox also known as the first day of spring in the Northern Hemisphere, when Mother Nature fooled people with changing, unpredictable weather.

There are several pranks from history that are remembered till date, one of the very oldest tales

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the Internet; available at <https://doi.org/10.5210/fm.v20i7.5981> ; last visited on 24 August 2021, Tuesday at 8.55 PM

<sup>7</sup> History.com Editors- "April Fools' Day"; History; available at <https://www.history.com/topics/holidays/april-fools-day> ; last accessed at 26 August 2021, Thursday at 5.26 PM

being “The Boy who cried Wolf”. The tale concerns a young shepherd who repeatedly tricks the villagers from a nearby village into thinking that a wolf is attacking his town’s flock. He repeats this for quite a few times, until the villagers stopped showing up for help. On an unexpected day, the wolf actually shows up and the villagers believed it to be another false alarm when the boy cried out for help and his sheep was eaten by the wolf. This old tale states a moral “that when they (liars) speak truth they are not believed”.

In 1957, a BBC show announced that Swiss farmers were enjoying a bumper spaghetti crop. BBC accompanied this announcement with footage of Swiss peasants pulling strands of spaghetti down from the trees. This prank gained plenty of viewers. Similarly, in 1962, there was only one TV channel in Sweden which broadcasts shows in black and white. The station’s technical expert then appeared on the news to announce that viewers could convert their existing sets to display colour reception with the advancement in technology, but all they did was just pull a nylon stocking over their TV screen.

Pranks in olden days were only meant to give a surprise or any kind of excitement. But as technology advanced, the consequences of pranks also elevated. Pranks in today’s generation are done mainly with the intent to harm, humiliate or defame an individual or a groups of individuals. Telecasting such content over platforms like YouTube or in TV without their consent only worsens the situation.

### **III. HARMLESS OR HARMFUL?**

A prank is classified to be harmless or harmful based solely on the victim’s response to the act. Not all individuals would like to be fooled in a public place in front of so many people and might take it to be offensive. In addition to this, pranks these days have no kind of excitement or surprises; instead it is more of a sexual and abusive behavior. Pranking an unknown person for the sake of fun and entertainment has become a trend in recent times. The contents of the video or photographs of the actions may promote the image of the victim or bring them to ridicule in a social media space full or physically known or unknown friends.<sup>8</sup>

A prank that is done within a known audience can be permissible if it does not bring in any unexpected consequences. Such pranks too must not be telecasted or posted without their consent. Pranks that are done in a way where the victim feels insulted or abused can lead to aggressive behavior from them, low feeling of self-worth and withdrawal from any kind of

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<sup>8</sup> Yosra Jarrar & Gabriel E Nweke- “Perception of Pranks on Social Media: Clout-Lighting” ; Research gate; available at [https://www.researchgate.net/publication/337168902\\_Perception\\_of\\_Pranks\\_on\\_Social\\_Media\\_Clout-Lighting](https://www.researchgate.net/publication/337168902_Perception_of_Pranks_on_Social_Media_Clout-Lighting) ; Last accessed on 24<sup>th</sup> August 2021, Tuesday at 9.20 PM

participation. In extreme cases, it also amounts to physical harm like fractures or muscle tear as a result of vigorous response.

#### **IV. LEGAL REMEDIES FOR PRANK VICTIMS**

In states like California, prank calling can be illegal in some situations. All states make it illegal to prank call 911 when such calls intends to annoy, threaten or harass someone. The prank phine calling law, Penal Code 653m PC prohibits such calls if they intentionally use obscene language or even attempt to threaten the recipient or he recipient's family. The punishment for the violation of such law exceeds upto 6 months in County jail, a fine upto \$1,000 and misdemeanor probation with a mandatory term of counseling. An act of wiretapping the recipient's phone call to disseminate the joke is also an offence for which the convictions carry upto 1 year in jail and/or \$2,500 in fines if pursued as a misdemeanor and maximum of 3 years in prison and/or \$10,000 in fines if pursued as a felony.<sup>9</sup>

Halloweeners on Halloween perform a classic prank on candy-less houses by TP'ing or egging. Such acts amounts to Vandalism and are illegal in many states in the USA. Additionally, other pranks that involve defacing or damaging property, whether intentionally or accidentally, can still result in arrest and criminal charges.

Pranks also attract civil liabilities with respect to Fraud or breach of contract. A Hooters waitress in 2002, won the company sales contest which listed the prize as "Toyota", an automobile. When she won, she only received a "toy Yoda" doll instead, she sued the company for breach of contract and fraudulent misrepresentation. She received a settlement that entitled her to pick any Toyota car she wanted.<sup>10</sup> In certain situations, the prank victim can also sue for damages, if one's property is damaged or if one sustains injuries as a result of the prank.

In India, pranks are not administered by any direct laws, but such acts are categorized into causing of grievous hurt, bullying harassment and human rights violation under the Penal Code of India and various other legislations. The victim to a prank is not aware of the existence of numerous laws that can be applicable because of the lack of a direct law.

When a victim is subjected to harassment as a consequence of prank, it becomes a diverse phrase which includes various categories like:

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<sup>9</sup> Neil Shouse- "Is prank calling illegal? A defense attorney explains"; available at <https://www.shouselaw.com/ca/blog/is-it-illegal-to-make-prank-calls/> ; accessed on 26<sup>th</sup> August 2021, Thursday at 3.15 PM

<sup>10</sup> Gordon, Elias & Seely LLP Personal Injury Attorneys- " When Pranks Cause Serious Injuries"; available at <https://gesinjuryattorneys.com/pranks-cause-serious-injuries/> ; last accessed on 30<sup>th</sup> August 2021, Thursday at 12 Noon

1. Mental Harassment
2. Physical Harassment
3. Discriminatory Harassment
4. Sexual Harassment
5. Harassment based on race, gender or religion
6. Emotional or Psychological Harassment
7. Cyber bullying or Online Harassment

The various laws that administer harassment are:

1. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
2. Indian Penal Code, 1860
  - a. Section 294: Obscene acts and songs
  - b. Section 354A: Sexual harassment and punishment
  - c. Section 509: Word, gesture or act intended to insult the modesty of a woman
3. Information Technology Act, 2000
  - a. Section 67: Punishment for publishing or transmitting obscene material in electronic form
  - b. Section 67 A: Punishment for publishing or transmitting of material containing sexually explicit act, etc., in electronic form
4. Protection of Human Rights Act, 1993

Apart from harassment, the various other criminal liability for a prank are as follows:

1. Assault
2. Destruction of property
3. Reckless endangerment
4. Disorderly conduct
5. False imprisonment
6. Criminal conspiracy
7. Stalking
8. Traffic violations
9. Hurt & Grievous Hurt
10. Hate crimes<sup>11</sup>

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<sup>11</sup> Jose Rivera-“Criminal Liability for Pranks”; available at- <https://www.legalmatch.com/law-library/article/criminal-liability-for-pranks.html> ; Legal Match; last accessed on 29 August 2021, Wednesday at 7.30 PM

## **V. AUTHORS' CRITIC & CONCLUSION**

The Authors of the paper have chosen this topic out of immense concern of a very reticent practice that is being one of the major reasons for the lack of humanity in recent times. Playing pranks on one another is an activity of fun since pre-historic tomes, when we first learned how to manipulate social power through laughter at the expense of others. In recent times, pranks are causing drastic consequences, which are edging the value of trust and humanity. Not all pranks are harmful, but not all pranks are harmless and entertaining. Television channels encourage the telecasting of prank videos and photographs in order to inflate their Target Rating Point which ultimately elevates and encourages people to perform pranks on other individuals.

Pranks that are performed with the consent of the victim is passable. The prankster who performs an act must be aware of his audience and their reaction. When a person becomes a victim of the consequences of a prank, he or she gets humiliated and lose their dignity. As a result, they refrain from doing anything or taking part in an activity in future that involved the prank.

As a simple illustration to expound our viewpoint, a person is subjected to a prank when he panicked and helped an individual who needed a medical emergency. This might not have any prompt consequences, but in future if he sees another person who really needs a medical emergency, there is a probability that he might refrain from helping the individual contemplating that it might be another prank and someone is trying to make a fool of him.

The pranks in recent times are so boorish and bawdy, which makes no sense or is not entertaining. Several pranksters go around in public places, proposing, kissing, hugging and doing other obscene activities whose intentions are far from entertaining their viewers. The main impediment to the victims of a prank is the lack of knowledge about the legal rights and remedies available to them.

Hence, the paper is culminated by stating that any act that intends to cause threat to humanity or that causes a threat to humanity or which evokes any kind of harmful consequences must be refrained by bringing in appropriate legislations or actions. Every individual must be aware of their rights and remedies that are provided by the State. It is every human's Right to Privacy and that must not be infringed for the sake of public's dissipation.

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