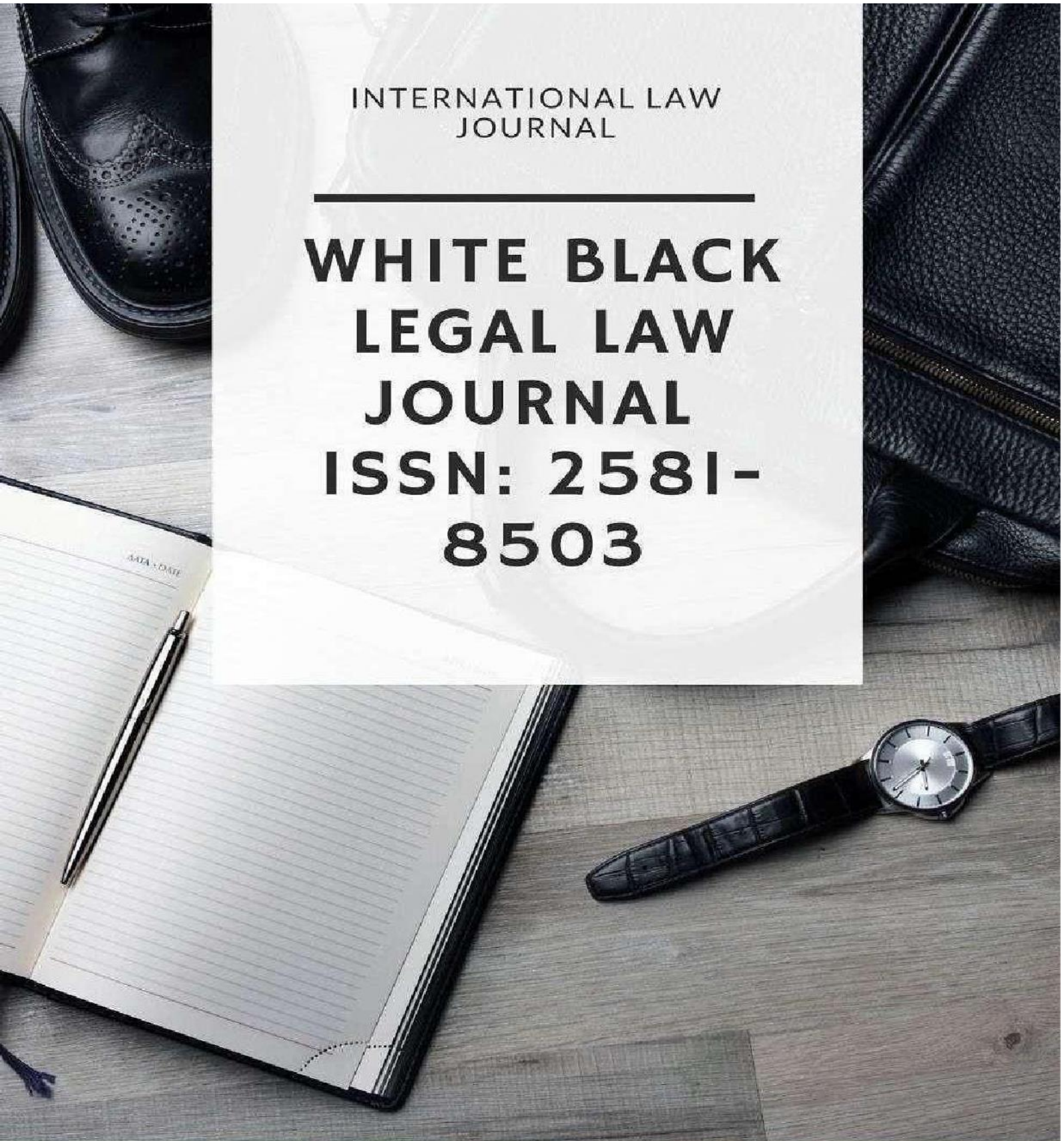




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# **ONLINE GAMBLING AND LAWS RELATED TO IT IN INDIA**

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## **ABSTRACT**

One of the most significant changes to the gambling environment in the past 15 years has been the increased availability of online or internet gambling, including mobile; Internet or online gambling is the fastest growing mode of gambling and is changing the way that gamblers engage with this activity. Due to the high level of accessibility, immersive interface and ease at which money can be spent, concerns have been expressed that Internet gambling may increase rates of disordered gambling. The concept of online gambling is regulated mainly by Public Gambling Act, 1867, Information Technology Act 2000, Prize Competition Act, 1955, Section 30 of The Indian Contract Act, 1872. This paper endeavours to highlight the concept of online gambling or betting in India, online gambling or betting laws in India, different states perspectives on online betting or gambling, law commission recommendation on online betting, online betting continues to be legal in India, conclusion, etc, on the basis of existing literature, reports, studies, different cases, novels, and other relevant materials, etc.

**Keywords:** Online gambling, betting, internet, public gambling act 1867, information technology act 2000, Prize competition act 1955, indian contract act 1872, law commission, recommendation, etc.

## **INTRODUCTION**

India has a large population of over one billion people and therefore a large part of the population is frowned by the practice known as gambling or Betting. Gambling cause trouble in a manner it divides the country some have faith it should be fully legal, others believe it should be regulated and rest think it should be forbidden. In the 21st century, many people are engaged in betting and started making cash from betting and gambling activities in India. If we talk in favour of betting then argument raises to a huge source of revenue for the State. If we talk in against betting then it claims that it leads to crime, corruption and money laundering. Betting

or Gambling is an illegal activity in most parts of India. But when it came to online betting it's a big question raise in everyone's mind is "whether online betting legal in India?"

## **CONCEPT OF ONLINE BETTING IN INDIA**

Betting is the staking of money which results in an uncertain outcome with the utmost primary objective of winning. Online betting is generally betting using a web or any online platform to place a bet. Online betting is in its infancy in India, India being the most sought out country for online gambling.

## **ONLINE BETTING LAWS IN INDIA**

Online betting is not explicitly mentioned in any of the Gambling acts of the central government. Some argue that it is governed by the Public Gambling Act of 1867.

Public Gambling Act, 1867-

This Act restricts any type of gambling but there is a loophole that in this law has not defined 'Gambling' itself. It makes no reference to online gambling because the internet was a long way from being invented when it was introduced. It is a central law that prohibits running or being in charge of a public gambling house. The fine for breaking this law is of Rs. 200 or imprisonment of up to 3 months. The Public Gambling Act of 1867 causes all types of betting or gambling illegal. It is hard to understand whether online betting comes under the ambit of this act, whether to refer web platform a 'place'.

Prize Competition Act, 1955-

This Act restricts games that awarded prizes as winning. But it does not ratiocinate online betting. The IT Act, 2000-

The Information Technology Act 2000, covers provisions for various offences relating to online activity, although again there's no specific discussion of online gambling being illegal. The IT Act does give the Indian Government the power to block foreign websites. The IT Act, 2000 is difficult to interpret as it is broad in scope. It talks about the messages and online content which may cause harm to others so this also becomes a question of debate does betting can be considered as a message capable of causing injury to any person? Till now no one has been imputed for betting under this Act. But there is also a question rises for debate that whether a person can be charged for online betting under this Act?

Section 30 of The Indian Contract Act, 1872-

“Wagering agreement is void ab initio” It states that all those agreements which are based on a wager which comes under betting are illegal but this act no was defined the wagering agreement.

## **DIFFERENT STATES PERSPECTIVE ON ONLINE BETTING**

### **SIKKIM:**

In 2016, it is the only state in India which acquiesce online betting, allows online betting in its state. There is a Sikkim Online Gaming Regulations Rules 2009, this outlines rules for Online Gambling License within the State.

### **OTHER STATES:**

In Delhi or Maharashtra, there is illegal to engage in any type of betting whether it's online or offline, it bans the betting of any type. Some state like Nagaland has not cleared its approach regarding this. Goa which legalizes traditional and offshores betting, but not cleared its state view in relation to online betting within the state. Andhra Pradesh which is strictly against the online betting but it allows betting on horse racing, rummy and state-run lottery platform. Tamil Nadu, Uttar Pradesh and some other states legalize horse racing betting and several types of betting within the states but proscribe other types of betting.

## **LAW COMMISSION RECOMMENDATION ON ONLINE BETTING**

Since web-based wagering and betting are offered and played over media secured under Entry 31 of List I of the Seventh Schedule to the Constitution The Parliament may legislate for regulating gambling in the exercise of its powers under Articles 249 or 252 of the Constitution. To protect the public from the ill-effects of these activities and with a view to having enhanced transparency and state supervision, all betting activities should be linked to the operator's as well as player's Aadhar Card/Pan Card. The transactions made between and among operators and players indulging in these activities should mandatorily be made 'cashless'.

## **ONLINE BETTING CONTINUES TO BE LEGAL IN INDIA**

The Indian Government is conscious that many citizens are involved in online betting. And if they wanted to make online betting illegal, they would have amended the current law to prohibit

such activities. This has never been done which tells that online betting continues to be legal in India by this date.

## CONCLUSION

In my conclusion part, I would like to state that, It is clearly understood that betting laws in India are ambiguous and aimlessly governed. no one can deny the reality that thousands of people daily engaged in online betting activity. As aforesaid mention, no laws clearly mention online betting illegal in India.

Government of India and many other states government are actually debating on legality or illegality of this act. We believe It would allow the government to collect taxes on the online gambling industries, instead of its citizens donating tax money to foreign governments.

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