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# **GAMBLING LAWS AND REGULATIONS IN INDIA IN 2023: OVERVIEW OF CASINO GAMING, LOTTERIES & HORSE RACING BETTING**

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Gambling laws and regulations in India are constantly changing and evolving. In 2023, the legal landscape for casino gaming, lotteries, and horse racing betting will be vastly different than it was in prior years. In this article, we will take a look at the current gambling laws and regulations in India, as well as some of the recent changes and challenges. We will also examine the legal requirements and enforcement actions associated with casino gaming, bingo, sports betting, fantasy sports, and horse racing betting.

## **Gambling Laws And Regulations In India, 2023**

Gambling is a popular pastime all over the world, and it's no different in India. In fact, gambling is so popular in India that it has its own legal framework. This covers everything from casino games of chance, such as slots, roulette, and blackjack, to social/skill gaming activities, such as bingo and keno.

Each state in India has its own laws governing gambling, for example, in Goa, Daman and Diu these activities are regulated under the Goa, Daman and Diu Public Gambling Act 1976 while in Sikkim they are governed by the Sikkim Casinos (Controls and Tax) Act 2002.

## **Regulations On Casino Gaming, Bingo, And Sports Betting In Meghalaya**

When it comes to casino games in Meghalaya, there are a few things that you need to know. First, these games are regulated under the Meghalaya Act which is enforced by the Home Department in Goa, the Tourism Department in Sikkim, and the state government of Meghalaya. Second, only certain skill variants of poker (e.g. Texas Hold'em & Omaha Hold'em) can be played on physical premises as these are not hit by prohibitions under Gaming Laws. Third, all formats of Bingo whether online or land-based fall either into the category of lotteries or games of chance, with only some states regulating it Lotteries. Finally, betting on

games of chance attracts prohibitions from Gaming Laws while betting on Casino Games requires compliance with corresponding regulations.

Now that you know a little more about casino gaming in Meghalaya, it's time to learn about sports/horse race betting. In Meghalaya, sports/horse race betting has been legally recognized as a game of skill depending on certain conditions; most governing statutes predate internet so there is no specific regulator in this regard. As long as you're following the proper guidelines set forth by the governing statute(s), sports/horse race betting should be safe and fun for you.

### **State Regulations On Online Betting, Fantasy Sports, And Lotteries In India.**

When it comes to gambling, Indian state governments have a lot of discretion when it comes to regulating online betting. Online betting on horse races is usually regulated by state governments, however certain conditions may be imposed by the race club operating under the terms of a licence issued. In contrast, fantasy sports (paying to back a 'league' or 'portfolio' selection over time) remains within the exception of games of skill in Gaming Laws. Lotteries are authorised through central laws and some state lottery laws, which exempt them from Gaming Laws; private lotteries are prohibited under Indian Penal Code 1860 except those permitted via a license granted by the respective State Government departments or Finance Ministry.

Although online betting is generally regulated by state governments, there are certain jurisdictions where fantasy sports and lotteries are unregulated. For example, in Nagaland and Meghalaya race clubs have been granted licences to operate as bookmakers under specific conditions - such as not accepting bets from residents outside these states - while Rajasthan has recently proposed licensing regulations for virtual online sports fantasy leagues. However, in Andhra Pradesh and Telangana fantasy sports with stakes won/lost are prohibited outright.

Lottery regulation in India is relatively complex due to the presence of both central and state lottery laws which exempt them from Gaming Laws; private lotteries are prohibited under Indian Penal Code 1860 except those permitted via a license granted by the respective State Government departments or Finance Ministry. This makes it difficult for consumers who want to take part in legal lotteries but also gamble at the same time.

## **Gaming Laws In India: Physical Lotteries, Social Games, And Skill Games**

There are a few laws that govern gaming in India, and they all vary from state to state. In general, the Gaming Laws in India can be classified into three broad categories: physical lotteries, social games with no prize in money or money's worth, and skill games with no element of chance. However, there are a few states – such as Punjab, Kerala, Maharashtra etc. – that allow for only physical lotteries. Social gaming is not regulated as there is no monetary or equivalent stake involved but other laws such as intellectual property law may become applicable depending on the content of the game/activity.

Skill games usually have specific exemptions under Gaming Laws and most Indian states do not require any licence for offering such activities except Sikkim, Nagaland and Meghalaya where licensing regimes exist for skill based games/activities under respective Acts. The Public Gambling Act 1867 forms the basis of several Indian state laws related to betting and gambling while some others have their own set of regulations governing it within their boundaries. So it can certainly be tricky to know exactly what laws apply to each individual gaming activity.

## **Gaming Laws In India: Overview And Recent Changes**

In India, gambling is considered a serious offense. This is because pre-internet statutes prohibit gambling activities in physical premises – known as gaming houses or common gaming houses. Although there are some exceptions for skill games to be considered a mere skill, most of India's gaming laws are pre-internet statutes and prohibit gambling activities in physical premises.

The states of Sikkim, Nagaland, and Meghalaya have specific laws for online games / sports with the condition that they can only be offered via internet and to residents within those respective states. All state laws except for Telangana, Andhra Pradesh, Karnataka and Tamil Nadu have exemptions for skill games being deemed as a 'mere skill.' However, these four aforementioned State Governments recently amended their Gaming Laws by either diluting or removing express exemptions provided to skill games which has resulted in a blanket prohibition on all games played for stakes including both skill game and online gaming platforms such as rummy in Kerala early 2021 In addition to these changes applicable across India there are independent Gaming Law regulations throughout the country wherein each situation needs individual fact checking before regulatory compliance is considered complete

given its complexity at times.

### **Challenges To Gaming Acts In India: The Legal Perspective**

Gaming is a popular pastime all over the world, and it's especially popular in countries like India. However, there are some challenges that gaming acts in India face from a legal perspective. Our discussion here shall be centred around the Andhra Pradesh Gaming Act, 1974 and the Telangana Gaming Act, 1974.

Both of these laws have been legally challenged in the courts, and as of now, their fate remains unclear. The Andhra Pradesh Gaming Act, 1974 was quashed by the Madras High Court in August 2021 as ultra vires the Constitution. The Telangana Gaming Act, 1974 was also quashed by the same court a few months later in January 2022. These rulings came as a surprise to state governments who had hoped to use these laws to increase revenue from gaming activities.

The Karnataka High Court struck down amendments brought by the state to The Karnataka Police Act 1963 related to anti gambling legislation in February 2022. This decision was surprising because gambling is illegal under Indian law outside of licensed casinos. However, this decision was later overturned by an appellate court in March 2022. State governments of Tamil Nadu & Karnataka have both appealed respective high court judgments before Supreme Court which are currently pending at preliminary stage. It's unclear how these cases will ultimately play out – but they're sure to keep gaming acts in India busy for years to come.

### **Gaming Laws In Tamil Nadu: Real Money Rummy And Poker, Bingo, And Sports Betting/Fantasy Sports**

In Tamil Nadu, there is a proposal to set up a Tamil Nadu Online Gaming Authority to regulate and oversee online gaming in the state. This would include games such as real money rummy and poker, as well as bingo and other casino products. Most gaming laws in Tamil Nadu prohibit most casino-style products, with the exception of a few that are specifically allowed under specific circumstances (such as West Bengal's Gambling and Prize Competitions Act).

Betting on casino games will attract prohibitions under gaming laws – for example, if you bet Rs 10,000 on roulette or blackjack, the police could take you into custody for gambling. However, betting on sports bets (e.g., cricket matches) should be okay as long as it's referred

to the question mentioned above: whether or not the sport is determined by chance. There has been some confusion over this lately thanks to a recent Supreme Court ruling that left many people unclear about what's legal and what isn't when it comes to betting on sports. In short: if it's not classed under question mentioned above then it probably falls within the purview of Tamil Nadu's gaming laws.

### **Online Betting On Horse Races: Legal Requirements And Enforcement Actions**

Horse racing is commonly viewed as a game of skill, and as such is exempt from most gaming laws. This means that you can bet on horse races without needing to worry about breaking any laws. In order to take part in this activity, you'll need to meet certain requirements set by both Gaming Laws and turf clubs.

The Supreme Court judgement in *Dr. K.R Lakshmanan v State of Tamil Nadu* established betting on horse races independently without having to rely on gaming laws exemptions. This means that betting on horse races is now legal in all states, except for Bangalore Turf Club which had their permission withdrawn following a PIL in the Karnataka High Court questioning its legality. Enforcement action has also been reported against those engaging in illegal gambling activities related to horse racing.

### **The Legality Of Sports Betting And Fantasy Sports In India**

The legality of sports betting is currently being considered by the Supreme Court in *Geeta Rani v. Union of India (Sports Betting Case)*. This case revolves around a woman who wants to bet on her husband's cricket matches. Currently, sports betting is illegal in India and fantasy sports are not considered a game of skill. Different High Courts, such as Punjab & Haryana, Bombay and Rajasthan, have upheld the status of fantasy sports offered by Dream11 as a game of skill and consequently exempted it from the prohibitions under Gaming Laws while protecting it under the Constitution as a legitimate business activity. However, there is now a proposed Rajasthan Bill to regulate online fantasy sports in that state with its own set licensing rules if enacted into law.

So what does this mean for the people? It means that there are currently several different legal opinions on whether or not fantasy sports are allowed in India. As long as the particular fantasy sport activity falls within the scope of one of these exemptions, you should be safe from any

legal issues. However, it's always advisable to check with the local jurisdiction before getting too involved in fantasy sports leagues or contests.

### **Gaming Laws And The Rajasthan Lottery Bill**

There is a proposed Rajasthan Bill that is set to grant the State Government authority to appoint private persons and companies for managing lotteries. This bill has raised concerns among many people who believe that the State Government will use this power to influence the outcome of lotteries, in violation of Gaming Laws. 13 states in India offer lotteries, with some states like Madhya Pradesh and Bihar completely banning them. When games are conducted without monetary stakes, Gaming Laws are unlikely to be triggered but other laws such as Intellectual Property Law, IT Act or IRWA may be enforced.

Skill games can be offered in most locations provided they meet certain exceptions; however, Telangana and Andhra Pradesh have made amendments that ban skill games for money winnings. These amendments have generated significant public outcry in these states. It remains to be seen how the proposed Rajasthan Bill will be implemented and how it will affect gaming activities in other parts of India. However, it is important to remember that even if the Bill passes into law, anyone violating its provisions would still face civil or criminal penalties under existing laws.

### **Final Thoughts**

From the gambling laws and regulations in India in 2023, it is clear that there is an ever-evolving legal landscape for casino gaming, lotteries, and horse racing betting. Each state has its own laws governing gambling. Additionally, sports/horse race betting, fantasy sports, and lotteries are regulated differently depending on the individual states. It is important that players understand all of these rules before engaging in any form of gaming or betting activity.