
A COMPARATIVE STUDY OF GAMING LAWS IN INDIA, USA AND SOUTH KOREA WITH SPECIAL REFERENCE TO ONLINE GAMES

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CHAPTER 1: Introduction

Gaming is defined as "the practice or act of gambling" by Black's Law Dictionary, and it also includes "the existence of money or consideration, chance, and prize or reward" as aspects of gaming. The Black's Law Dictionary defines gambling as "placing a bet," and the ingredients of gambling are "a payment of a price for a chance to win a price." While responsible gambling is described as a collection of laws and best practises that are developed, controlled, and backed by national gaming authorities and gaming organisations with the goal of protecting players and establishing ideal circumstances for gambling activities.

The term 'gaming law' covers a lot of areas as it involves various activities such as gambling, sports, betting, online games, lotteries, and all other forms of games and competitions. Responsible gambling is a term that encompasses both players and gaming organisations. On the one hand, players must be aware of the hazards of gambling addiction and act responsibly; on the other hand, gaming organisations must provide fair games in a safe gaming environment, with specific attention paid to topics such as. Vulnerable actors Gamblers under the age of 18. Activities involving money laundering. Privacy of information. Customer payments are made promptly and accurately. Gaming that is fair. Marketing that is ethical and responsible

Gaming in India is regulated mainly by the State in relation to gambling and betting practices, under seventh schedule, part 2 of the state list. Due to which there is a lack of uniformity as well as ambiguity in the context of gaming laws. For example, While Andhra Pradesh and Telangana have outright prohibited real money gaming of all sorts, Tamil Nadu enables skill games, Kerala has outlawed stakes-based online rummy and Nagaland has established and expressly mentioned the need for a separate licensing regime for online skill games.

In the financial year 2020, the market value of India's gaming business was estimated to be

approximately INR 90 billion. By 2022, it is expected that this figure would have risen to about INR 143 billion. The business has been rapidly growing in the country, with analysts predicting that over 40,000 new work possibilities would be available by 2022. In India, online gaming will reach 500 million players by 2025. But India lacks a robust legislative framework for the industry's development. Regulation has been far overtaken by technology. India's gaming regulations are out of date, and as a result, their application to online structures is complicated. The conflict between the centre and the states, as well as the differing perspectives of various Indian courts, makes it difficult for businesses to understand what activities are permissible in the sector.

Though with the introduction of television, digital, and internet gaming models, has led the gaming industry in undergoing a paradigm change. In India we mainly address traditional forms of games, which either falls under the ambit of 'games of chance' (this would include any game, where the chance of a win or a loss is completely based on coincidence or luck and not dependent on the players skill set) or games of skill' (this would include any game, where the chance of a win or a loss depends on the physical or mental abilities of the player) and we have failed to address one of the biggest business sectors that was born from the introduction of the internet and mass-market computer technologies, which is the video game sector. While countries like the United States and south Korea have not only set up regulatory bodies for the same but have also started research on the ill effects of various tactics utilised by the gaming companies on its respective consumers. It was also noted by the Madras High Court that having a regulatory framework in place to deal with internet gambling is critical as the incorporation of Digital online payment solutions have given the online gambling business quite the boost since demonetisation.

1.1) Gaming laws in the USA:

While gambling is prevalent in the United States, it is subject to state and federal legislation that prohibits it in specific locations, limits the means and forms of gambling, and regulates the practise in other ways.

Congress has exercised its Commerce Clause authority to regulate interstate gaming, international gambling, and US-Native American ties. For instance, it has enacted legislation limiting the illicit movement of lottery tickets across states, forbidding sports betting with

limited restrictions, and controlling the extent to which gambling may be conducted on Native American property.

Each state regulates the type of gambling that is permitted inside its boundaries, the location of the gambling, and who is permitted to wager. Each state has passed unique legislation addressing these issues. Additionally, states have varying legal gambling ages, with some requiring the same minimum age for all forms of gambling, while others need a different minimum age for each type of gambling. In New Jersey, for example, an 18-year-old can purchase a lottery ticket or wager on a horse race, but cannot visit a casino until they reach the age of 21. The age 21 limit is most likely in response to the selling of alcohol in that place.

A common technique for circumventing laws prohibiting, restricting, or harshly taxing gambling is to place the activity just outside the jurisdiction that enforces them, in a more "gambling-friendly" legal environment. Gambling businesses are frequently located near state boundaries and aboard cruise ships that travel beyond territorial seas. Gambling activities has also expanded on Native American territories in recent years. Internet-based gambling extends this tactic to a new degree of penetration, since it threatens to introduce gaming straight into homes and businesses in areas where a traditional gambling institution cannot operate.

Gambling operations produced gross revenues of \$92.27 billion in the United States (the difference between total wagers and "winnings" refunded to players) in the year 2008. A trade association for the industry, gaming in the United States is a \$240 billion business that employs 1.7 million people in 40 states, according to the American Gambling Association, Gaming taxes generated \$8.85 billion in state and local taxes in 2016.

Gambling opponents say that it contributes to increasing political corruption, compulsive gambling, and increased crime rates. Others claim that gaming is a form of regressive tax on persons living in areas with gambling outlets.

Governments at many levels have approved a lot of different types of gambling in order to raise money for important services without having to raise taxes. All kinds of things are included, from bingo games in church basements to million-dollar poker tournaments. Sometimes, states say that the money from certain games will be used for certain things, like education.

Having a state lottery in 1963 was a big change in social policy for the state of New Hampshire.

No state governments had ever run gambling operations to raise money before. There are now a lot of lotteries in almost every state in the country to raise money for state government. Some states only spend this money on certain things, like education, while others let lottery money go to the whole government. State governments have used marketing firms to try to get more people to buy their products, or they have come up with new programmes when old ones don't raise as much money. This has led to morally questionable things, like this:

Gaming is broken down into the following groups by the American Gaming Association:

There are card rooms, both public and private. There are commercial casinos and charitable games and bingo. There are also tribal casinos and card rooms. Lotteries and legal bookmaking Parimutuel betting, or betting with a deposit.

While gambling is lawful under federal law in the United States, there are major limits on interstate and internet gambling, since each state has the authority to prohibit or to regulate the activity within its borders.

The 1992 Professional and Amateur Sports Protection Act effectively prohibited sports betting worldwide, with the exception of a few states; however, on May 14, 2018, the United States Supreme Court found the whole act constitutionally invalid in the case *Murphy v. National Collegiate Athletic Association*.

If state-run lotteries are included, 48 states permit gambling in some manner (Hawaii, where gambling was outlawed prior to statehood, is an exception to this along with Utah as it bans gambling in the state constitution and because it has a Mormon majority population). Casino-style gambling, on the other hand, is far less prevalent. Federal law allows for the use of Native American Trust Land for games of chance if an agreement between the tribal government and the State is in place pursuant to the 1988 Indian Gaming Regulatory Act.

In Nevada and Louisiana in which casino-style gambling is permitted statewide, as of 2020 subject to licencing and zoning limitations imposed by both state and municipal governments. All other states that permit casino-style gambling limit it to limited to American Indian reservations and in some geographic regions (e.g., Atlantic City, New Jersey or Tunica, Mississippi).

A very relevant issue in major states like California is where the American Indian tribes have exploited legal protection to operate casinos. Casinos in this case are confined in certain areas to "riverboats," which are enormous multi-story barges permanently moored in a body of water.

Online gambling has been more severely regulated by the 1961 Federal Wire Act but has been a subject of legal disputes as it prohibited interstate wagering on sports but did not cover other types of gambling. The Unlawful Internet Gambling Enforcement Act of 2006 did not directly prohibit online gambling; rather, it prohibited financial transactions involving online gambling service providers—a move that prompted several overseas gambling operators to discontinue service to US users. Other operators, on the other hand, have continued to operate in violation of the UIGEA and continue to serve US consumers. As a result, the UIGEA has come under fire from prominent players in the gaming business.

1.2) Gaming laws in South Korea:

South Korea is well-known for the fact that professional gaming has a sizable fanbase in the nation, with top players receiving huge cash awards in contests and logging significant practice time each day.

In South Korea, professional gaming competitions are aired, with millions of viewers tuning in to watch live or catch the results on one of three channels dedicated entirely to e-sports. Pro-gaming and e-sports contests are a national pastime in South Korea, with around 10 million regular spectators. Additionally, there are established leagues around the nation that are handsomely funded and teach players to compete in events.

Numerous South Koreans take pleasure in their country's status as a pro-gaming super power. The effect of this is that an increasing number of technology corporations see the profitability of investing in and supporting e-sports players. Businesses are beginning to sponsor the training of future athletes, since it benefits them financially and socially. HTC and three of Korea's major firms - Samsung, Korea Telecom, and SK Telecom - are just a few instances. The Korean government has also seen the potential of investing in e-sports and professional gaming, having funded the world's first e-sports stadium in 2005. Additionally, the Korean government maintains a department dedicated to e-sports regulation called the Korea e-Sports Association (KeSpa).

Hall of renown Yongsan E-sports Stadium is home to this facility. Pro-gamers are idolised and recognised as celebrities in South Korea. It is not uncommon for successful professional gamers or e-sports athletes to earn six-figure contracts or more. In turn, the spotlight shone on these celebrities through video games benefits South Korea's economy. The video game sector accounts for a sizable portion of South Korea's GDP. The gaming market is anticipated to generate around 5 billion dollars yearly, in addition to the millions of dollars transacted in illicit gambling and betting, which promotes South Korea's informal economy.

The World Cyber Games were created in 2000 as a result of the enormous popularity of e-sports in South Korea. The Ministry of Culture and Tourism of the Republic of Korea, the Ministry of Information and Communications, Samsung, and Microsoft are the founding sponsors. The WCG is dubbed the "Olympics of online gaming." The games attract over 500 professional gamers from across the world, with prizes ranging from \$200,000 to \$500,000.

In October 2004, many civic organisations urged the government to enact a shutdown law, claiming that teens required sleep. A forum was planned by the advocacy groups. In 2005, Kim Jae Gyeong of the Grand National Party (Hannara) advocated amending the Juvenile Protection Act. This amendment was a precursor to the shutdown legislation. Lobbyists for the gaming sector and measures by the Ministry of Culture and Tourism effectively killed the law. The next year, Grand National Party (Hannara) member Kim Hi Jeong suggested a "act on preventing and resolving internet addiction, including online gaming." This law would force games to warn players that they are addictive and would punish players, particularly teenagers, who play for an extended period of time. This bill likewise failed for similar grounds to the 2005 failure.

On 10 July 2008, Kim Jae Gyeong introduced an amendment to the Juvenile Protection Act requiring online game providers to restrict minors from playing their games between 00:00 and 06:00. The amendment-imposed penalties on gaming firms that violated the amendment, including up to two years in prison and a fine of up to \$10,000. One year later, on 22 April 2009, Cho Yeong Hi of the United Democratic Party presented a similar amendment. It prohibited the sale of online games to minors between the hours of 00:00 and 06:00, required parents to authorise teens' use of online games, and obliged game producers to warn players about internet gaming addiction. The potential penalty for a violation remained unchanged from the prior proposed revision.

The Ministry of Culture and Tourism and the Ministry of Gender Equality and Family had planned to present separate revisions to the shutdown law, but instead collaborated to create a single amendment that would be adopted by the legislature. On 3 June 2010, they completed their version of the shutdown legislation bill. The shutdown legislation bill, which was included in the revision to the Juvenile Protection Act, was introduced in the South Korean National Assembly plenary session on 29 April 2011 and passed.

The shutdown law became effective on November 20, 2011. It was implemented across all online games available in South Korea. Between the hours of 00:00 and 06:00, teenagers under the age of seventeen were not permitted to play online video games. The regulation applied to some online social games as well as any online gaming service that needed a resident registration number. The constitutional court declared on 24 April 2014 that the shutdown law was valid. The law was repealed in August 2021.

1.3) Gaming laws in India:

The Public Gambling Act, 1867 ("Gambling Act"), which dates back to British administration in India, and the Prize Competitions Act, 1955, are the two most important core statutes dealing with gaming regulations in India. The anti-gambling sentiment that was widespread at the time of the Gambling Act's implementation has been incorporated into current Indian jurisprudence. The Gambling Act is in effect in 16 states and territories, although it does not apply to skill games. State governments are empowered to control betting and gaming regulations under List II of the Seventh Schedule of the Indian Constitution. Various states have adopted the antiquated portions of the Gambling Act, and the majority of them restrict betting on games of chance that are perceived as gambling, while allowing sports betting.

Various states have adopted the antiquated parts of the Gambling Act, with the majority prohibiting betting on games of chance, which is considered as gambling, but allowing participation in games of skill. Where state legislation exists, it takes precedence over the regulations of the Public gambling Act. Historically Courts also had echoed this sentiment, prohibiting society from participating in skill-based games and seeing gambling as a bad and dangerous vice in the past. In addition, courts have ruled that gambling is not included by Article 19 (1) (g) of the Indian Constitution, which states that the freedom to do business is a basic right. Gaming businesses find it incredibly difficult to operate in India due to a lack of clarity around approved activities.

To make matters even more complicated, states have differing perspectives on online and offline versions of real-money games. For example, in Kerala, betting with stakes for rummy is legal in physical parlours but prohibited online. The Uttar Pradesh State Law Commission has proposed a bill that includes internet gambling. According to reports in the media, the Karnataka State Government has also submitted a plan to the Karnataka High Court to establish legislation on online betting and gaming shortly.

The Black's Law Dictionary defines gambling as "placing a bet," and the ingredients of gambling are "a payment of a price for a chance to win a price." Hence, we can see that the so called element of chance is the most important component of gambling. Now Chance is defined as something dependent on luck and something that does not necessitate the use of skill or effort by the individuals involved. For example, a yielding a bumper harvest in agriculture may also be based on a bigger element of chance as a result of a favourable monsoon but this act, however, is not prohibited nor regulated.

On the other hand, Skill-based games are widely permitted over the world. However, the exam is subjective. In India, gambling is governed by the states, each of which has a different stance on gaming. Gaming firms are dealing with a lot of uncertainty. For the gambling business to expand, a single framework for assurance on permissible activities on an objective basis is required. Therefore, this paper will firstly try to uncover many such ambiguity in the environment of Indian gaming laws in comparison to the current laws relating to gaming that is in prevalent in countries like United States and South Korea.

Secondly, this paper will try to understand whether the absence of a recognized independent body to regulate and support the government in the matters of online gaming in India, unlike the Gaming Rating Authority in the U.S. or the Korean E-Sports Player Association in South Korea, has deterred the development of effective regulations in relation to this field in India.

Statement of the Problem:

A large portion of gaming activity is conducted online, making it a cross-jurisdictional activity, but due to the fact that the regulations are divided by borders, it leads to many gaming platforms escaping a certain level of scrutiny and accountability. The primary cause of this is the varying perspective on the 'game of chance' and "game of skill."

Given the rate of growth and size of the online gaming market in India, there is an urgent need to update regulations as well as regular monitoring of online gaming activities.

Research Questions:

1. How are the expressions ‘game of chance’ and “game of skill” interpreted differently between various states in India?
2. How can the online gaming industry be regulated to make it more accountable?

Objectives of the Study:

1. To enquire into the nature and origins of gaming laws.
2. To understand, the lacunas of the Indian legal system in the context of online gaming and
3. whether existing foreign laws related to this field can be directly adopted in India to fill these lacunas in the law, and
4. if not, what would be the changes that needs to be considered and be made in order to adopt the same.

Research Methodology:

This would be doctrinal research. Based on my current understanding of the subject, a qualitative approach with a pragmatic view would be the best way to go about this study. The sources for the research are as follow:

- Primary sources: statutes and case laws
- Secondary sources: Books, journals, scholarly articles and reports

The countries South Korea and the U.S.A have been chosen as they have shown to possess some groundbreaking case laws in the field of gaming and have also published articles on issues, we are yet to even consider in India. Therefore, studying these two countries in this context could help shed some light on how we can improve the regulations in the Indian gaming

market.

CHAPTER 2: An Overview of the Gaming Industry in India

2.1) Economical Outlook:

Google-KMPG says that the Indian online gaming industry is growing at a "unprecedented" rate every year. By 2023, it's expected to be worth \$1.1 billion, which is a lot of money. There is a lot of interest in online games in the Indian entertainment business. This gives a whole new boost to the Indian gaming industry. There are gamers of all ages, game developers, investors, and marketers in this ecosystem. They all work together to come up with the best new games and ideas for players.

India is one of the top gaming markets for emerging economies around the world because of all the interest and potential there is. The following can be said to be the major reasons:

The majority of people in India are under the age of 45, which makes it a great place for online games because there are so many people there. The Indian population is also becoming more urbanized, which has helped the growth of gaming in India even more. Also, younger people are more likely to play online games, especially on their phones. Since 60% of India's online gamers are between the ages of 18 and 24, this makes India a great place to start developing online games.

India possesses approximately 560-600 million internet users, making it the world's second biggest online market, after China. Male users make up the majority of this statistic, about which only 33% of these Indian internet users can be said to be female. By 2023, this figure is expected to rise to 650 million users.

In the past, no one would have thought about mobile devices as a good place to play games, especially online ones. However, nowadays, gaming is more about being easy to get to and being comfortable, so smartphones are taking over as the main device for gaming. People can now play games on their phones when and where they want. Smartphones are also getting cheaper, easier to get, and smaller, which makes it easier for people to play on the go. With mobile gaming making more money than gaming consoles, big game developers are focusing on making games that are more appealing to people who play on their phones and tablets. Both the PlayStore and the AppStore have a lot of games, which are some of the most popular apps.

Basically, all you need is a strong phone, an internet connection that isn't going to go down, and a lot of skill to play these games.

In recent years, consumers have favoured games with localised content, which provides for a more immersive gaming experience. Indian Rummy, Teen Patti, Andar Bahar, Texas Holdem Poker, and Omaha Poker continue to be popular on numerous internet sites. This has also resulted in tailored game manuals and videos demonstrating how to play, game rules, and even strategy. The local game developers have started to invest in creation of games that are of a variety of languages and topics according to the preferences of the local gaming population. Companies host unique activities to commemorate major Indian holidays such as Holi, Diwali, Eid, and so on. Game makers have also made it possible to play games in Indian regional languages such as Gujrati, Bangla, Marathi, Telugu, and others. Content personalization will continue to play an important role in the next year, with big Bollywood movie franchises joining the mix.

Online fantasy sports gaming is a type of skill-based online sports gaming in which sports enthusiasts may design their own squad of real-life players from forthcoming matches under particular criteria. In the next two years, the Indian market for fantasy sports is estimated to exceed \$5 billion. This attracts not just clients, but also Venture Capital and Private Equity investors. Cricket is by far the most popular, with approximately 85 percent of individuals participating. Football, basketball, and kabaddi are other sports popular among Indians. Because competition in cricket is quite intense, the possibilities of winning diminish, hence more players are exploring into other sports to boost their chances of winning. There are around 60 platforms accessible for participants, but Dream11, which debuted in 2008, is one of the largest and most popular fantasy sports organisations in India.

The E-sports industry in India has also seen a significant increase in titles like Counter-Strike, CS:GO, DOTA 2, and others, giving rise to recognised top players like Balaji "Blizzard" Ramnaratan, Saransh Jain, and Ankit "V3nom" Panth. According to the eSports Federation of India, there are 264 million Indian players, and tournament prize money is growing year after year.

The number of online game production businesses in India has increased from 25 in 2010 to 275 in 2019. Since it has become a prominent backend development hub for gaming businesses,

India is also witnessing an increase in job possibilities in non-traditional industries such as tech centered occupations within IT and game development.

Individuals utilising digital payment methods are expected to increase by up to 300 million by 2022, thanks to the global expansion of e-commerce. This has prompted gaming businesses to provide even additional payment methods for players, such as Google Pay or Paytm, in order to appeal to a broader audience and diverse user demands. Of course, each approach has its own set of benefits and drawbacks.

2.2) Foreign investments in the country:

It is clear that foreign companies are interested in investing in the Indian gaming market and its growing number of users. For example, Mumbai-based Nazara Technologies has bought Kae Capital's stake in Halaplay Technologies Pvt Ltd to become the majority owner of the fantasy sports gaming platform.

Baazi Games, which plans to invest US\$5 million in India's gaming market in 2020, will focus on gaming start-ups to help them grow and develop the most up-to-date games. Among other things, it has card games such as Poker and Rummy and a fantasy cricket game called Balle Baazi. Vijender Singh, an Indian boxer who won an Olympic medal, has agreed to be the face of Poker Baazi.

A joint venture between PayTM and Alibaba Group's Hong Kong-based AGTech Holdings was formed in 2018 when they bought Gamepind, a platform for popular casual and sports games. When Youzu Interactive, a Chinese company, came into the Indian market in 2017, they planned to spend US\$10 million to make Indian-made games and make new business partnerships. There are a lot of people who have invested in the "unicorn" company Dream11. They include Tencent, Kalaari Capital, Think Investments, and Multiples Equity.

CHAPTER 3: An Analysis of the Judiciaries Perspective on the Laws of Gaming

3.1) Game of Chance and Game of Skill:

The Judiciary primarily classifies games as either games of skill or games of chance, whereby the Supreme Court in *K.R. Lakshmanan v. State of Tamil Nadu* said that even though the element of chance may not be completely eliminated, success in a game of skill is mostly down

to superior knowledge, training, attention experience, and skill of the player. The court also laid out the "preponderance of skill" test, which said that in a game of chance, there was a lot more luck than there was skill and, in a game, skill there was a lot more skill, then there was luck. It is the main thing that guides how the game is portrayed. Only games that require a lot of skill were allowed.

While analysing the technicalities of a game of rummy in *State of Andhra Pradesh v. K. Satyanarayana & Ors*, the Supreme Court found that the element of chance in rummy exhibited the exact character of chance as in a game of bridge. Games in which cards were shuffled and randomly distributed and the distribution of the cards did not follow any predefined pattern may be deemed to have elements of chance. Rummy, on the other hand, required players to memorize cards as well as hold and discard them - both of which needed tremendous skill. In this aspect, the Court determined that rummy was a game of skill and not a game of chance.

3.2) Fantasy Sports:

In regards to Fantasy sports, which provides on an internet site games like fantasy cricket, football, and kabaddi has unfortunately become entangled in the continuous philosophical dispute over the role of chance and ability in online games. Dream11's mobile application allows participants to pick fantasy sports teams from a list of players depending on their knowledge and talent, with a maximum budget of 100 credits. Participants are permitted to control their virtual sports teams. To enter a contest, these entrants must pay an entrance fee. This sum is pooled and divided among the participants based on the points achieved by the recruited players in real-time sporting events.

Fantasy sports games were not traditionally regarded as "games of skill." Nagaland passed the Nagaland Prohibition of Gambling and Promotion and Regularisation of Online Games of Skill Act, 2015 ("Act") in 2015, which stated that "virtual sports fantasy league games" and "virtual team selection games" were games in which the element of skill predominated over the element of chance.

In 2017, the Punjab and Haryana High Court decided in *Shri Varun Gumber v. Union Territory of Chandigarh and Others* that a fantasy sports game is primarily dependent on skill as it demands significant judgment and discretion. The Court made the following observations about the platform's operation, in which a player of Dream 11 was required to: exercise

considerable skill, judgment, and discretion in drafting his fantasy sports team; assess the relative worth of all the players available for the draught and compare the value of a player to that of other players, and adhere to the rules when evaluating a player's statistics and performance against other players.

3.3) Lotteries:

Lottery is basically a game of chance. Kerala was the first state in India to establish lotteries following independence in 1967. Later, Kerala became the first state to implement a tax on collecting lottery winnings. This tax was imposed pursuant to the Kerala Tax on Paper Lotteries Act, 2005, and section 5BA of the Kerala General Sales Tax Act (KGST). This was done in order to boost tax collection and state revenue collection. However, the Kerala High Court has found this Act invalid.

This Act established provisions for the imposition and collection of taxes on paper lotteries in the Kerala State. It was recently challenged on the basis of legislative incompetence and a lack of State authority. It was argued that only Parliament has the authority to act on the issue of "lotteries organised by the Government of India or a State" pursuant to Entry 40 of List I of the 7th Schedule of the Indian Constitution. Parliament passed the Lotteries (Regulation) Act, 1998, in the exercise of this authority. However, this Act makes no provision for a tax on lotteries. Additionally, it was argued that because this issue is included on the Union List, the State of Kerala lacks the authority to enact legislation on the subject. The Kerala High Court's division bench presided over by Justice C. K. Abdul Rehim, and Justice T. V. Anil Kumar concluded that the Kerala Tax on Paper Lotteries Act, 2005 is unconstitutional and unlawful. This meant that the State of Kerala would have to reimburse the State of Sikkim for the money it had already collected.

In 2005, the Kerala government outlawed all online and computerised lotteries owing to the extensive sale of lottery tickets online. There were to be only paper lotteries. Later, the internet sellers filed a lawsuit alleging discrimination and a breach of Article 14. The Supreme Court of India dismissed all challenges against the prohibition. It found that "lottery is a kind of gambling, which civilised societies regard as a terrible evil," and that the State is fully within its rights to control such lotteries.

The Kerala government tried to tax lotteries through Kerala Value Added Tax Act, 2003 and

later via The Kerala Tax on Paper Lotteries Act, 2005 but the Kerala High Court's ruling declaring the above Acts illegal added another dimension to the debate over who can tax gambling and how. Since independence, the Centre and the States have been at odds over gaming taxation. Over the years, the Supreme Court has attempted to clarify the picture via several cases. The present verdict is consistent with what the Supreme Court has said on the subject. The Kerala High Court's division bench emphasised that while betting is a subset of gambling, the expression "betting and gambling" cannot be understood in any way other than its literal sense. As a result, the Kerala government lacks the legal authority to levy a tax on state-organized lotteries.

This trend not only emphasises the importance of lotteries to the states' economies despite their perceived vice status but also explains the state's stance when it comes to regulating such lotteries. Numerous Acts and later rules have addressed the topic of lotteries. However, the Lotteries (Regulation) Statute, 1998, serves as the overarching act. This Act is a piece of Central law that governs lotteries and establishes conditions for their administration. A lottery is defined in Section 2(b) of this Act as a plan for the distribution of rewards to players by lot or chance.

While lotteries are a kind of gambling, there are distinct gambling regulations, such as the Public Gambling Act of 1987. Lotteries are prohibited in nearly half of India's states. There is, however, no general prohibition. Lotteries are authorised in just 13 states, including Sikkim, Kerala, and Maharashtra, and have amassed a national total of Rs. 46 crore every day. Kerala collected Rs. 5,696 crore in the fiscal year 2015-2016 on its own. In these states, lottery outcomes are eagerly awaited. In Mizoram, for example, the weekly lottery, Samvad, is a much-anticipated occasion.

Only state-run lotteries are permitted in these 13 states. In the country, private lotteries are prohibited. There are several state-specific lottery laws that differ in each state. For instance, the Maharashtra Tax on Lotteries Act, 2006 regulates the state of Maharashtra's lotteries. Numerous state statutes, such as the Kerala Tax on Paper Lotteries Act, have also been deemed illegal for exceeding their legislative authority.

Lotteries have historically been a constitutional grey area. That is, they are neither prohibited nor legally enforced. They are a significant source of money for both the 13 states that authorise lotteries and the nation as a whole. On the other hand, if someone wins a lottery, they cannot

sue for their gains. In *Subhash Kumar Manwani v. State of Madhya Pradesh* (AIR 2000 MP 109), Justice Dharmadhikari observed:

"The idea and goal of declaring a wager invalid are to dissuade individuals from engaging in games of chance and earning money by trying their luck rather than investing their time, energy, and labour in more beneficial and helpful work for themselves, their families, and society."

Parliament, pursuant to Article 246 clause (1), has the sole authority to make laws on the topics listed in List I, whereas the States have the exclusive authority to make laws on the subjects listed in List II. Lotteries fall under the jurisdiction of the Central Government, as specified in Entry 40 of the Union List. The States also have the authority to legislate against gaming and betting, as stated in Entry 62 of the State List. This frequently results in confusion.

However, the Hon'ble Supreme Court has clarified this position in a number of judgments over the years, including *H. Anraj & Others v State of Maharashtra* [(1984) 2 SCC 292], *J. K. Bharati v State of Maharashtra & Others* [(1984) 3 SCC 704], *State of Haryana v Suman Enterprises & Others* [(1994) 4 SCC 217], and *All India Kerala Online Lottery Dealers Association v State*. The Apex Court decided that because the topic of "Lotteries established by the Government of India or a State" is expressly included in List I, no State Legislature can address it.

A division court of the Kerala High Court has declared the Kerala Tax on Paper Lotteries Act, 2005, illegal. It was determined that the State of Kerala lacks the authority to legislate on its own lotteries. On the other side, in *Sri Mangal Murty Marketing v. State of Maharashtra*, the Bombay High Court confirmed the validity of the Maharashtra Tax on Lotteries Act, 2006. (writ petition no. 854 of 2007). The Court considered *N V Marketing Private Limited v. Maharashtra* (writ petition no. 432 of 2007) and *State of Meghalaya v. State of Karnataka* in this case (2010). The Bombay High Court determined that the Karnataka High Court erred and that the State of Bombay has the authority to implement such legislation.

Numerous lottery vendors have asserted that the prohibition on the selling of lottery tickets violates their basic rights under Article 19(1)(g), which guarantees all people the freedom to engage in any profession, trade, or business. However, Article 19(2) stipulates that in the public interest, appropriate limits on the rights protected by paragraph (1) of this Article may be applied.

Lotteries are a game of chance. This appears to be a rich proposition for individuals who despise hard labour. Additionally, it is frequently a role in the dissolution of numerous social relationships. Numerous such games are prohibited in various areas due to the fact that they are focused on chance rather than talent. In *R. M. D. Chamarbaugwalla v. Union of India*¹, a five-judge bench of the Supreme Court observed that the Indian Constitution established a welfare state and that its framers could not have intended to include any activity that fosters "a spirit of reckless proclivity" within the meaning of trade under Article 19(1). (g). Gambling fosters irresponsibility and an increased desire to acquire more money by working less. This results in the loss of hard-earned money, which results in job loss and a lower level of life. Thus, the Court concluded that prohibiting betting and gaming does not impede commerce but rather keeps it free of social vices.

On the ground, lotteries frequently wreak more havoc than they reap. Lotteries are, at their heart, a game of chance. They are extremely rewarding and addicting for those who invest their time, money, and effort in chasing the promise of sudden wealth. This quickly develops into a lethal addiction as individuals place their hopes in their luck and squander their riches. Additionally, it has a detrimental influence on social life.

According to the National Crime Record Bureau, lottery-related offences increased by 72 percent in 2016. As individuals deplete their resources, they are driven into poverty, a reduced standard of living, and chronic sorrow. The relationship between physical and verbal abuse of women and poverty is well-established. Additionally, lotteries drain a person's drive to work hard and tempt him to rely only on chance. As is frequently stated, "those who win the lottery receive money, while those who do not win face difficulties."

Vulnerable purchasers develop a dependency on the sellers and are thus exposed to the vendors' different malpractices. This causes people to fall for the vendors' trap of using their weakness in order to increase their pricing. Additionally, lotteries are not legally enforceable. As a result, it is frequently observed that merchants do not pay contestants their appropriate rewards.

A lottery is no longer only a shack-based tiny home company. It flourishes not just underground, but has also emerged as a legitimate sector. It generates enormous income and contributes a sizable portion of GDP. Taxation of the lottery sector also contributes to the state's

¹ 1957 AIR 628, 1957 SCR 930

revenue. For instance, the State of Punjab received more than Rs. 55 crore through lotteries alone in 2015-16. State revenue collection, on the other hand, has suffered a significant damage since the adoption of GST. Now, the Centre receives a sizable percentage of the profits. According to the CEO of Sugal and Damini, the major marketer of State Government-issued lotteries, the market for lotteries was projected to be between Rs. 10,000 crores and Rs. 12,000 crores before to the implementation of the GST. Though it has decreased to Rs. 6000 crores with the adoption of GST.

The proceeds from lotteries can also be utilised for charitable reasons. For instance, countries such as England and China fund their sports via lottery proceeds. India, it is said, may employ comparable tactics to expand and reform numerous industries. However, only Rs. 3,500 crores of the estimated tax of around Rs. 15000 crores was collected in the fiscal year 2018-2019.

Lotteries are notoriously difficult to regulate and shut down. This is due to the simplicity with which a lottery may be established, the methods by which it can be unlawfully maintained, and the reach it can have, particularly online. This creates a significant issue for the government. While lotteries have a significant effect on the public and contribute to the state's income, there are no legal remedies available if the wins are not distributed. Additionally, with the increasing usage of the internet, there are several online lotteries where participants may both observe and participate in the outcomes. This enables vendors to operate beyond geographical borders, making it even more difficult for authorities to regulate them.

Lottery prohibitions are likewise ineffective, since new ones pop up quicker than they are eliminated. They operate on a tiny scale and entice their consumers with little gifts. This maintains the participants' belief in their good fortune, and they develop an addiction. At the moment, online lotteries such as Lottoland, Powerball, and Euro Millions are experiencing an increase in popularity. These lotteries are played internationally through the internet and have a certain allure.

Lotteries may be both beneficial and detrimental. They provide a steady supply of pleasure and delight but may quickly develop into an addiction that wreaks havoc on the entire home. Lotteries should be kept for recreational purposes and not be permitted to become a source of income. Private lotteries are nearly hard to remove. As a result, it becomes critical to monitor and regulate private lotteries and to have them regulated by the state. Additionally, the States must close all loopholes and attempt to make the system as impermeable as feasible.

Additionally, they should attempt to regulate the lottery's maximum so that it stays a source of amusement and does not become a source of revenue. In order to establish a deterrent effect, the penalties imposed under the Lotteries (Regulation) Act and the IPC must be raised. Thus, it is critical to make sure that the lottery is limited to its intended purpose and is strictly monitored and managed by the state.

3.4) Online Games:

In the year 2021, there was a series of regulations in relation to internet betting and gaming in India. Certain states have enacted outright prohibitions, while others have amended existing laws governing internet gambling to include restricted provisions. It's intriguing that the state of Karnataka has issued a blanket restriction on all online games with monetary stakes following a clarification by the Madras high court. While reversing an overall prohibition imposed by Tamil Nadu's gaming amendment in *Junglee Games versus State of Tamil Nadu* (2021), the high court emphasised that skill-based games can be played online for stakes because they are not classified as betting or gambling.

Given this context, it is critical for stakeholders in the field of online gaming to grasp the Indian regulatory environment. States have legislative authority over online gaming rules, like sports, betting, and gambling are included in List II of the Seventh Schedule of the Indian Constitution. It's worth noting that colonial-era legislation, the Public Gambling Act (PGA), 1867, still exists and has been enacted by various states, including Uttar Pradesh, Madhya Pradesh, and Delhi. Other states have implemented legislation regulating gaming and gambling activity within their borders. The majority of these state laws are loosely modeled off the PGA stated above, with appropriate adjustments.

States such as Andhra Pradesh, Sikkim, and Goa have placed acceptable limits, permitting activities that require talent rather than chance. These states altered their state constitutions to empower their police forces to conduct search and seizure operations. Additionally, several states have designated betting or gambling as a cognizable offence, allowing police to intervene without the authorization of a magistrate. On the other side, states such as Tamil Nadu, Kerala, and Karnataka have enacted legislation prohibiting internet betting and gaming.

The concepts 'chance' and 'skill' has been the subject of several legal statements, with our courts routinely holding that games that need skill rather than chance to win do not fit under the

definition of betting or gambling. However, recent legislative changes suggest that they are motivated by a concern about the dangers presented by internet gambling. Generally, PGA-based legislation aims to make gambling a cognizable and non-bailable offence in order to mitigate the public hazard posed by online gaming.

The words 'gaming' and 'betting' were first distinguished in the case of *Public Prosecutor versus Vraj Lal Sheth* (1945), when the Madras high court determined that, whereas gaming requires skill, betting or wagering includes gaining or losing a stake purely based on the occurrence of an unpredictable event. Additionally, in *Shri Varun Gumber vs Union Territory of Chandigarh and Ors.* (2017), the court concluded that participating in fantasy sports such as Dream11 required a high degree of skill and did not constitute gambling.

According to census data, the great majority of Indians are between the ages of 18 and 35. The World Health Organization concluded that online games are behaviorally addictive in its 2019 International Classification of Diseases. Regular gamers/bettors may be unable to take adequate pauses if their indulgence becomes addictive, and extended sessions of this pastime can result in a number of difficulties affecting their general well-being. For example, they may suffer from hazy eyesight, stereotyped mindsets (as represented in numerous games), a lack of physical activity, and a decline in longevity.

Additionally, some online games employ sexual tropes to depict women. This results in erroneous and incorrect training of gamers, particularly males, which may even alter their views beyond the virtual world. This distorts male-female relations in society and exacerbates our country's gender disparity.

Notably, statutory confusion persists about the classification of some online betting games as skill-based or chance-based. Due to a lack of central rules governing such activities and systemic weaknesses, money laundering and terrorist financing might occur under the pretext of gaming earnings booked through bookies.

Stringent rules are required to protect our society's most vulnerable members, such as children and women. To mitigate the negative impacts of online gaming on minors, for example, we require suitable regulatory standards that incorporate age verification measures, as well as parental supervision and risk-flagging systems.

It may be necessary to emphasise that the present legislation, which dates all the way back to the colonial era, does not suit the demands of a fast digitising world, since it lacks clarity on 'online gaming.' It is critical, therefore, to build a comprehensive legislative framework capable of meeting contemporary societal expectations. This would be consistent with the recommendations included in the Law Commission of India's Report No. 276 of July 2018, titled 'Legal Framework: Gambling and Sports Betting in India'.²

Therefore, while internet gaming and betting are allowed in India, they are restricted or prohibited in a few states. To promote due diligence, good governance, and public order, it is past time for the country's governing policy framework for online gambling to be restructured and rewritten.

ANALYSIS:

The gambling business grew rapidly during the epidemic, and India lacks a proper legislative framework to foster the industry. Regulation has lagged far behind technological advancements. India's gaming regulations are out of date, and as a result, their application to online structures is complicated. The division between the central and state governments, along with the diverse opinions of various Indian courts, makes it difficult for businesses to gain clarification on permissible activity in the industry.

In the fiscal year 2020, the Indian gaming industry's market worth was estimated to be at INR 90 billion. This is expected to increase to more than INR 143 billion by 2022. The business has been rapidly expanding in the country, and analysts project that over 40,000 new jobs will be created by 2022. By 2025, India's online gaming market would reach 500 million consumers.

The major core statutes governing gambling regulations in India are the Public Gambling Act, 1867³ ("Gambling Act"), which dates all the way back to British administration in India, and the Prize Competitions Act, 1955⁴. ("Prize Act"). Current Indian law relies on the anti-gambling discourse present at the time of the Gambling Act's implementation. The Gambling Act is applicable in 16 states and territories and exempts skill-based games from its provisions.

2 Auroshree; (05.09.2018); 276th Law Commission Report on Legal Framework: Gambling and Sports Betting Including in Cricket in India; <https://www.sconline.com/blog/post/2018/09/05/276th-law-commission-report-on-legal-framework-gambling-and-sports-betting-including-in-cricket-in-india/> (last accessed on 16.03.22)

3 The Public Gambling Act, 1867; <https://indiankanoon.org/doc/1824663/> (last accessed on 07.11.21)

4 The Prize Competitions Act, 1955; <https://www.indianemployees.com/acts-rules/details/prize-competitions-act-1955> (last accessed on 09.11.21)

List II of the Seventh Schedule to the Indian Constitution authorises state governments to control betting and gaming regulations. Numerous jurisdictions have adopted the Gambling Act's outdated provisions, and the majority of states restrict betting on games of chance, which are interpreted as gambling while legalising participation in games of skill. Where state legislation exists, it supersedes the PGA's provisions. Courts have generally reflected this approach, forbidding society from participating in skill-based games and seeing gambling as bad and dangerous behaviour. Additionally, courts have ruled that gambling is not included by Article 19 (1) (g) of the Indian Constitution, which states that the freedom to conduct business is a basic right. Due to the uncertainty surrounding allowed operations, gaming firms find it incredibly difficult to operate in India.

To add to the confusion, states have differing perspectives on online and physical versions of real money games; for example, in Kerala, betting with stakes on rummy is permissible in physical parlours but not online. Uttar Pradesh's State Law Commission has submitted a draught bill that includes internet gambling. According to press reports, the State Government of Karnataka also informed the Karnataka High Court of its intention to establish legislation regulating online betting and gaming in the near future.⁵

The country's patchwork of laws is proving to be a headache for both players and gaming corporations. Because all that is required for online gaming is a phone, tablet, PC or laptop, and an internet connection, the location and legality of various state regulations is an annoyance and deterrent to many. This is not encouraging and makes it difficult to stimulate growth in a sector capable of generating money through employment and professional gaming - a highly profitable new age job. Subjective exams exist for poker, rummy, bingo, horse racing, and fantasy sports, among others. With the growth of television, digital, and internet gaming models, the gaming industry is undergoing a paradigm change. Following demonetisation, the online gaming business has benefited from the growth of digital online payment methods. The Madras High Court had emphasised the importance of establishing a regulated framework for internet gaming.

A step in the right way — the Advertising Standards Council of India ("ASCI") has released rules aimed at making real-money gaming advertising safer and more responsible, especially

⁵ Trisha Shreyashi, Vinit Goenka; (18,02,22); It's time to rewrite our online gaming laws; <https://www.livemint.com/opinion/online-views/the-case-for-clarity-over-india-s-policy-on-online-betting-11645118366885.html>

by emphasising the financial hazards connected with real-money gambling. Additionally, a Ministry of Information and Broadcasting recommendation mandates gaming commercials to include proper disclaimers, refrain from advertising to minors, and avoid portraying gaming as a source of revenue. Niti Aayog has released a draught of the guiding principles for universal national-level regulation of online fantasy sports platforms in India, recommending that the regulatory framework in this sector be consistent and certain.

All age groups enjoy games in their many forms as a kind of relaxation, including gambling. Certain sports, such as hockey, football, and cricket, to mention a few, are also played professionally for significant prize money over an extended period of time. The Mahabharata, an Indian epic, is centered around a wager. The Pandava's defeat in a dice game demonstrates how addicting and life-changing it can be to play a game of chance for stakes. Despite the Pandavas' demise, playing cards for stakes, such as Teen Patti on Dhanteras, continues to be a time-honored ritual in some regions of the nation.

India's present gaming regulations are antiquated and based on moral concepts common in the 1800s that are no longer appropriate. Today, addiction is at the center of the gaming problem. Individuals exercising control and playing games in moderation would obviate the need for regulation. Human nature, on the other hand, is not. As a result, the government intervenes to regulate and prohibit activities that require government intervention. Most countries, however, regulate this sector by emphasising the contrast between games of chance and games of skill. It important to note that gaming provides both recreational opportunities for the general population and revenue for employees and professional gamers. Thus, the first step is to comprehend the distinction between a game of chance and a game of skill.

Globally, skill-based games are mostly tolerated. However, the examination is subjective. In India, gambling is governed by individual states, each of which has a different stance on gaming. Gaming firms confront significant uncertainty. For the gaming sector to thrive, it is critical to establish a consistent framework that provides certainty about permissible activities on an objective basis.

In *R.M.D. Chamarbaugwalla v. Union of India*⁶, the Supreme Court concluded that competitions in which skill is the primary determining element in the outcome of the

⁶ 1957 AIR 628, 1957 SCR 930

competition are not forbidden under the Prize Competition Act. This test was refined further in the case of *Dr. K.R. Lakshman v. State of Tamil Nadu*⁷, where the court held that: (a) the test of the predominance of skill is applied as set out in to validate the game's nature; and (b) where skill is the dominant factor, the activity is protected as a permitted business activity under Article 19(1)(g) of the Constitution. Following that, games with a strong element of skill would be authorised as commercial activities. For instance, all card games involve an element of chance – the luck of the cards given to you – but skill is required to win with those cards. Where the game's outcome is determined by talent rather than chance, the game passes muster. By using these criteria established by the judiciary, rummy, bridge, chess, and horse racing, among other games, are permissible – even for stakes. On the other hand, games such as bingo and slot machines that rely more on chance than skill are authorised — but only provided they are not played for stakes. The test is subjective — it is determined on an individual basis and is contingent on the judgment of the judge presiding over the challenge. Until a game's legality is determined in court, there will always be a degree of doubt. There are no objective norms that a court must follow, and each game must be judged individually in light of divergent judicial views.

The All-India Gaming Federation ("AIGF"), the gaming industry's top organisation, is dedicated to policy development, advocacy, research, and self-regulation on behalf of its member gaming enterprises. Their self-regulatory structure, which is founded on the values of transparency, honesty, and responsible gaming, enacts their Skill Games Charter ("Charter") to guarantee compliance by stakeholders and AIGF members. The AIGF focuses on pay-to-play skill games and seeks to address the increasing demands of the gaming industry through its policies and advocacy with the government to enact more applicable regulatory frameworks.

AIGF membership is open to gaming organisations that offer online fantasy sports, online rummy and poker, casual games, and esports. The Charter's purpose is to self-regulate its members through regulations, the most crucial of which is establishing objective criteria for various games like as rummy, poker, and so on. If the games meet all of the Charter's standards, they are automatically authorised, providing consistency and predictability for gaming firms. The Charter requires, among other things, that gambling firms be clear about their rules, regulations, payments, and prizes. Gaming companies must act responsibly, which means they must: (a) restrict games to persons under the age of 18; (b) include a time-out feature that

⁷ 1996 AIR 1153, 1996 SCC (2) 226

automatically ends the game after a specified amount of time; (c) provide counseling for gaming addicts; and (d) refrain from targeting individuals who have opted out of gaming via the self-exclusion mechanism. Members of the AIGF must also adhere to the ASCI criteria for 'Online Gaming for Real Money Winnings,' which require, among other things, that marketing for online gaming include disclaimers, cautions about the danger of loss, and do not imply that a gamer would thrive.

While the AIGF is the industry's apex self-regulatory body, the Online Rummy Federation ("TORF") and the Federation of Indian Fantasy Sports ("FIFS") are newly formed self-regulatory bodies that, like the AIGF, place a premium on KYC checks for all players, a critical process for authenticating and enhancing the gaming experience's transparency and security.

In the United States the government has set up a separate body for the monitoring and censoring of all online and console video games. This is done so that the games created by these gaming corporates are made available to the age-appropriate audiences and so that children are not accidentally exposed to extreme violence and nudity. This is quite vital as such exposure can heavily influence the psyche of individuals who are under 18 years of age as it is a developmental stage of a human being and such children who are exposed to such violence and nudity may exhibit similar behaviour during adulthood, which may not be socially and legally acceptable in society.

Similarly, in South Korea the government has taken adequate steps to prevent its citizens from gambling and betting both inside and outside the country. But at the same time has provided the structure for gambling and betting for foreigners or tourists, who are visiting the country on vacation. As the government recognizes the fact that gaming for monetary prizes or with money at stakes is good source of income and contributes to the economy of the country. But in India we seem to be stuck midway on the whole concept of gaming, whereby in some states it is completely seen as a vice and harmful, while in some other states it is seen as a valuable source of income. This leads to conflict in laws between the states especially since the legislature fails to accept the fact that with the Internet bloom from the 1990's the activity of gaming is not something that can be restricted to a single state. Due to which there is a lot of loop holes in the laws that has been created and is being exploited by the gaming industry in India.

The South Korean Government has also provided recognition and a certain set of powers to a

separate body in relation to monitoring of gaming activities in the country and assisting the ministry of tourism and culture in relation to creating and implementing policies and regulations for games. Such a system would be highly efficient in a country like India as well because the members of the parliament are all individuals, who are quite old and not well versed with the concept of gaming law or the technological development in the field. As a result, contributing to the conflict between the judiciary and the legislature in the concept of gaming laws as discussed above in the cases like *Jungle Games Vs State of Tamil Nadu*. Therefore, setting up an independent body consisting of experts in the field of gaming can help provide clarity to the legislature on this concept and avoid such friction from taking place between the judiciary and legislature.

An independent body can also be assigned to the task of research like the ones prevalent in the United States and in South Korea. As extensive research should be conducted on the effect of games on the behaviour and cognitive aspects of individuals involved in the activity of gaming.

Conclusion:

The Indian legal system in the context of gaming laws must be revisited by the rightful authorities, and it must be restructured in a way that eradicates the core issues discussed above as we require a legal framework that promotes a harmonious relationship within different organs of the government and protects the rights of not only the consumers of these games but also the rights of the companies that create and promote these games.

Especially with the major flow of investments that has been coming into the country from corporate giants like Tencent, Bandai Namco, Intel, Razor, etc. to encourage gaming activities and E-sports in the country. We can truly expect to see a massive shift and growth in the Indian gaming market like no other. Hence, it is absolutely essential that the Indian legal system is well prepared to handle this tide of change that would be hitting the Indian economy. As currently the Indian legal system is severely handicapped when it comes to holding gaming companies accountable.

Some suggestions that may help in this regard would be to implement uniform laws in relation to gaming across the country, at least in the context of online gaming. Additionally, providing for the establishment of an independent regulatory body to assist the legislature in forming policies and laws related to gaming and also to monitor the gaming activities conducted within

the country. This independent body may also be given the authority over censorship of video games that are sold in the Indian market as the Indian legal system does not explicitly provide any censorship laws in relation to gaming.

But it is of the uttermost emphasis that this body is to be constituted by members who are well aware about the international developments as well as the intricacies of the laws surrounding the field of gaming. As this vital for ensuring not only the safety of the consumers of these games but also to encourage and foster the gaming environment and in the country, and if done successfully it can help become a new economic backbone of the country.

Therefore, I would like to conclude by saying that given the demand and the rapid growth of gaming activities in India, it is quite evident that there is an urgent need for the laws concerning gaming to be restructured in a way that would better protect the rights of the consumers and the corporate bodies involved in this field. As well as to encourage a harmonious relation between different bodies of authority and to facilitate the economic activities within the country.

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