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ONLINE GAMING, GAMBLING AND THE CONSTITUTION: A DOCTRINAL ANALYSIS OF ENTRY 34 OF LIST II IN THE AGE OF DIGITAL WAGERING

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Abstract

This paper examines the constitutional regime and jurisprudence governing online gaming, gambling, and betting in India. **Under Entry 34 of List II of the Seventh Schedule**, “betting and gambling” is a State subject; however, modern digital wagering raises complex questions of federalism, statutory competence, and fundamental rights. We analyse the landmark case law on games of skill versus games of chance in the following cases of *State of A.P. v. K. Satyanarayana* (1968), *Dr. K.R. Lakshmanan v. State of Tamil Nadu* (1996), *State of Bombay v. R.M.D. Chamrabaugwala* (1957), *Head Digital Works Pvt. Ltd. v. State of Kerala* (2021), and others – which hold that a game is not “gambling” if skill predominates. The paper discusses the interplay of Union and State legislative powers e.g. Entry 31 on communications, Entry 42 on interstate commerce, and the Information Technology Act under residuary powers in regulating online skill games. We shall look into recent developments notably the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2023, **and litigation over GST on online gaming e.g. Skill Lotto Solutions v. Union of India, 2020** and evaluate the right to trade Art. 19(1)(g)) and other rights in this context. Comparative models from the UK, Singapore, and the USA are considered. Finally, we suggest doctrinal and legislative reforms, such as a unified national framework or licensing regime, to modernize India’s approach to online gaming.

Introduction and Background

In recent years, **online gaming and real-money skill-based contests** e.g. online rummy, poker, fantasy sports have exploded in popularity in India. While **skill gaming platforms claim legal protection under the “predominant skill” test**, many States have amended gambling laws to ban online games, arguing that wagering for stakes makes them games of chance. The Indian Constitution distributes legislative powers on gambling: Entry 34 of List II

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State List empowers States to regulate betting and gambling but overlapping Union entries e.g. List I Entry 31 on communications, List I Entry 42 on inter-state trade and central laws (IT Act, GST law tend to complicate the picture. At the same time, players and operators invoke **Article 19(1)(g)** (right to carry on trade or business) and sometimes **Article 21** to challenge prohibitions. This paper critically analyses these issues from a doctrinal perspective. We begin by detailing the constitutional basis of the State's exclusive power over gambling and its exceptions, before turning to the jurisprudence distinguishing games of skill from games of chance.

I. Constitutional Framework for Betting and Gambling (Entry 34, List II)

The framers of the Constitution deliberately placed “**betting and gambling**” in Entry 34 of List II. Debates in the Constituent Assembly reveal that including this entry aimed to give States full power to prohibit or regulate gambling, reflecting diverse moral and social considerations². As Dr. B. R. Ambedkar warned, omitting the entry would leave gambling entirely beyond regulation. Thus, **Article 246** makes gaming and betting a state subject, and States can either ban or license gambling in their territories. The Supreme Court has repeatedly emphasized that, under the Constitution, “**Betting and gambling**” includes lotteries, but the framers explicitly carved out state or central run lotteries into List I Entry 40. The Court³ held that lotteries organized by any State or the Union Entry 40, List I are outside State control effectively, **State lotteries are federal subjects**. Thus, a state legislature cannot authorize or ban the sale of lottery tickets organized by another State or the Union.

Aside from lottery, the broad Entry 34 gives States exclusive competence over wagering. As one article notes that the States have exclusive power to make laws on this subject including power to prohibit or regulate gambling etc. in their respective territorial jurisdiction. However, federalism is not absolute: **Article 249 permits Parliament** to legislate on a state matter in the national interest with Rajya Sabha approval, and Article 252 allows a law for two or more States by request. **Thus, a Union law on gambling would not be ipso facto invalid if these constitutional procedures are followed** Likewise under **Entry 97 Residuary** empowers Parliament to legislate on any matter not enumerated in the three lists⁴. In the Supreme Court⁵

² advocatekhoj.com

³ *H. Anraj v. State of Maharashtra*

⁴ api.sci.gov.in

⁵ *Kranti Associates v. Masood Ahmed Khan*

it was stressed that the residuary power Art. 248 is the widest possible terms if a subject is outside List II and List III, Parliament can step in.

Nevertheless, gambling per se remains squarely a state domain. The narrow Union entry for lotteries, together with the absence of a concurrent entry for gaming save via special procedure, suggests that the Union's direct legislative competence on gambling is limited. Yet other Union powers can indirectly regulate the online gambling space for example, **List I Entry 31 Posts and telegraphs, broadcasting, etc.** covers electronic communications and the internet, giving the Union regulatory authority through the IT Act and related laws. **List I Entry 42 Inter-State trade and commerce** applies to online services crossing State borders. The Supreme Court⁶ noted that a state law on lotteries could be invalid if it interfered with interstate trade reserved to Parliament. Similarly, a state gambling ban may run into Union powers if it effectively impedes interstate commerce or uses federal infrastructure. To reconcile these aspects, **courts often adopt a pith and substance analysis** if the true nature of the law is gambling regulation, it belongs to the State; if it primarily addresses communications/technology, it may sustain under Union power.

In sum, *the constitutional landscape* is that States may prohibit or regulate gambling within their borders. Meanwhile, Parliament's direct control is limited to gambling as touched by Union entries or residuary powers. The tension between these spheres becomes acute with online gaming: activities are conducted via telecommunications which are Union subject and often involve cross-border transactions which fall under interstate commerce, yet the core subject betting or game is defined by State law. Courts must therefore parse classification: is a given online gaming platform engaging in state-domain gambling, or merely offering a service subject to interstate regulation? This doctrinal parsing underpins much recent litigation.

II. Judicial Interpretation: Games of Skill vs. Games of Chance

A critical cleavage in Indian gambling law is the distinction between **games of skill** which is permissible and **games of chance** that is prohibited. All States' gambling statutes e.g. **the Public Gambling Act, 1867** criminalize betting and gaming, but often exempt "games of mere skill"⁷. The Supreme Court has therefore tested the nature of various games, establishing that a game predominantly requiring skill does not constitute gambling under Entry 34. **The leading**

⁶ *All-India Institute of Local Self-Government v. Prabhajibhai*

⁷ azbpartners.com

doctrine is the preponderant factor test a game involving chance may still be lawful if skill preponderates⁸.

In *State of Andhra Pradesh v. K. Satyanarayana (1968)*, the Court held that **Rummy is “principally and preponderantly a game of skill.”** The task of memorizing cards, calculating sequences and strategies make success in Rummy primarily skill-based⁹. Thus, Rummy played for stakes was not penalized under the Public Gambling Act. The same case contrasted Rummy with purely chance games: three-card gambling games Teen Patti were deemed games of chance, while Rummy was skill. Earlier, in *State of Bombay v. R.M.D. Chamrabaugwala (1957)*, the Court broadly interpreted the phrase “mere skill” (in the law) to include games that are predominantly skillful even if they contain modest chance elements. The statutory ban on games of chance did not reach card games like Rummy with strategic components.

These principles were reaffirmed in *Dr. K. R. Lakshmanan v. State of Tamil Nadu (1996)*, often referred to as the “Rummy/Sports Betting case.” The Court emphasised the **“preponderant factor test”**: since most games involve both chance and skill, what matters is which element predominates. Applying this, the Court ruled that **horse-racing** (and by analogy Rummy) involves a substantial degree of skill – training, analysis of form, strategy – and is “not left to chance.” Hence, even if money was staked, horse-racing was not gambling under law¹⁰. In *Lakshmanan*, the Court famously declared: **if skill predominates, the game is lawful “no matter whether money is staked or not”**.

Subsequent cases continued to apply this test to new forms of gaming. For example, a Kerala High Court single judge in *Head Digital Works Pvt. Ltd. v. State of Kerala (2021)* (often cited as the **“Online Rummy case”**) held that **“playing for stakes or not cannot be a criterion”** for determining whether a game is skill or chance¹¹. It struck down Kerala’s blanket ban on online rummy as unconstitutional, observing that the online medium does not change the inherent skill content of Rummy. The Court stated, “Online Rummy will also have to be held to be a game of skill” because stakes alone do not convert skill into chance. Similarly, in *Satyanarayana v. State of Bombay*, the Supreme Court had noted that games like Rummy “involve a substantial degree of skill”.

⁸ lakshmisri.comsconline.com

⁹ sconline.com

¹⁰ lakshmisri.comsconline.com

¹¹ indianexpress.com

On the other hand, where games are ruled to involve chance as the dominant element, they are viewed as gambling. Card games with fixed rules of chance, dice, lotteries, and some betting games have been classified as chance games. No deep skill is involved in predicting outcomes, so these fall within the ambit of State prohibitions. For instance, *Satyanarayana* contrasted Rummy with a game called “Teen Patti”, calling the latter one of chance. Likewise, in practice, States ban betting on purely random outcomes like horse racing has exceptions, but racing is often treated as mixed skill.

In sum, **the majority jurisprudence holds that if skill is “predominant”**, the game is legally deemed a game of skill and falls outside the gambling prohibition. This distinction is deeply relevant to online gaming: most online platforms (poker, rummy, fantasy sports) claim to be skill games and thus legal. Courts have so far generally treated online skill games as akin to their offline counterparts. Indeed, the Madras High Court in *Junglee Games India v. State of Tamil Nadu (2021)* struck down an amendment banning all for-money online skill games, finding that games like Rummy and poker remain skill games even when online¹².

III. Fundamental Rights: Right to Trade (Art. 19) and Others

Online gaming companies and players often invoke fundamental rights, particularly the **right to carry on any profession, occupation or trade** under Article 19(1)(g). The argument is that providing or playing a game of skill for profit is a lawful business activity. In *Lakshmanan v. Tamil Nadu*, the Supreme Court expressly recognized competitions in games of skill as “akin to business activities” protected by Article 19(1)(g)¹³. The Court held that a law of ban on gambling cannot curtail citizens’ right to practice their occupations unless the law is justifiable under Article 19(6). In practice, where States impose blanket bans on skill gaming, operators have challenged them as **arbitrary restrictions on trade**. For example, in *Junglee Games (Madras HC)* the Court found that the Tamil Nadu law’s complete prohibition of money games of skill was “manifestly arbitrary” and violated Article 19(1)(g). The Court noted that even if gaming enterprises fall within State competence, the burden must be proportionate. A total ban on a lawful trade despite it being recognized elsewhere as skill was struck down as unreasonable.

Article 21 right to life and personal liberty has also been invoked, though less directly. Plaintiffs

¹² nishithdesai.com

¹³ azbpartners.com

argue that bans on online gaming impede the livelihood of millions thus affecting life or personal liberty and that arbitrary enforcement e.g. police arrests of players violate personal liberty. In practice, the jurisprudence on Article 21 has not been fully developed in this context, but some writ petitions have raised it e.g. alleging harassment of gamers. The Ninth and Madras High Courts have noted that suicides linked to gaming might engage Article 21 duties on the State (child protection, mental health. However, no leading Supreme Court case has yet held that a gaming ban per se violates Article 21. The focus remains on 19(1)(g) and the doctrine of reasonable restrictions as per Article 19(6).

Other rights can arise tangentially like for instance, content and advertisement restrictions implicate free speech concerns Article 19(1)(a) and digital intermediaries must respect users' privacy Article 21 under the IT law framework. But the central constitutional battlelines are gaming as trade Art. 19(1)(g) vs. State's power to prohibit gambling Entry 34. As one commentator notes, courts have repeatedly affirmed that skill-based gaming is a form of trade, not criminal gambling. Thus, any curbs on skill gaming must be narrowly tailored.

IV. Union–State Legislative Conflict and Overlapping Entries

The growth of internet gaming has exposed conflicts between State gambling laws and Union legislation/regulation. Although Entry 34 confers **exclusive State power** over betting and gambling, Union actions can overlap. Key overlapped entries include:

- **List I Entry 31 (Posts and Telecommunication):** Online gaming relies on the internet and electronic communications, which is under Union legislative competence. Thus, Parliament can regulate ISPs and gaming websites under the IT Act, Information Technology Rules, Telegraph Act, etc., even if the content gaming involves wagers. In effect, the Union may indirectly control online gaming platforms as “intermediaries” or telecom services, regardless of the game’s skill/chance nature.
- **List I Entry 42 (Inter-State Trade and Commerce):** Online gaming platforms serve customers across State borders. The Union has exclusive power to regulate inter-state e-commerce and financial transactions under Articles 301–304 and Entry 42. In *Murlidhar Meghraj v. State of Bombay*, the Supreme Court held that a State law cannot curtail lawful inter-state trade. By analogy, a State law imposing extra-territorial bans or taxes on online skill games could impinge on interstate commerce. For example, *H. Anraj* case invalidated Maharashtra’s attempt to ban lottery tickets of other States as violative of Entry 42.

- **Entry 33 Currency, Coinage, Foreign Exchange:** Not directly on point, but stakes and prizes often involve currency, which is Union-regulated.
- **Residual Entry 97 All matters not enumerated:** The Union uses Article 248/Entry 97 to regulate aspects of digital gaming not expressly in State lists, e.g. by making online gaming companies subject to IT regulations, KYC norms, and taxation.
- **Concurrent Entries:** There is no specific concurrent subject on gaming. However, the Information Technology Intermediary Guidelines and Digital Media Ethics Code Rules, 2021 under Union list entries for electronics and media have been extended to cover online gaming platforms, arguably invoking Union powers on electronic media and intermediary liability.

These overlaps have led to doctrinal arguments. One perspective is that any Union law touching gambling is invalid because gaming is List II, but courts have recognized that if the Union law is genuinely about telecommunications or digital services, it can stand. The Supreme Court in cases like *Central Public Revenue v. Satyen Pap* has held that if two entries collide, the one covering the pith and substance of the law prevails. Thus, if a Union law e.g. IT Act rules requiring age verification is essentially about digital governance, even if it affects gaming, it is likely upheld. The IT Intermediary Guidelines Rules, 2021 and its 2023 amendment discussed below rely on this logic, treating online gaming operators as “intermediaries” under Union law. Similarly, GST and income tax laws, enacted under Union taxation powers, can tax gaming revenues even if games are State regulated because tax law is a Union subject.

That said, conflicts can be litigated. For instance, the Kerala amendment imposing licence fees on skill game platforms was challenged on the ground that lotteries (under Union control) cannot be taxed by states. The central response (e.g. in *Skill Lotto* litigation) is that taxing gambling revenue is a legitimate fiscal measure, not creating new restrictions on gambling itself.

In summary, although **States** have plenary legislative power over gambling per Entry 34, **the Union** has developed a regulatory presence in online gaming via other entries. In practice, this has led to **some overlapping jurisdiction**, requiring courts to apply the pith-and-substance test. Where a state law primarily regulates the content or outcome of games e.g. banning betting, it will likely be upheld as intra vires Entry 34. If a Union measure primarily governs the platform, payment mechanism or communication infrastructure, it is justified under Union entries. The

tension will ultimately be resolved case-by-case a matter that the Supreme Court may yet address in appeals on current litigation.

V. The IT Act, 2023 Rules, and Other Developments

Against the backdrop of dated state laws, the **Central Government has recently taken regulatory steps** to oversee online gaming. The most significant move is the 2023 amendment to the **IT Intermediary Guidelines and Digital Media Ethics Code Rules, 2021**, which brought “online gaming intermediaries” under its purview. Effective April 2023, the new rules expressly define “online real money games” and impose due diligence obligations on gaming platforms¹⁴. Key requirements include:

- **Self-regulatory body verification:** Online real-money games must display a verification mark from an “online gaming self-regulatory body” designated by the government. Platforms must ensure each game is certified as “permissible”.
- **Transparency and user information:** The Rules mandate clear disclosures in privacy policies and terms of service – including fee structure, KYC procedures, and fund-protection mechanisms. For instance, platforms must explain refund/withdrawal policies and distribution of winnings to users.
- **User verification (KYC):** Platforms must verify users akin to banks (RBI norms), to prevent underage or fraudulent participation.
- **No third-party credit:** Operators cannot facilitate or enable third-party financing of user play.
- **Grievance redressal:** Gaming companies must have grievance officers and escalate complaints to a central appellate committee (as required for all intermediaries).
- **Limit changes to gaming services:** A proviso requires platforms to notify users of any change in game availability within 24 hours.

In effect, these rules harness the Union’s power to regulate intermediaries (under List I and IT Act authority) to protect consumers and monitor online gaming. They do not legalize or prohibit games themselves, but they do impose an administrative overlay. Some concerns have been raised and indeed the name “An Imperfect Solution” suggests that the 2023 Rules may overreach or cause compliance burdens, but their existence shows a clear central attempt to “tighten the knot” on online gaming.

¹⁴ azbpartners.com

Beyond IT regulations, there have been **legislative proposals and amendments**. Several State legislatures like Tamil Nadu, Kerala, Andhra Pradesh, Karnataka, Punjab have passed or introduced laws or ordinances explicitly banning or regulating online gaming. For instance, Tamil Nadu's Online Gaming Regulation Ordinance, 2022 attempted to prohibit paid online skill games, leading to the *Jungle* challenge in 2021. The Union Budget 2023 abolished the "angel tax" on startup investments in gaming companies in recognizing it as a legal startup sector and imposed a flat 28% GST on the entire buy-in face value of real-money gaming stakes. The latter amendment, effective October 2023, is especially contentious: it raises the effective tax on skill gaming to 28% of total bet amount¹⁵, instead of treating it as an exempt or low-tax service. Several operators have challenged the GST levy on skill games as unconstitutional, leading to stays by High Courts e.g. Karnataka HC in *Gameskraft Technologies Pvt. Ltd.* and pending Supreme Court review. The courts will need to consider whether imposing full GST on a game of skill effectively penalizes a lawful trade, given that betting/gambling services are taxed differently or exempted by certain States lottery laws.

In addition, regulatory agencies have begun enforcement actions. The Directorate General of GST Intelligence has identified hundreds of online gaming entities for GST evasion. The Enforcement Directorate has probed online gaming for foreign exchange and anti-money laundering compliance. There are also consumer protection proposals: the Advertising Standards Council of India has issued guidelines for online gaming ads like e.g. requiring risk disclaimers, banning depictions of minors. On the law enforcement side, some State police have arrested promoters under criminal gambling laws, though these actions are being litigated.

Overall, **policy trends** indicate a push for greater central oversight of online gaming, even as States assert their traditional authority. The new IT Rules 2023 effectively create a national self-regulatory regime for online gaming, which may bring some uniformity. However, because these measures come via administrative rules under a Union law, they may not fully resolve the underlying constitutional debates on Entry 34. They do, however, reflect the recognition that without central action, the fragmented State bans would leave a large industry and many players in legal limbo. The future may see parliamentary legislation specific to online games, or even a constitutional amendment, but none has been introduced as of mid-2025.

¹⁵[practiceguides.chambers.com](https://www.practiceguides.com)

VI. Comparative Perspectives: UK, Singapore, USA

Examining foreign models offers insight into India's options. **United Kingdom:** The UK Gambling Act 2005 consolidated and modernized gambling regulation, creating the **UK Gambling Commission** to license and oversee all gambling including online. It distinguishes “**skill games**” from chance gambling through gaming machine classifications e.g. SWPs “skill with prizes” are lightly regulated devices¹⁶. Advertising and responsible gaming rules are centrally enforced. The UK model emphasizes consumer protection, licensing fees, and clear national standards like for e.g. age limits, payout percentages. India could emulate a unified licensing regime a “Gaming Commission” to issue nationwide permits for online skill games, rather than having 20 different state laws.

Singapore: The Remote Gambling Act 2014 essentially **prohibits remote online gambling** by anyone in Singapore, except for very narrow exceptions like Singapore Pools lottery. Its approach is strict: all online gambling that are games of chance are illegal, punishable by heavy fines. Singapore's laws do not differentiate skill vs chance to the same degree most remote gaming is banned. For skill games, only registered entities like certain sweepstakes are permitted, and foreign online gambling sites are blocked the government maintains a registry of banned sites. India could draw from Singapore by imposing tight controls on payment and advertising, but Singapore's outright ban would be controversial here given Art. 19(1)(g).

United States: Gambling regulation in the US is primarily at the state level, with federal overlay. **The 2018 *Murphy v. NCAA* decision** striking PASPA allowed each state to legalize sports betting. Many states have since allowed online betting/casino under state licensing in New Jersey, Pennsylvania, etc. with heavy regulation and taxes. The federal government restricts interstate gambling via laws like **the Unlawful Internet Gambling Enforcement Act (UIGEA)** of 2006, which prohibits payment processing for unauthorized online gambling, but lets states decide legality. India's Federal structure is somewhat analogous: the central government could set minimal standards or tax rules like UIGEA while states decide on what is allowed. US regulators emphasize AML/KYC requirements like FinCEN guidelines for casinos which India is starting to consider.

Comparatively, India's current regime is more fragmented than the UK or some US states, and

¹⁶ gamblingcommission.gov.uk

less restrictive than Singapore. It lacks a central licensing agency or consistent national standards. The emergence of new technology renders old laws outdated. Thus, India may benefit from a middle path: a national regulatory framework (à la UK/US states) that respects State competence over games, but enforces minimum federal standards on age, transparency, and inter-state coordination.

VII. Doctrinal and Legislative Reform Proposals

Considering the above analysis, several reforms can be contemplated:

- **Statutory Clarification:** Explicitly define in Central law what constitutes an “online game” and a “game of skill” vs “chance.” A unified statutory definition perhaps in the IT Act could reduce state-by-state confusion. For example, Parliament could legislate under Article 252 at the request of states to provide a uniform standard. Alternatively, an amendment to Entry 34 or a new concurrent entry on “digital gaming” might resolve constitutional uncertainty, though that requires a constitutional amendment.
- **Central Licensing Authority:** Establish a central **National Gaming Regulator** like the UK Gambling Commission to license online skill gaming operators nationwide. States could then opt-in through this regulator rather than duplicating laws. The regulator could enforce KYC, anti-addiction measures, and dispute resolution. It would ensure uniform minimum standards and facilitate interstate tracking of illegal operators.
- **Taxation Reform:** Given the burgeoning industry, rational tax policies are needed. Rather than punitive flat 28% GST on gross bets which some argue stifles legal gaming and encourages black markets, consider a revenue or profit-based tax like most countries. Clarity on whether stakes should be taxed as in lotteries or only the operator’s commission as in betting service charges is crucial. A committee could study international tax models, for instance, the US typically taxes casino profits, not the entire bet amount.
- **Consumer Protection and Addiction Mitigation:** Mandate features to protect vulnerable users e.g. self-exclusion tools, mandatory time and spend limits, and age/gender/KYC verification. Central rules or model State laws should require operators to implement these. For example, India's PMLA could be extended to cover identified gaming entities, requiring FIU-like reporting (as suggested in 2024 reports).
- **Technology and Enforcement:** Provide law enforcement with clear guidelines to distinguish skill vs chance games. For instance, the police could be trained to consult a central list of approved games rather than applying broad Public Gambling statutes. The

IT Ministry's self-regulatory bodies (SRBs) should have real teeth to police operators and list blacklisted apps.

- **Legislative Initiative:** While some states push prohibitions, there is also talk of model legislation. A joint parliamentary committee could draft a Model National Online Gaming Act, incorporating best practices from abroad. This Act could pre-empt inconsistent state laws by setting baseline rules.
- **Judicial Review and Guidelines:** Courts can issue guidelines to prevent misuse of laws. For example, the Supreme Court could clarify in pending appeals *Gameskraft* or others that not all transactions in skill games are “betting” under Entry 34, thereby protecting bona fide skill enterprises. A Directive Principle Art. 47, health could even be invoked to justify regulating excess or addictiveness in gaming.

These reforms aim at **modernizing India's approach:** balancing individual freedom to play/practice skill games, protecting consumers and minors, while allowing States to address legitimate concerns about addiction and crime. The goal would be to channel gaming into a regulated, transparent framework rather than drive it underground.

Conclusion

The digital age has challenged the traditional demarcation of gambling law in India. Entry 34 of List II clearly intends States to control betting and gambling, but the rise of online platforms blurs territorial and legal lines. Indian courts have held that lawful **games of skill** – even when money is staked – are not to be swept into gambling bans¹⁷. At the same time, skill games remain subject to reasonable regulation. We have seen in *Lakshmanan*, *Satyanarayana*, and related cases that the preponderance of skill test is firmly established. **Key recent judgments** (*Head Digital Works*, *Junglee Games* extend this logic to online gaming, protecting skill games under Article 19(1)(g) unless genuine state interest justifies restriction¹⁸.

Legislatively, however, the Indian landscape is a patchwork. Without national uniformity, operators face contradictory rules and heavy taxation. The Center's recent actions – like extending the IT rules to gaming and enforcing GST show its intent to regulate the sector, albeit indirectly. Going forward, a combination of smart legislation and adjudication is needed. A possible path lies in a cooperative federal framework: a national regulator or model law for online skill gaming, backed by State cooperation, could marry the advantages of both Union

¹⁷ sconline.com

¹⁸ indianexpress.com

oversight and State-specific policies.

In conclusion, doctrinally there is no insurmountable barrier to modern online gaming: skill games are constitutionally protected trades¹⁹, and Union regulation in allied fields is permissible. The challenge is policy design. By learning from comparative models and focusing on clear definitions and consumer safeguards, India can formulate a balanced legal regime. This would allow its huge gaming industry to thrive in a transparent manner, while preserving the constitutional scheme that entrusts States with the power over betting and gambling.



¹⁹ azbpartners.com