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# **FUTURE OF ONLINE GAMBLING LAWS IN INDIA**

AUTHORED BY - AAYUSH SINGH

## **ABSTRACT**

This paper critically explores the evolving and controversial domain of online gambling and fantasy gaming in India. It begins by unpacking the complex and fragmented state-level regulations, highlighting the loopholes that enable such platforms to thrive under the guise of “skill-based gaming.” The methods used by these apps—ranging from addictive algorithms and misleading disclaimers to simplified interfaces—are strategically designed to lure users, particularly youth and digitally unaware populations, into psychological and financial traps. The paper sheds light on the role of celebrities and cricketers in endorsing these apps, further legitimizing them in public perception despite their exploitative nature. Through case studies like the Mahadev app scam, the work uncovers the scale and sophistication of digital gambling fraud. It then presents a comparative view of global regulatory frameworks in the UK and USA, underlining India’s need for a central authority and modern legislation. The study concludes with actionable reforms to protect users and bring accountability to the digital gambling ecosystem through transparency, advertisement control, and legal classification of games.

## **1. INTRODUCTION**

We all have once in a while seen an ad while watching YouTube, Television, or scrolling reels on Instagram about making a fantasy cricket team on Dream 11 or playing skill based games on Winzo and winning crores of rupees in prizes. They all seem to be legal in first glance but doing a deep dive in their methods of operation and practices it all falls in a grey area with every state in India having different rules regarding the online skill and chance based games. In Indian Constitution gambling and betting falls under State list for states to individually decide and states have all adopted a more or less version of Public Gambling Act 1867. States like Andhra Pradesh<sup>1</sup> and Telangana<sup>2</sup> have banned fantasy sports for stakes and money while Tamil Nadu<sup>3</sup> bans online gambling and games of chance. The Chhattisgarh model for online gaming distinguishes between games of skill and games of chance. Under this model, games

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<sup>1</sup> Andhra Pradesh Gaming Act, 1974

<sup>2</sup> Telangana Gaming Act, 1974

<sup>3</sup> Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022

of chance are prohibited, while skill-based games are exempted from the ban. The Chhattisgarh Gambling (Prohibition) Bill, 2023, which came into effect on March 23, 2023, specifically prohibits online gambling and games of chance, but exempts skill-based games.

A majority of the State Gaming Laws are pre-internet statutes and therefore prohibit gambling activities only in physical premises which are referred to as “gaming houses” or “common gaming houses”. The states of Sikkim and Nagaland have contemporary State Gaming Laws and a licensing regime for online games. Sikkim<sup>4</sup> has it for online games and sports games with the conditions that they can be offered only within Sikkim. Nagaland<sup>5</sup> has a licensing regime only for online skill games and a prohibition on gambling.

Rajasthan in 2022 issued a draft bill, namely the Rajasthan Virtual Online Sports (Regulation) Bill 2022, proposing to regulate fantasy sports in the state under a licensing regime, however the same is not in force yet. The Karnataka state government is working on new legislation to regulate online betting and gambling. The proposed law aims to ban games of chance while allowing skill-based gaming under a controlled framework.

Most of the gambling-related Acts in the country were drafted in twentieth century. The gambling landscape has changed over the years, particularly in the current century. Given that most of the existing regulatory framework dates back to the last century, it is expected that more recent changes would have needed to be addressed.

The newer Acts have attempted to incorporate the more recent developments around gambling. There is still debate on games of Skill vs Chance in courts and legislation all along and without a central Act for defining both or application of standard model of laws banning such games it is a very much a playground for those capable of benefitting from such loopholes.

**KEYWORDS** – Online, Gambling, Acts, Legal frameworks, Regulations

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<sup>4</sup> Sikkim Online Gaming (Regulation) Act, 2008 and the Sikkim Online Gaming (Regulation) Rules, 2009

<sup>5</sup> Nagaland Prohibition of Gambling and Promotion and Regulation of Online Games of Skill Act, 2016

## 2. METHODS OF THESE GAMBLING APPS

These apps utilise the existing loopholes in our legislature to earn the trust of general public via different means like promotion by favourite cricketers and they hide behind a short disclaimer of “It is skill based game chances of losing money is possible play responsibly”. These apps provide initial winnings fostering addiction and provocation to invest a big amount through their algorithms and catchy games.

These problems have been raised a lot in recent times in courts but without a seamless legislative structure hammering such issues they get away unscathed.

### **Short Disclaimers:**

Advertising disclaimers are essential to ensure that advertisements are not misleading and comply with legal standards, The Advertising Standards Council of India (“ASCI”), a self-regulatory body, has introduced a self-regulatory advertising code that applies to advertisements on cable/satellite television including gambling advertisements. The code prohibits the propagation of products that are banned by law. Specific to the real-money gaming industry, ASCI released the ASCI Guidelines<sup>6</sup> for Online Gaming for Real Money Winnings, which prescribe, that advertisements are prohibited from displaying minors (below the age of 18) playing the game and must include a clearly visible disclaimer that the game offered involves an element of financial risk and may be addictive in nature. Though the ASCI framework is self-regulatory, it has the ability to escalate non-compliant advertisements to the relevant government department or regulator for appropriate action.

There is no government body to provide check and balance on such advertisements of such dubious nature. These apps always run a quickly spoken and written in very small font disclaimers in the end of their advertisements to show that they comply with the guidelines but there disclaimers are often not legible for a common person to read or hear.

### **Algorithm:**

The most important weapon of online gambling apps is their algorithm which ensure user retention and maximise user losses. Algorithm are coded to identify the user’s psychological and financial behaviour to personalize gaming experience and increase “lifetime value”. Apps

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<sup>6</sup> <https://www.ascionline.in/the-asci-code/>



track clicks, time spent, win/loss reactions, withdrawal attempts, and deposit frequency. Based on this, they segment players into behavioural cohorts: casual, impulsive, high-risk, high-roller. They personalize offers, win probabilities, and bonuses (free coins, spins) accordingly. Games are designed in such a way to keep users hooked using dopamine triggers and the "Near Miss" effect. Apps simulate slot machine dynamics, with early success to trigger positive feedback. For example: Teen Patti Gold and RummyCircle offer mini wins before placing larger bets, then increase losses gradually. Many apps claim to have a Random Number Generator (RNG) ensures fair play but RNG can be tuned with "adaptive probabilities". RNG can be modified as to Odds can shift depending on whether it's your first game (high chance of winning) or if number of losses increases to give you a win to keep you playing.

In skill-based games like poker or fantasy sports, the algorithm matches novices with bots or low-skilled players first and then gradually increases difficulty (pits you against higher players/bots) even sometimes deploys AI opponents that adapt to your moves. This gives players the illusion of progress, only to lose more as they go deeper. Most platforms don't publish their algorithmic behavior, odds adjustments, or randomness audits without regulatory compulsion (like in the UK<sup>7</sup>), there is no transparency and players suffer through the tactics of these platforms.

### **Early benefits:**

Applications of these sorts provide a "Freebie Hook" like upon registration apps will offer free wallet credits, bonus spins, referral bonus for inviting friends giving a psychological effect of playing with their money so user feels no risk at beginning.

They also give "100% matched bonus" offers on small deposits but, bonus money can't be withdrawn, only played and often with restrictions like 10x play-through. This leads to bigger bets and bigger losses of users. Next step is players experiencing 1–2 wins quickly but often winnings are just below the withdrawal threshold for example, you win ₹80 but need ₹100 to withdraw this makes players believe they can "break even" or "cash out" soon. Even if users win, they must fulfill minimum play through, upload ID + PAN + KYC, adding friction which causes them to face delays (3–5 days or more) and many abandon withdrawal and continue playing.

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<sup>7</sup> <https://www.gov.uk/government/publications/guidance-for-organisations-using-the-algorithmic-transparency-recording-standard/algorithmic-transparency-recording-standard-guidance-for-public-sector-bodies>

Thus creating psychological addiction by rewarding quickly, then increasing difficulty and users may think they're good at the game and keep chasing "recoverable" losses. This is especially harmful to youth and low-income players with limited financial literacy. Players don't realise it's not a reward, it's a strategic manipulation. Apps know most users will chase wins after tasting a small one. Unless regulated this remain unethical and financially harmful for players.

### **Simplified, engaging and easy games:**

These application intentionally simplify the user interface (UI), rules, and mechanics of their games to promote the illusion that anyone can win, anytime. This make the gameplay feel intuitive and fun while lowering the cognitive barrier for new players and encouraging longer gameplay durations through easy gratification loops. Apps provide minimal learning curve one can start playing by just one tap for example in apps like WinZo, you can place a bet and finish a game within 5 seconds. This no complex rules with interface elements like colorful chips, single tap bets, auto-plays, and preset bet amounts make it easy to play (and lose) rapidly.

Children and teens often get distracted by their schemes of gamifying gambling by adding UI elements from arcade and mobile games which makes them it feel more like a game than staking real money and it removes the seriousness of losing real money. They are also vulnerable because these games are hyper-casual, meaning instant loading, no tutorials which leads to no long term planning, they more games per minute which is equal to more chances of them losing money. They believe they are losing game points and the lack of friction or decision-making turns gambling into a reflex, not a choice.

These apps are designed like addictive mobile games easy to start and hard to stop disguised as harmless fun. Unless regulated they will continue to bypass adult cognition to exploit vulnerable users who are prone to compulsive behaviour with no sense of danger.

### **Perplexity of these issues:**

The issues of the methods these gambling apps has been raised in courts, over the years issue of games of skill for stakes has been raised but, whether they fall within the ambit of a state's gambling act, has not been adjudicated upon by the Supreme Court. In the absence of an express judgment of the Supreme Court, contrary opinions exist among the High Courts and legislatures of the states. Courts have more leaned towards allowing the games of skill for

stakes as in The High Court of Judicature at Bombay (Division Bench), in *Gurdeep Singh Sachar v. Union of India and Ors*<sup>8</sup> observed and held that the Online Fantasy game of the fantasy game operator does not involve 'betting', 'wagering' and 'gambling' activities respectively and that online fantasy is a 'game of skill'. The decision of the Bombay High Court was appealed, and the Supreme Court of India stayed the applicability of the Bombay High Court judgment and issued notice to all the parties. The proceedings in this case are in preliminary stage and other high courts are giving directions based on skill based games to be legal.

Legislature of states have tried to bring acts banning gambling online through games of chance and skill but because skill based games for stakes are legal courts rulings are not in their favour like when Tamil Nadu promulgated the Tamil Nadu Gaming (Amendment) Act, 2021, which banned gaming by means of, inter alia, cards and dice (such as rummy and poker) in the form of betting or wagering in cyberspace using communication devices such as computers or mobile phones or any other device and also prohibited 'electronic transfer of funds' for placing bets, distributing the winnings of games and any other prize money related to online games (including rummy and poker) in the State of Tamil Nadu. The said Act was, challenged before the Madras High Court in the case of *Junglee Games India Private Limited and Another v. State of Tamil Nadu and Others*<sup>9</sup> The Madras High Court, in its judgment dated 3 August 2021, struck down the said amendment, holding it to be ultra vires the Constitution of India. Furthermore, the wording of the Amendment Act was held to be extremely arbitrary and unreasonable. The Madras High Court also observed that competitions involving games of skill such as rummy and poker have to be regarded as business activities and would be protected under Article 19(1)(g) of the Constitution of India.

Similar order was given in *All India Gaming Federation v. State of Karnataka & Anr.*<sup>10</sup> which stated that the impugned legislative action had clamped an absolute embargo on all games of skill, defying the principle of proportionality and was excessive in nature and was, therefore, in violation of Article 14 of the Constitution of India on the ground of 'manifest arbitrariness'. But the courts haven't barred from the state governments from bringing in appropriate legislation concerning the subject of betting and gambling in accordance with the provisions of

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<sup>8</sup> <https://www.casemine.com/judgement/in/596dd1ee4a93260b5a0444e0>

<sup>9</sup> <https://www.mondaq.com/india/gaming/1103624/breaking-down-the-madras-high-courts-verdict-on-online-gaming>

<sup>10</sup> <https://indiankanoon.org/doc/117010180/>

the Constitution of India.

### **3. PROMOTION BY “STARS”**

The most controversial and negative part of the promotion of these applications and websites is that they use people's favourite cricketers, movie celebrities, and popular influencers. This adds credibility and trustworthiness to their brands. It heavily influences youth and first time users to normalize gambling under the guise of gaming by tapping into the fan's emotional loyalty to their icons. These promotions appear everywhere from TV and YouTube to social media, they are a huge part of advertisements during cricket matches with almost every cricketer promoting one or other fantasy cricket app and other skill based games. It taps into credibility in cricket to perceived safety in apps and often linking National pride in sports with brands trust.

The Consumer Protection (E-commerce) Rules, 2020 and ASCI (Advertising Standards Council of India) both have issued warnings and guidelines against such ads but due to the legal loopholes exploited by these like registering platform overseas shields them from Indian gambling laws and allows to claim ignorance or legality. Marking apps as “Skill based games”, “Entertainment gaming” confuses users and insulates endorsers from direct liability.

When cricketing legends and movie stars tell us to ‘Play & Win,’ it's not just branding it's manipulation and it must be regulated because generally users fail to distinguish between fantasy sport and betting apps and Celebrities evade legal responsibility when users lose savings.

There are many steps to prevent such misleading ads like banning celebrity endorsement, mandate clear disclaimers, penalizing misleading ads, introducing digital literacy campaigns, and any other provisions necessary for the prevention of youth from gambling away their life just cause their favourite cricketer said to play and win big prizes.

### **4. SCAMS EXPOSED**

Though there is a lack of centralised law for Games of Skill vs Chance but the Ministry of Electronics and Information Technology (MeitY) has blocked a total of 581 applications under section 69A of IT Act, 2000 which includes 174 betting and gambling related applications. These bans came after government found as many as 114 illegal betting and gambling platforms

operating in India through domain farming. The platforms were collecting Unified Payments Interface (UPI) payments through proxy bank accounts and the amount accumulated in proxy accounts was remitted through hawala, crypto, and other illegal routes<sup>11</sup>.

The biggest scam exposed in recent times is of Mahadev app<sup>12</sup>. An Enforcement Directorate(ED) investigation uncovered a vast network providing illegal betting in various games operated by Mahadev Online Book. Betting included poker, card games, cricket, badminton and tennis, and even extended to allowing bets on the Indian elections. The platform also offered card games like "Teen Patti", poker, "Dragon Tiger", and virtual cricket games, among others. The platform has also been accused of match-fixing, money laundering through cryptocurrency, and rigging games to ensure profits for panel owners and heavy losses for players. Mahadev Online Book operations not only maintained websites and closed chat groups but also tried to lure people into illegal betting. The ED investigation even led to the questioning of politicians and Bollywood stars in relation to the scam.

The Masterminds behind the Mahadev betting app scam are Sourabh Chandrakar, 28, and Ravi Uppal, 43, are considered to be the heart of the operations that have amassed around Rs 6,000 crore through the illegal betting app. Both are originally from Bhilai in Chhattisgarh but have been based in Dubai for nearly two years. The federal probe agency filed a money laundering charge sheet against both promoters before a special Prevention of Money Laundering Act (PMLA) court in Chhattisgarh's Raipur in October. Following this, a red notice was issued by Interpol on ED's request. The chargesheet also contained the names of 14 accused including the ringleaders.

Bollywood stars Ranbir Kapoor, Kapil Sharma, Huma Qureshi, Hina Khan, and Shraddha Kapoor were all asked to appear before the ED in connection to the Mahadev app case. While Ranbir Kapoor had been accused of receiving payments for promotional activities for the app, the other stars were only asked to make statements.

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<sup>11</sup> <https://timesofindia.indiatimes.com/gadgets-news/govt-has-banned-174-gambling-apps-and-betting-apps-heres-why/articleshow/105938470.cms>

<sup>12</sup> [https://www.business-standard.com/india-news/mahadev-betting-case-everything-known-about-the-rs-6-000-cr-scam-so-far-123121300347\\_1.html](https://www.business-standard.com/india-news/mahadev-betting-case-everything-known-about-the-rs-6-000-cr-scam-so-far-123121300347_1.html)



## 5. OTHER COUNTRIES LAWS

Let's do brief study about United Kingdom, United States of America's laws related to online gambling and gaming;

### United Kingdom:

The primary legislation that applies to both land-based and online gaming is the Gambling Act 2005<sup>13</sup> and they are regulated by UK Gambling Commission. Their approach toward most online games like poker, fantasy sports, and slots is to treat them like gambling. There is mandatory licensing for all operators, including offshore operators targeting the UK. They have strict Advertising rules like no targetting children and no Celebrity endorsement. These Operators must pass anti-fraud, Anti Money Laundering (AML), and tech audits, their Random Number Genarators (RNG) systems must be audited for fairness.

There are many different laws and regulations covering gambling in the UK. They include focus points such as fraud prevention, anti-underage gambling, know your customer requirements, anti-money laundering checks, operator advertisement limitations, and much more.

### United States of America:

Gambling laws are enforced under Unlawful Internet Gambling Enforcement Act (UIGEA), 2006<sup>14</sup>, every state in USA has their specific modifications to the same. Games of skill are legal in most states for example: Daily Fantasy Sports (DFS), draftkings, etc., however, most fantasy sports apps now include betting options leading to legal scrutiny. Games of chance (casino-style) fall under gambling and require licensing to operate in most states. Operators also are required to comply with Anti-money laundering, KYC and data tracking laws. Federal Trade Commission mandates disclosure of algorithmic mechanisms if user risk is involved and State regulators perform audits annually to strictly enforce the laws.

## 6. REFORMS SUGGESTED

There are a number of reform India can adopt to prevent loss of its citizens some are suggested by author below;

### Youth Protection Framework:

- Mandatory Age verification system which require government verified KYC like

<sup>13</sup> <https://www.basingstoke.gov.uk/gambling-act-info>

<sup>14</sup> <https://www.fdic.gov/news/financial-institution-letters/2010/fil10035a.pdf>

Adhaar, Driving license for all real money apps to prevent minors from accessing such apps.

- Restrict all gambling/fantasy platforms to 21+ only, regardless of “skill” vs “chance” classification as youth is more prone to impulsive actions.

#### **Algorithmic Manipulation Safeguards:**

- Introduction of Algorithmic Transparency law which require platforms to publicly disclose how win probabilities, matchmaking, and payout systems are calculated to prevent algorithmic rigging like early wins, adaptive loss loops.
- Provide mandatory “Loss Disclosure Summary” by sending monthly reports to users showing actual losses vs wins, not just game history.

#### **Ad & Interface Transparency:**

- All apps must show risk disclosure warning with every login or deposit.
- No “Win Real Cash Fast” language and ban terms like “Instant Win”, “Double Money” as these phrases mislead users.
- Every game must be marked clearly like Skill vs Chance based.

#### **Ban on Celebrity & Influencer Endorsements:**

- Ban all celebrities, influencers, and sports icons from endorsing apps involving real-money play as UK has implemented this in 2022 which has proven to be effective in lowering youth conversion.
- Fine celebrities ₹50 lakh to ₹5 crore for first violation, with industry ban on repeat.
- These suggested reforms are only possible if there is a Central act enforced and a governing body is introduced.

## **7. CONCLUSION**

India as country is critically in need of a strong legislation as we are known to be a country of youth and if this youth is engulfed in gambling and betting, no need to put in words what the future of our nation will be. Methods of these apps and website prefer to increase profit margin of owners rapidly than fulfilling promises they made in Ads, this is carefully completed through Algorithm and UI stacked against players. Celebrities and Cricketers who are highly regarded in this country are also engulfed in earning the money stolen from illiterate and marginalised

youth who don't know any better than to blindly trust their favourite icons. Scams have been exposed and apps are banned by government but without proper legislation and enforcement all is vain because they create new ways to cheat people through many existing loopholes.

Reforms suggested if strictly enforced has a chance of regulating these apps as we cannot completely ban them as our courts have emphasized it is protected under Article 19(1)(g) of Indian Constitution to freely practice any trade. Thus better legislation and oversight authority is key to utilising these business by taxing and controlling the grey methods of these apps as other countries around the globe has done.

