

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 5397
TO BE ANSWERED ON 5.4.2023

PROMOTION OF ONLINE GAMBLING APPS BY CELEBRITIES

5397. SHRI MOHAN MANDAVI:
SHRI VIJAY BAGHEL:

Will the Minister of Electronics and Information Technology be pleased to state:

- (a) whether the Government has legalized the online gambling apps which are actively being promoted by big celebrities on social media and electronic media platforms;
- (b) if so, the details thereof and if not, the reasons therefor; and
- (c) the steps taken by the Government to curb the said practice?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI RAJEEV CHANDRASEKHAR)

(a) to (c): “Betting and gambling” is entry 34 in the State List of the Seventh Schedule to the Constitution. Accordingly, as per the provisions of article 246 of the Constitution, State Legislatures have exclusive power to legislate on matters related to betting and gambling. Further, as per the provisions of article 162, matters related to betting and gambling lie within the executive power of the States.

With the expansion of the Internet and more and more Indians coming online, the potential for Indians being exposed to illegal content has also grown. The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. To help achieve this aim, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000, has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules cast specific obligation on intermediaries, including intermediaries offering online games, to observe due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such due diligence includes the following:

- (i) An intermediary shall make reasonable efforts to cause its user not to host, display, publish, transmit or share any information that relates to or encourages gambling, or is harmful to child, or violates any law for the time being in force.
- (ii) The intermediary shall not host, store or publish unlawful information prohibited under law for the time being in force, on a voluntary basis on violation of the above, and on actual knowledge upon receipt of a grievance or court order or notice from the appropriate government or its agency.
- (iii) The intermediary shall provide, upon receipt of an order from a lawfully authorised government agency, information or assistance for prevention, detection, investigation or prosecution under law.

Further, with a view to provide due diligence to online gaming intermediaries including in respect to earning winnings on deposit, the Ministry of Electronics and Information Technology has prepared draft amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in exercise of its powers under the

Information Technology Act, 2000. The Government has undertaken extensive public consultation on the same.

Further, the Ministry of Information and Broadcasting has issued an advisory, advising the print and electronic media to refrain from publishing advertisements of online betting platforms, and online and social media, including online advertisement intermediaries and publishers, not to display such advertisements in India or target such advertisements towards Indian audience. The Ministry has also issued an advisory to all private satellite television channels on 'Advertisements on Online Games, Fantasy Sports, etc.', advising all broadcasters that the guidelines issued by the Advertising Standards Council of India be complied with and that the advertisements broadcast on television adhere to the same.
