

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 1334
TO BE ANSWERED ON: 02.08.2024

LEGISLATION/RULES FOR ONLINE GAMING AND ONLINE GAMBLING

1334. DR. SASMIT PATRA:

Will the Minister of ELECTRONICS AND INFORMATION TECHNOLOGY be pleased to state:

- (a) the details of legislation/Rules on online Gaming, if enacted by Government;
- (b) the details of the steps being undertaken to regulate online gaming in the country;
- (c) the details of the regulations that Government would make to differentiate online gaming from online gambling; and
- (d) whether these regulations have been enacted, if not, by when Government is considering to enact/implement the regulations?

ANSWER

MINISTER OF STATE FOR ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI JITIN PRASADA)

(a) to (d): The Ministry of Electronics and Information Technology (“MeitY”), after extensive consultations with relevant stakeholders, notified amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”) on 6th April, 2023 casting specific obligations on online gaming intermediaries, including other intermediaries, social media intermediaries or platforms in relation to online games. The IT Rules, 2021 has provided that the obligations will apply in relation to online games on the expiry of a period of three months from the date on which at least three online gaming self-regulatory bodies (“SRBs”) are designated.

“Betting and gambling” is an entry (sl no 34) in the State List (List II) of the Seventh Schedule in the Constitution of India. Therefore, State Legislatures have exclusive power to legislate on matters related to betting and gambling. Further, as per section 112(1) of the Bharatiya Nyaya Sanhita, 2023 the petty organised crime *inter alia* includes committing any act of unauthorised betting or gambling. Any person committing such petty organised crime shall be punished with minimum 1 year of imprisonment that may extend to 7 years and also liable to fine.
