

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOK SABHA
UNSTARRED QUESTION NO. 2316
TO BE ANSWERED ON 16.03.2022

ONLINE GAMES OF SKILL

2316. SHRI T.N. PRATHAPAN:

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

- (a) whether the Government is aware of the distinction between online games of skill and online games of chance, in the light of the judgements of Supreme Court and High Court;
- (b) if so, the details thereof;
- (c) whether the Government has taken cognizance of such judgements and have recognised the need for creating such distinction in online gambling and gaming laws enacted by various States;
- (d) if so, the details thereof;
- (e) whether the Government intends to create a national level regulatory framework for online games of skill; and
- (f) if so, the details thereof and action taken/to be taken by the Government?

ANSWER

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

(a) and (b): Yes, Sir. The Government is aware. The jurisprudence has been made by the Courts defining distinction between games on the principle of games of skill vs games of chance. The Supreme Court has held that games of skill refer to those games which require a substantial degree of skill for success. The court also observed that certain element of chance is permitted in games if the predominate nature governing success of the game is skill. Games which are predominately based on chance are considered gambling under Indian law and are prohibited in most states in India. On the other hand, games which are predominately based on skill are considered as games of skill under Indian Law and are permissible in most states in India.

(c) and (d): Betting and Gambling come under List II of Seventh Schedule (Entry 34) of the Constitution of India, for which States are competent to enact laws. Some States have enacted their laws to deal with the same within their jurisdictions.

MeitY regulate all the intermediaries as per the IT Act and the Rules therein and does not have any role in the deciding distinction between online games of skill and online games of chance. Further, this Ministry has not received any directions from Court in the matter of online games.

(e) and (f): There is no specific proposal with this Ministry.
