

The Legal Landscape: A Technical Exploration of Lotteries and Fantasy Sports Platforms in India

B RAJU

Koneru Lakshmaiah Educational Foundation, KLEF, Vaddeswaram, Guntur- 522302, Andhra Pradesh, India

ABSTRACT

By no means can online gambling and lotteries be considered new or untried forms of gambling today. The fact that online gaming is always changing is one of the aspects that makes it challenging to get an accurate picture of the industry. The shape and function of online gambling sites change constantly as new technology and product offerings debut almost weekly. Proper understanding is further hampered by the constantly changing regulatory framework on a worldwide scale. In the current climate, it is advised that anyone interested in gambling operations in India should seek appropriate legal counsel in order to avoid engaging in any illegal action that could result in punishment.

Keywords: Gambling, Lotteries, Sports Betting, Public Gambling Act, etc.

1. INTRODUCTION

Leisure activities such as gambling can be said to be as old as human civilisation itself. It is a global practice that appears in various forms such as betting, races, wagering, gaming, and so on. Just as the forms of gambling differ, the attitude of society towards that activity have varied from acceptance to taboo. Religionists and moralists have decried gambling as a vice. Lawmakers in several countries have tried to ban the activity several times. Yet, gambling has a perennial allure that makes its adherents surmount societal censure and the threat of legal repercussions to indulge in it. Reasonably enough, one of the main attractions of the activity is the possibility of winning a large reward with small investments, while another is its entertainment aspect. The wealthy all over the world consider gambling an entertainment and practise it as such. One of the reasons that the activity is looked down upon is due to the fact that gambling goes hand in hand with most other human vices. It also spells doom for families of habitual gamblers who are generally from among the vulnerable classes of

society. It is an addictive pastime which can lead gambling addicts to harm themselves. Its strength of attraction and sometimes disastrous results make gambling a uniquely formidable problem for policy makers. The Finance Act of 1994 defined “Betting or Gambling” under Section 65-B (15) as, “putting on stake something of value, particularly money, with consciousness of risk and hope of gain on the outcome of a game or a contest, whose result may be determined by chance or accident, or on the likelihood of anything occurring or not occurring.”

In India, the Constitution has empowered the state governments—not the central government—to regulate gambling within their jurisdiction, which can range from banning all gambling activities outright to allowing certain activities under state government supervision. Even so, there is countrywide legislation such as the Public Gambling Act of 1867 that prohibits anyone from owning or operating a public gambling house. The activities of betting and gambling and taxation thereof are clearly demarcated as State subjects according to Entries 34 and 62 of List II (State List) of the Seventh Schedule of the Constitution of India.

Even so, the Indian Penal Code, 1860 (IPC), the Indian Contract Act, 1872 (Contract Act), the Foreign Exchange Management Act, 1999, and the Prevention of Money Laundering Act, 2002 (PMLA) are a few examples of the Central legislations that affect such activities. One drawback of most of these laws regarding gambling is that they were formulated and enacted long before virtual or online gambling came into existence. Therefore, such gambling legislations deal only with gaming or gambling activities that occur on physical premises.

Out of the 28 Indian states and eight union territories, gambling activities have been legalized in only two states and one union territory. Even in these three—Goa, Sikkim, and Daman—the government has imposed legal curbs on such activities since the country’s law has not legalized them. This has been done with the formulation of legal statutes. Goa derives a major part of its tourism income from its casinos, which are a hit among foreign and domestic travellers. The revenue from taxation of gambling in Goan casinos have only increased in the past few years. Such revenue is collected by the Goa state government. In the fiscal year 2018–19 alone, the tax revenue from offshore and land-based Goan casinos amounted to ₹411 crore. Among GST tax brackets, casinos are placed in the highest level with a GST rate of 28 per cent.

2. OBJECTIVES OF THE STUDY

- i. To understand the legality of lotteries and online fantasy sports in India.
- ii. To understand the difference between game of chance and game of skill.

3. SCOPE OF THE STUDY

Lotteries, horse races, blackjack, roulette, *teen Patti*, sports betting, crossword puzzles, slots, mini flush, and *andar-bahar* are only a few among the wide variety of betting and gambling activities popular in India. The scope of this study is restricted to two aspects of the subject: (i) analysing the legality of lotteries as well as online fantasy sports in India, and (ii) delineating the differences between the concepts of game of chance and game of skill.

4. LOTTERIES

A lottery is a form of gambling that entails the drawing of lots to obtain a prize. Once someone purchases a ticket, they become eligible to have a chance to earn the prize. Lotteries are called by different names, but all those forms have the common characteristic mentioned above. For half a century, conducting lotteries has been a regulated industry in India. It has been observed that some gambling games experience cyclical popularity in India. The card game *teen patti*, for example, gains popularity around festivals such as Diwali or Holi. Betting on random numbers has always been a popular pastime. *Matka* (also known as *Satta*) is a type of gambling that was first started by betting on the market rates of cotton, and then gradually evolved into the drawing of random numbers from a clay pot. The activity is greatly popular in several parts of the country despite being outlawed. The tendency of Indians to gamble was so pernicious that the colonial government enacted the hugely unpopular Public Gaming Act of 1867. This prohibited any games of chance. The notable exception to this Act was the operation of lotteries. Lotteries were allowed to operate because the lawmakers were forced to face the fact that certain traditions were a part of the culture and were impossible to eradicate. After gaining independence, the regulation of the irremovable and pernicious activity of gambling was delegated to the states.

In 1967, a century after the colonial government prohibited gambling activities, the state of Kerala took a firm step towards legalizing and regulating lotteries by establishing the Kerala State Lotteries. The government abolished all other private draws. The state lottery was

established to supplement government finance without additional taxation as well as to provide a means of livelihood to the people. The initiator of the program was PK Kunju Sahib, the Finance Minister of Kerala at the time. In no time at all, the well-run Kerala State Lotteries attained benchmark status and served as a source of inspiration for other states to start their own lotteries. Currently, thirteen Indian states conduct their own official government lotteries. The state of Meghalaya was the latest to join this group in 2019. The Union Territory of Chandigarh permits the sale of the tickets of the State Lottery of Punjab within its territory. It was recently reported that the state of Andhra Pradesh was considering the establishment of a state lottery and offshore casinos to counteract public finances shortage and to provide a boost to the state's tourism sector.

4.1. LEGALITIES OF LOTTERIES IN INDIA

“Lottery”, comes under Entry 40 of List I of the Seventh Schedule of the Constitution of India. It has been generally excluded from the scope of “gambling”, which is a State subject under Entry 34 of List II of the Seventh Schedule. Even though the states can institute lotteries under their jurisdiction, Section 6 of the Lotteries (Regulation) Act, 1998 gives power to the Central Government to prohibit a lottery organized, conducted or promoted in contravention to the provisions of the specified Act. Section 7 of the same Act sets forth the penalty provisions in case of such contraventions. The Indian Penal Code, 1860 under Section 294A states that a person/s who keep/s any office or place for the purpose of drawing any lottery, which is not a state lottery, or a lottery authorised by the state government, shall be punished with imprisonment for a term that may extend to six months, or with fine, or with both. Section 30 of the Indian Contract Act, 1872 holds that any agreement that is made as a wager is void and shall have no legal validity. Additionally, the Consumer Protection Act prohibits the conduct of any contest, lottery, game of chance or skill, for the direct or indirect promotion, the sale, use or supply of any product or any business interest. An activity that lies beyond the purview of this Act might be online lottery owned and operated privately by any resident of India, which is illegal and downright outlawed.

Gambling activities in the country are regulated by the Public Gambling Act, 1867. Online lotteries were non-existent at the time this Act came into being. The Constitution of India used Entry 34 of List II in the Seventh Schedule to announce that states can implement the

laws related to gambling and betting. The Lotteries (Regulation) Act, 1998, Section 30 of the Indian Contract Act, 1872, and Section 294-A of the Indian Penal Code, 1860 are a few examples of Indian laws related to gambling and lottery. Foreign direct investment in the areas of gambling and lottery is prohibited under the Foreign Direct Investment Policy.

In order to get a clear understanding of the legal landscape with regard to lotteries, a few key points have to be noted:

- There is no blanket ban against lotteries in India; therefore, they are largely legal.
- At present, 13 Indian States have legalized their government lottery.
- Any lottery activity is illegal in 15 Indian States and 8 Union Territories.
- Private Indian lotteries are banned, whatsoever.
- Playing international lotteries from India is not illegal.

From the points given above, it can be understood that there is no blanket ban on lotteries and that certain Indian states have made them legal in their territories. It is thus clear that the power to decide whether to legalize lotteries as well as to regulate, license, and tax them lies with the state governments. Several international online lotteries are organized outside India by foreign operators, and the actual lottery is drawn outside the country. Hence, the law of the land is not applicable to such lotteries and even the citizens of those state in India that have banned lotteries can also play such international online lotteries. Private Indian lotteries are absolutely illegal and prohibited. Recently, the NITI Aayog made it clear that those lucky draws that incentivise digital financial transactions are not considered as private lotteries and hence are not banned.

4.2. LEGAL GOVERNMENT LOTTERY IN INDIA

The 13 Indian States that have legitimised lotteries are the following:

Assam, Arunachal Pradesh, Kerala, Goa, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Nagaland, Punjab, Kerala, Sikkim, and West Bengal.

These Indian states have set up their own Lottery Departments that are usually supervised by the Ministry of Finance, Government of India. Each state has drawn up their own schedules and schemes for their lottery draws and conduct their respective state lotteries in accordance with such schedules. The draws are usually held as a public function in which jumbo lottery machines can be observed to generate the winning numbers at random. The Lottery

Departments usually distribute the top prizes, while the others are relegated to authorized ticket sellers for distribution, with slight variations from state to state. In order to claim a prize, the winner has to submit their ticket along with other documents as enumerated in a Claim Form mainly to serve as identity proof and so on.

In Section 4 of the Lotteries Regulation Act, 1998, certain prerequisite conditions for operating, organizing, and promoting state lotteries have been laid down. These conditions include:

- State governments shall print lottery tickets that will bear the logo of the State government to ensure authenticity,
- State governments will sell tickets either itself or through their agents,
- They will also conduct the draws of all lotteries,
- The place of such a draw will be located within the State conducting the draw,
- There will be only one draw per week for a lottery and there cannot be more than six bumper draws of a lottery in a year,
- No prizes can be offered on any pre-announced number or based on a single digit.

4.3. LOTTERY-BANNED STATES IN INDIA

Among the 28 Indian states, 15 have banned lottery in their respective territories. The 8 union territories have adopted the same stance. The states and union territories that have banned lotteries are Andaman and Nicobar Islands, Andhra Pradesh, Bihar, Chandigarh, Chhattisgarh, Dadra and Nagar Haveli & Daman and Diu, Delhi, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Ladakh, Lakshadweep, Odisha, Puducherry, Rajasthan, Tamil Nadu, Telangana, Tripura, Uttar Pradesh, and Uttarakhand. None of these states operate lotteries or allow any other agency to operate lotteries. Delhi once used to organize state lotteries, but has currently banned it. The state of Tamil Nadu does not even permit the sale of lottery tickets from other states in its territory. The state government once went so far as to ban the online payment application Google Pay for incentivising transactions using virtual scratch cards in its mobile app. To summarise, as far as lottery laws in the states are concerned, the autonomy provided by the Constitution of India allows the states to take their own unique stand regarding the legalization of lottery.

4.4. LOTTERY OPERATIONS IN INDIA

As discussed earlier, state governments that have chosen to regulate/operate lotteries have formulated various approaches regarding overall management and daily operations. Even so, there are a few similarities among the states. For example, all the state lotteries have the two classical kinds of lottery draws: regular and “bumper”. It can also be seen that almost all state lotteries still print and distribute paper lottery tickets.

Regular drawings happen regularly, usually on a weekly or daily basis, which can even go up to a few times a day. The tickets are low-priced and prizes offered will be on a modest scale as well. Contrary to this, bumper lotteries occur only a few times a year and are usually associated with major festivals or holidays. The tickets are costlier than regular ones and the prizes are correspondingly higher, with huge jackpots for the top winners. The state-run lottery has become quite popular due to the affordable ticket prices and widespread availability. Since the lotteries are run by the public authorities via top-down operations and as part of the public finances’ offices, citizens trust them to be run fairly and impartially.

The trust issue is of significance because usually casinos, horse races, and other gambling activities are usually privately operated. Compared to such operations that could be open to exploitation, coercion, and employment of unfair means, state-run lotteries are transparent, customer-friendly, and open to audit. Local legislators are involved in passing appropriate regulations and rules regarding the conduct of the state lottery. Besides which, there is a dedicated government directorate that organizes the designing, printing, and wholesale distribution of the tickets, as well as conducts the actual drawings. The same government entity monitors the entire process that brings a great amount of money to the state treasury.

The mid-level operators buy tickets wholesale from the Directorate of State Lotteries. This group of people constitute the distribution supports to thousands of small-scale retailers, who are often individuals from the lower economic strata. Stockists also provide marketing exposure to the state lotteries that supplements the government advertising.

At the ground level, lottery tickets are sold to customers mainly through ambulatory sellers, sidewalk lottery stands or small, family-owned stores. Such sellers keep a percentage of turnover as commission. In states with legal lotteries, lottery retail vendors are very easy to find. However, vendors of illegal and private lotto circle tickets also exist, but are not readily apparent.

On the whole, it is estimated that around 10 lakh Indians (one million) are dependent on this industry for a living. The CEO of Sugal & Damani has admitted to lobbying with the Prime Minister regarding the lottery sector's social and economic potential for the nation. Over the years, the lottery industry has been contributing anything from ₹35,000 crore to ₹50,000 crore to the public coffers every year. Besides its significance as a revenue stream, lotteries have the potential to meet public welfare objectives and create local employment if regulated well on a national level.

4.5. TAX ON LOTTERIES

The Income Tax Act makes it clear that it does not distinguish lottery winnings from any other gambling winnings as specified by Section 115BB. It also states that all such income should be taxed in India. Lottery winnings are treated on par with other gambling winnings, be they accrued online or offline, and whether they are legal or illegal. All these winnings or windfall incomes are to be taxed at a flat tax rate of 30 per cent if they are of or above the value of ₹10,000 according to Section 194 B. With cess and surcharge that are over and above the flat tax rate, the effective rate of tax will be 31.2 per cent. This is to be deducted from the winning amount at the source by the company or organization that distributes the prize money. For even greater amounts, a greater percentage of surcharge is levied. For example, for winnings between ₹50 lakhs and ₹1 crore, a surcharge of 10 per cent over the normal tax rate is applied. In the case of lottery winnings of over ₹ 1 crore, a surcharge of 15 per cent will be levied. If prizes are given in both cash and kind, the tax is calculated both on the cash portion of the prize and the market value of the prize given in kind. The total amount is to be deducted from the cash portion of the prize before being handed over to the winner. In case the cash prize is not enough to cover the tax liability, the winner or the prize distributor is required to make up the deficit.

The Central Government introduced a pan-India Goods and Services Tax (GST) in mid-2017. On par with the Value Added Tax in other countries, this indirect tax replaced the tax structure that widely varied from state to state. GST became applicable to all entertainment and gaming sectors including the state lotteries. However, the unexpectedly high rate of GST prompted the rise of illegal gaming practices including private lotteries. This has resulted in a

substantial loss of revenue from the state lottery channels in India, because the players felt that they could gain more from the fragmented private black market gambling entities.

In the initial phase, the GST council agreed to impose dual tax rates for lotteries. Those state-administered lotteries that were sold within their own states without need of external (private) distributors or marketers were taxed at 12 per cent. A higher tax bracket (28 per cent) was imposed on those lotteries that operated via private wholesale and retail outlets and sold tickets outside their territories. Effectively, all intra-state lotteries were taxed at only 12 per cent, while interstate lotteries had to bear a 28 per cent GST. The states that suffered from this disparity were smaller states such as Sikkim, Goa, and Nagaland, which depend greatly on inter-state sales for lottery revenue and had to suffer from lower sales due to the higher ticket price they had to impose. Such states banded together to demand a uniform GST to be levied on all lotteries, aiming for a compromise, such as 18 per cent. Their demand was in accordance with the goal of GST: making India a wholly integrated market with uniform indirect taxes. The GST Council did change taxation on lottery to a uniform rate, but fixed it at the high rate of 28 per cent across the sector.

5. FANTASY SPORTS BETTING

Betting, in connection with sports signifies the act of wagering on the result of a sporting event. Betting and wagering are synonymous terms, but sports betting alludes to the antes set up in connection with the races or matches between individuals or teams. In India, betting of any kind is illegal. In spite of this, news reports of betting issues and match-fixing prove that sports betting is very active among certain sections of the society. A fantasy sport is a form of game that is frequently played online in which players put together fictional or virtual teams made up of stand-ins for actual professional athletes. Based on how those players performed statistically in actual games, these teams compete. This performance is translated into points, which are tallied and summed in accordance with a roster chosen by the manager of each fantasy game. These point systems may be straightforward enough for a "league commissioner" to calculate manually, or they may be compiled and calculated by computers that track the real outcomes of the professional sport. Similar to real sports, club owners in fantasy sports draught, trade, and cut (drop) players.

Sports betting is highly risky since the outcomes of the event on which bets are made are uncertain. It involves transactions of money or property, which can be done directly or via virtual means. The advent of internet technology has opened up new worlds for sports betters to explore and has created a global market for sports events that used to be confined to regions or countries. This has created massive changes in largely unregulated sports betting, which has seen exponential growth due to the opening up of the global market. Therefore, it is imperative to examine the laws on betting and gambling to ensure that consumers are protected from their ill effects.

Sports betting has a long history and is very common around the world. The term can be extended to include betting on non-athletic or non-sporting events. For example, there could be bets on the winner of a reality show on television or a political election. Estimates show that over 400 million people in India watch various sporting events each year, which provides a very vast, fertile ground for betting to grow in. To cash in on the same, online betting websites have mushroomed in recent years and there exist Sports Books that entice players into making a large variety of bets. Even though bookmaker is illegal in India, there is no law in India to prevent any individual from placing an online bet with a bookmaker living in a foreign country.

The Government of Sikkim took a significant step towards addressing this issue with a memorandum known as the Sikkim Online Gaming (Regulation) Rules, 2009 that came into effect on March 4 of that year. It provides the rules and regulations regarding online gambling licensing in the state of Sikkim. A few other states, Tamil Nadu being notable among them, banned online gaming activities within its territories. The Tamil Nadu government passed an amendment to that effect in February 2021, which proved to be short-lived. The Madras High Court struck down the amendment, contending that it went against Article 19(1)(g) of the Constitution of India that gave people the right to practice any profession or carry on any occupation, trade, or business. The wide-ranging ban that included online poker, online sports betting, and online rummy was deemed to be excessive and disproportionate by the Court which recommended that the instead of imposing blanket bans, the government should direct its energies to ameliorate the rising gambling-related problems in the state.

The online gambling industry emerged in the year 2000 and has grown exponentially since then due to the international coverage of sporting events and the evolution of the internet. It has become a billion-dollar industry that is still expanding at rampant rates. One way in which the Indian legal system seeks to curb the menace of the risky side of gambling is by distinguishing between different forms of gambling. According to Indian law, gambling can be divided into two types: “games of chance” and “games of skill”. Betting in a “game of skill” is considered to be legal in the country. This legal distinction can help to make fantasy sports betting distinct from traditional betting. Therefore, it is necessary to take a close look at these concepts.

5.1 GAME OF CHANCE

A game of chance is defined as one whose outcome is greatly influenced by some kind of a randomizing device, e.g., dice, playing cards, roulette wheels, spinning tops or numbered balls drawn at random from a container. This game of chance becomes gambling if players or onlookers wager money or anything of monetary value on the outcome of the game. Probability plays a great role in games of chance. Such games are characterised by the need of luck or chance to win as opposed to any skill and there is little, if any, opportunity for a player to improve their performance. The results are almost completely random. The results could differ each time the game is played and seldom are two games the same because it is luck or chance that determines the outcomes of the game.

5.2. GAME OF SKILL

Contrary to a game of chance, a game of skill is one in which the outcome is determined predominantly by some mental or physical skill of the players. In such a game, it is possible to improve one’s performance over time with practice and execution of strategies. Usually with more playing experience, the game can be executed in more efficient manners. The Supreme Court has noted that in games of skill, the success would depend mainly upon better knowledge, attention, training, experience, and adroitness of the players. The Court also noted that a game of skill would have a predominance of the skill factor. The main piece of legislation that governs gambling in the country is the Public Gambling Act, 1867 (PGA). According to the PGA, the act of ‘gambling’ in a public forum as well as the operation or

owning of a ‘common gaming house’ are criminal offences. However, the PGA makes an important distinction in favour of games of skill, stating that the provisions of the PGA shall not apply to ‘any game of mere skill’ wherever it is played.

5.3. FANTASY SPORTS IN INDIA

In addition to betting on the results of actual sporting events, gamers have created a new kind of sports betting. Fantasy gamers create virtual teams of real-life players from well-known league tournaments and sports clubs such as the Indian Premier League, the English Premier league or the National Basketball Association. The betting then starts on predicting the results of the fantasy matches that these fantasy teams play with each other. The “managers” are gamers who build such a team of players and who wins points in a particular league based on the real-life performance statistics of the original players that are converted into fantasy points.

These “managers” play against one another and with their employees. These executives also handle a team’s roster by buying, trading, and selling players. The majority of fantasy sports is classified into two types. The first is a season-long draft, while the second is regular fantasy leagues, in which players from everywhere participate.

India is also seeing a boom in fantasy sports online betting. Indian fantasy sports sites such as Dream11 and My Circle 11 have a daily fantasy edition, which is common among Indian sports betting sites. To enter such a contest, a player must pay an entry fee. The prize money is determined by the network. Points are awarded based on the scoring system of a particular sport. For example, in the favourite Indian sport of cricket, points are awarded on the basis of a batsman’s runs, a bowler’s wickets, or a fielder’s catches/ run outs, among other game statistics.

5.4. LEGALITY OF FANTASY SPORTS BETTING

As discussed earlier, the PGA of 1867 is the main legislation that deals with gambling prohibition in India. However, this Act has not been updated to include the current online version of gambling. The Information Technology Act of 2000 is another legislation that could be applied in this context. However, this Act does not contain any explicit mention regarding online gambling or sports betting. Therefore, the legal positions of the

forementioned activities have been left vague and unexplained. The relevance of this omission is made clear by the fact that the Indian online gaming industry is currently projected to reach a value of ₹118.8 billion by the year 2023. The global COVID-19 pandemic was instrumental in the rapid growth of the sector, by turning players towards online venues to satisfy their betting propensities.

5.5. SKILL vs. CHANCE IN FANTASY SPORTS

The question of the legality of fantasy sports can be assessed using the framework of game of skill vs. game of chance as discussed in sections 5.1 and 5.2. In the case of Dream11, the main activity of the gamer is choosing a team of 11 fantasy players out of 22. Whether this involves any skill or just chance would assess the nature of the game. The Dream11 game follows the format given below:

Participants have to choose a team consisting of at least the same no. of players as playing in a real-life sports team (e.g. 5 in basketball, 7 in kabaddi, and 11 in cricket/football).

All contests are run for at least the duration of one full sports match.

No team changes are allowed by participants after the start of the sports match.

In this matter, it would be appropriate to analyse the judgements of the Supreme Court of India as well as other state High Courts regarding Dream11, the online gaming platform discussed in the previous paragraph. The most relevant among these is the ruling of the Supreme Court, which stated that playing the Dream11 game requires considerable skill, judgement, and discretion. Success in the game depends on the users' experience, knowledge, judgement, and attention. The Court was of the opinion that 'the element of skill' has a predominant influence on the outcome of the Dream11 game.

Thus, the Supreme Court ruled that Dream11 is a "game of mere skill", which is exempted from the provisions and penalties of the PGA. Furthermore, the Court ruled that the Dream11 online gaming platform is a legitimate business activity that is protected by Article 19(1)(g) of the Constitution of India. Hence, fantasy sport betting has been deemed legal in India as it comes under the category of "game of skill".

In other notable cases as well, Indian courts have ruled that those games in which a gamer's success depends on the use of "substantial talent" are exempt from the provisions of the PGA and other Indian gaming laws even though they are essentially gambling games. A few states

have also passed laws that exempt “games of ability” from the purview of gambling regulations. As gambling is a topic covered by the State List, the state governments have a free hand in deciding what regulations they need to put on the fantasy sports betting platforms. Generally, online gambling games that involve the use of skill are permitted, while sports betting games based on pure chance are prohibited.

5.6. FEDERATION OF INDIAN FANTASY SPORTS

The Indian fantasy sports sector has established a self-regulatory body called the Federation of Indian Fantasy Sports (FIFS). It has been founded to protect the interests of the gamers and to standardise best practices for the Indian fantasy sports industry. Moreover, the FIFS has created a Charter for Online Fantasy Sports Sites, which spells out the ground rules for its members. Every new operator in the sector is required to request and obtain an assessment and opinion from the FIFS Innovation Committee for the approval of their product’s status as a “game of skill”. Their proposal is confirmed by the Board of Governors (OFSP). According to the documentation in a Rajasthan High Court ruling, the FIFS currently has over 35 members. As per the Charter, members are required to obtain the necessary legal licenses as well as permission to use third-party intellectual property rights (to display player pictures, videos, logos, etc.) on their website. They must first of all obtain a licence and all necessary approvals before claiming any official affiliation with the governing body, individual, team, or tournament connected with any sport. The FIFS has adopted the self-regulation guidelines of advertising adopted by the Internet & Mobile Association of India (IAMAI).

6. CONCLUSION

Online gambling and lotteries can longer be called untried and novel modes of gambling by any stretch of the imagination. Yet it is a fact that there is little awareness of the operation and impact of these activities. One of the factors that make it difficult to obtain a correct picture of online gaming is its constantly evolving nature. With new technologies and product offerings appearing on nearly a weekly basis, the online gambling sites shift form and function continuously. The ever-shifting regulatory policies at the global level hamper proper understanding as well. In several countries such as India, regulation has not caught up with the industrial realities and therefore, the laws are often vague and confusing. The Indian

judiciary has made a sincere attempt to promote transparency and clarity in the matter of gambling laws via case laws. This has in turn enabled more people to safely participate in online gambling games. It is recommended that the provisions of the Public Gambling Act (1867) should be relaxed enough to allow casinos to be set up in India. India is a developing country that needs to find more streams of revenue. Casinos are very likely to attract more tourists and thereby contribute a fair amount to India's economy. In the case of the United Kingdom, several reports have shown that gambling and betting are key to its economy. In the current situation, it is recommended that anyone desirous of engaging in gambling activities in India should take proper legal advice to pre-empt any illegal activity liable for prosecution.

References

- [1]. Kerala State Lotteries. <http://www.keralalotteries.com/>.
- [2]. <https://en.wikipedia.org/w/index.php?title=Gambling&oldid=1098931270>.
- [3]. <https://www.dream11.com/>.
- [4]. George. "Holidays" in People Who Are Addicted to Lotteries: A Window of Treatment Opportunity Provided by the COVID-19 Lockdown. <https://www.indjsp.org/article.asp?issn=09719962;>
- [5]. 'Keralites' Lottery Addiction Could Spoil Their Financial Future'. Mint, 10 Sept. 2020, <https://www.livemint.com/money/personal-finance/lotteries-can-work-for-one-in-a-million-but-most-of-us-need-to-have-a-plan-11599756697813.html>.