

## Should gambling be legalised?



The Supreme Court, in *Board of Control for Cricket v. Cricket Association of Bihar & Ors* (2016), mandated the Law Commission to study the possibility of legalising betting in India.

### **Is Gambling allowed in India?**

British era law called The Public Gambling Act, 1867 (“Gambling Act”) is the general law governing gambling in India.

However, the state legislatures have been entrusted with significant regulatory leeway to form state specific gambling laws.

Accordingly several states in India adopted central legislation and other states have enacted their own legislation to regulate gambling activities within their territory.

The Bombay Prevention of Gambling Act came into force in 1887. Gaming as defined in the Act includes gaming and betting.

Regardless of the mounting popularity and the revenue generated by gambling it is prohibited in India, except in Goa, Daman and Diu and Sikkim.

Gambling Legislations primarily refer to gaming activities at the physical premises.

### **Why legalise gambling?**

There is overwhelming support for the idea on the ground that having failed to control illegal betting, which happens on a large scale.

The reasons to look at legalising and regulating gambling are manifold.

Gambling and betting is mostly done secretly, and is said to be controlled by underworld syndicates who use the unaccounted money earned from gambling activities for nefarious activities like terror financing.

Legalising the activity might help curtailing an important source of black money.

It will also bring massive revenue in terms of Tax revenue to the state exchequer, which can be used for various constructive social schemes.

From experience of countries where the Gambling is legalised, we can probably say that in addition to revenue generation, it will also help in creating large-scale employment opportunities.

### **Why should not Gambling be legalised?**

It must be noted that even though gambling is largely illegal, it is still rampant and unchecked.

There can be no guarantee that legalising regulated betting will stop flowing of black money.

A large crowd of workers who will invest a part of their earnings to realise their dreams would become a ready fodder if the betting is to be legalised.

Companies will host betting apps, tempting poor people to try their luck.

There are also concerns that gambling is not morally correct in the Indian context.

### **What are the hurdles in legalising the gambling?**

The existing law was passed before the Constitution came into existence and it was a Central legislation.

If Parliament wishes to legislate on the subject, it will be difficult to do so, as the subject of gambling figures in the State List.

As a result, the Constitution will have to be amended first.

Necessary infrastructure like police machinery, prosecutors, etc. will have to be put in place.

The problem of online gaming cannot be curbed by merely amending the Information Technology Act where it finds a mention.

Governments are trying to find ways of curbing the menace. So, relevant provisos will have to be made in the new Act if gambling is to be regulated.

There will still be the issue of jurisdiction as online gambling goes way beyond India's borders.

Ensuring that online gambling is safe and protects the interests and rights of players is still a question.

### **Way Ahead**

There is greater stigma around seeking help for problem gambling than for illicit drug use in developed countries where the Gambling is legalised.

SC mandated the Law Commission to study the possibility of legalising betting in India. Chairman of the Law Commission invited views and suggestions from all those concerned to arrive at a judicious opinion and make suitable suggestions and recommendations to the government. The report is awaited.

Awareness campaigns should be in place to educate people about the perils of excessive gambling; minors, vulnerable sections should be excluded from having access to gaming facilities.