

*Blind Fold Legal Journal*  
*Volume 1 Issue 2*



BLIND FOLD LEGAL JOURNAL

**VOLUME-1 ISSUE-2**

E-Mail:- [blindfoldjournal@gmail.com](mailto:blindfoldjournal@gmail.com)

Website: - [www.blindfoldjournal.com](http://www.blindfoldjournal.com)

# Online betting: The legality of the practice

By: Srishti Sinha

## **Introduction:**

With the world constantly heading towards being more equipped with the internet and with the number of people increasing day by day who are using its services, the cases of gambling or betting are increasing manifold. Online betting has been a widely discussed topic by everyone, everywhere. This is not just about India but countries across the globe. Though it may bring pleasure to few people as money but the situation worsens when you lose. Problems like financial crisis and bankruptcy may knock on the door. And moreover, it's not just about the money lost. But complications in mental health, losing confidence and self-esteem, rise in the degree of embarrassment in the society also hit people and their families too hard. People simply forget that they have a family to look after.

The action of taking a risk of money on the outcome of a game, race, or any other unpredictable event is known as Betting. Online betting is also known as online gambling which means betting of money using the internet. Earlier betting was a tradition as people used to go to the casinos directly for betting but these days, it has been expanded and has mushroomed over the internet for people to make more profits out of it, and also it has become accessible for the people to enjoy the practice of betting. This tradition has widely hit the road, showing its most prominence in the 21st century. In the post-independence period, individuals are encircled with innovation and there is cutting edge utilization of the web as a source which is quickly and incomprehensibly expanding. It is one of the least expensive and most straightforward approaches to do betting through the web. There are individuals who satisfy their social and monetary necessities through these online locales by playing day and night in lockdown during the pandemic circumstances. There is likewise tremendous expansion in client base for online betting during IPL or in rounds of cards that can be played on the web. Web-based betting is considered habit-forming because of low commitment and exceptional yield.

The vast majority of the enactment relating to lotteries and betting was established when the online medium was practically non-existent and web-based betting was not visualized. Of course, in these days and ages, devices with internet connectivity are quite get-at-able. For example, if there

is hardly any way to the internet, how would someone bet? For that matter, say Africa. In nations like Africa, where even accessibility of the Internet is a critical issue, this issue doesn't emerge. However, in a nation like India with a colossal populace and broad utilization of the Internet, all things considered, the wagering will be done unlawfully, if not gave a legitimate arrangement.

### **Legal status of Online Betting:**

Presently, the practice of web-based betting has become very smooth and easy-going in all the countries as the bettors can easily place their bets in their homes, offices, or in any other place with any device that can be connected to the internet such as mobile phones, tablet or laptops, etc. There are many betting sites available on the internet, some are available from their very initial stage and many others have entered the market later but still have succeeded in building up a strong reputation over the internet. And many such sites also exist which have been dropped down due to some fraudulent behavior. Anyway, that does not bring a penny change to the other sites who are recklessly swindling using these actively used sites. However, there are countries which do not have laws that restrict people from doing this. This has been made legal unknowingly. In numerous nations, fashion has taken an unlawful go because of its enormous prevalence and no guideline set up. Internet betting is a hazy situation for some nations as it is hard to work and monitor such money-related exchanges in the event that unfamiliar exchanges are being made. Hence, it turns out to be extremely significant to comprehend and differentiate a legitimized design for something very similar.

### **Status of Online Betting in other countries:**

Mexico: Betting is controlled by the Gaming Regulations. It directs all betting games and is represented by the law aside from the National Lottery, which is controlled through its own guideline. The UK has been extremely normalized in directing betting and making arrangements for the equivalent. The significant Act controlling it being The Gambling Act of 2005. There are explicit and extremely severe laws that accommodate various sorts of games. The laws are made with a target that such games don't lead to wrongdoings in the country. In Australia, there is a government law for betting and each State has its own different guidelines for such games. The Interactive Gambling Act, 2001 is the government law that oversees betting in Australia. It accommodates guidelines to authorizing just as to internet betting in Australia.

**In India:**

Web-based wagering or betting is extremely mainstream in India yet the inquiry emerges that if it is lawful. According to the Public Gambling Act of 1867, all types of betting are unlawful in India. This implies that putting down wagers on your number one cricket matches isn't permitted. You will consistently peruse in the papers about the closing down of the most recent pack that was engaged with cricket wagering. In any case, to muddle things further, the law makes a differentiation between talent-based contests a lot of possibilities. skill-based games require the mastery of a player. Achievement is controlled by how mindful you are of the guidelines and how effectively you play. These games assist a player with assessing his capacities, and ceaseless practice makes him a specialist over the long run. Players figure out how to carry out new techniques. It isn't a fact that the talent-based or skill-based contest doesn't get an opportunity part; they do. Nonetheless, individual abilities decide achievement. A randomized factor of any sort administers the tosses of the dice. These games could incorporate a part of ability yet involve a more significant level of possibility. Since they are arbitrary, there is no chance of realizing what will occur. Due to their simplicity of creating and playing, these games have a more seasoned history than expertise-based games. Games of chance and likelihood are inseparably connected. Numerous scientists have taken a gander at likelihood and how it can work on the odds of winning. Players can win a reward yet have no power over the result. Sports wagering, gambling club games, for example, roulette and poker are instances of chance-based games. It becomes very important to understand the meaning of these terms as many essential and crucial judgments in past were based only on these two terms.

---

India has not set up a law that expresses the legitimacy of betting or gambling in India. The most prominent way to be involved in any online betting is sports betting. There are numerous sites and platforms that are very active in sports season. In any case, the constitution II list expresses that the state can make its own law on betting. For example, Sikkim, Goa, and Nagaland are needed to have a permit for online betting which means they have legalized the practice of online betting through Andhra Pradesh has a total prohibition on such web-based betting. Therefore, web-based betting and the land-based club are authorized in Goa, Sikkim, Nagaland, and Daman under the Public Gambling Act, 1976. And Maharashtra has precluded betting and thinks about betting as illicit under the Bombay Prevention of Gambling Act, 1887

The law commission in India, in its 276th report, has suggested authorization of controlled wagering or betting practices, pronouncing that an absolute blacklist has not been reestablishing the pined for results. So, in a way, there is a loophole in the legal system that has been constantly used by the smart people which in turn lands others to some perilous grounds of the repercussions of such practices of online gambling or betting. Betting in a proper and legal way is good but it becomes a problem when a person frequently spends more money than they meant to or plays for longer periods of time than planned or gambles instead of taking care of other responsibilities or can't stop thinking about betting. Mainly these problems were seen in teenagers. They are also involved in betting either legal or illegal. A few Indian states have sanctioned lotteries. These are Goa, Kerala, Arunachal Pradesh, Assam, Maharashtra, Madhya Pradesh, Mizoram, Manipur, Meghalaya, Punjab, Nagaland, West Bengal, and Sikkim. The two most recent Supreme Court decisions the Mahalakshmi lottery Case and Kerala Case was relied upon to give lucidity on the issue of the legitimacy of online gaming and lotteries. Betting has been held by the Supreme Court on account of Dr. K.R. Lakshmanan versus State of Tamil Nadu (Lakshmanan Case) as betting or wagering on tosses of the dice, barring talent-based contests, for example, horse wagering.

Online betting can be risky if we are not being careful enough. We have to be very careful, while choosing the sites, which one is safe and secure and which is not. This is because there are and will be many fraud websites available and a small mistake from our side can land us, along with our families to many risks. Nowadays, the world of the internet is full of hackers and fraud people. They can hack people's email account which they use in their betting account to get their passwords by using some computer techniques and government laws also can't handle these types of hackers and their hacking behavior. Hence, governments also cannot do anything in such matters mainly due to the absence of betting and gambling-related laws in the country. While assessing better sites we must consider valid authentic licensing authorities with safety and security. Although it is legal to bet online in India, but there has to be a line distinction between what is graver in nature and what is not. What is in the hands of the government is to regulate new and strict rules of betting and gambling activities. With time the mode of frauds and definitions of financial crimes had been changed. So, the government and other authorities will definitely have to have a legal framework on this matter that would be consistent with the present scenario and type of crime.

**Conclusion:**

We can clearly say that betting laws in India are confusing. Thousands of people on daily basis place a bet on online betting platforms. In India, there are no such laws which states that online betting is illegal. In India, one can easily access to any online betting platform without any legalization governing the legality or illegality of this Act. There is no particular law referenced under the data innovation Act, 2000 accordingly there is a need for government to step in to make appropriate laws and uniform laws all through the country for internet betting practices. All that can be said in this regard is that it is legally illegal but one can bet online in India.



---

BLIND FOLD LEGAL JOURNAL