

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION NO. 258
TO BE ANSWERED ON: 03.02.2023

GUIDELINES FOR ONLINE GAMING

258. SHRI NIRANJAN BISHI:

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

- (a) the guidelines for online games (for both games of skill and chance) to regulate mental health issues;
- (b) the interim guidelines for website creation and game development, providing prescribed standards for platform design in order to curtail the effects of violent and addictive gaming;
- (c) whether Government is aware that despite the provisions of the Indian Contract Act 1872, a vast number of minors continue to access content on websites meant for mature audiences; and
- (d) whether Government is in the process of issuing guidelines to address the aforementioned issues, directing websites to undertake stricter methods to protect and limit involvement of minors?

ANSWER

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

(a) to (d): The policies of the Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. With the expansion of the Internet and more and more Indians coming online, the potential for Indians being exposed to information which may be addictive in nature, inappropriate for children, depicts violence or is harmful to mental health, has grown. The Government is seized of the issues in the cyber space, including those related to children.

To help achieve the aim of making Internet Open, Safe and Trusted and Accountable, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000 ("IT Act"), has made the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. These rules cast specific obligation on intermediaries, including intermediaries offering online games, to observe diligence and provides that if they fail to observe such diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them, including on websites. Such diligence includes the following:

- (i) To make reasonable efforts to cause its user not to host, display, publish, transmit or share any information (including information in the nature of an online game) that is harmful to child, causes incitement to the commission of any cognizable offence, relates to encourages gambling, or violates any law for the time being in force;
- (ii) To not host, store or publish unlawful information (including information in the nature of an online game), on a voluntary basis on violation of the above, and on actual knowledge upon receipt of a grievance or court order or notice from the appropriate government or its agency;
- (iii) To have in place a grievance redressal machinery, and resolve complaints of violation of the rules within 72 hours of being reported and, in case of a complaint

by an individual or her/his authorised representative, remove within 24 hours any content which *prima facie* exposes the private area of such individual, shows such individual in full or partial nudity or shows or depicts such individual in any sexual act or conduct; and

- (iv) To provide, upon receipt of an order from a lawfully authorised government agency, information or assistance for prevention, detection, investigation or prosecution under law.

Also, the Ministry of Information and Broadcasting has issued an advisory, advising the print and electronic media to refrain from publishing advertisements of online betting platforms, and online and social media, including online advertisement intermediaries and publishers, not to display such advertisements in India or target such advertisements towards Indian audience. The Ministry has also issued an advisory to all private satellite television channels on ‘Advertisements on Online Games, Fantasy Sports, etc.’, advising all broadcasters that the guidelines issued by the Advertising Standards Council of India (ASCI) be complied with and that the advertisements broadcast on television adhere to the same.

Further, with a view to enable consideration of issues related to online gaming in their totality, Government of India has allocated matters related to online gaming to the Ministry of Electronics and Information Technology. Against this backdrop, after taking into account inputs received from various Ministries/Departments concerned as well as other stakeholders, this Ministry has prepared draft amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in exercise of its powers under the Information Technology Act, 2000. The draft amendments are aimed at addressing the said need, while enabling the growth of the online gaming industry in a responsible manner. The Government initiated public consultation on the same on 2.1.2023. Extensive consultations have been undertaken to generate necessary feedback to formulate and notify the said rules.
