

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
RAJYA SABHA
UNSTARRED QUESTION No. 3444
TO BE ANSWERED ON 31.3.2023

ONLINE GAMBLING GAMES

3444. SHRI M. SHANMUGAM:
SHRI VAIKO:

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

- (a) whether Government is aware that there are growing incidents of youth getting addicted to online gambling games and cheated of their money and some of them committed suicides;
- (b) if so, the measures taken to ban such games;
- (c) whether any advisory has been sent to the State Governments regarding the risk of playing such games by youth and innocent people;
- (d) if so, the details thereof;
- (e) if not, the reasons therefor;
- (f) whether a model Central legislation will be framed for the guidance of State Governments; and
- (g) if so, the details thereof?

ANSWER

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

(a) to (g): “Betting and gambling” is entry 34 in the State List of the Seventh Schedule to the Constitution. Accordingly, as per the provisions of article 246 of the Constitution, State Legislatures have exclusive power to legislate on matters related to betting and gambling. Further, as per the provisions of article 162, matters related to betting and gambling lie within the executive power of the States.

With regard to the risk to users from online games, it is informed that the policies of the Central Government are aimed at ensuring an Open, Safe and Trusted and Accountable Internet for its users. To help achieve this aim, the Central Government, in exercise of powers conferred by the Information Technology Act, 2000, 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 due diligence and provide that if they fail to observe such due diligence, they shall no longer be exempt from their liability under law for third-party information or data or communication link hosted by them. Such due diligence includes the following:

- (i) An intermediary shall make reasonable efforts to cause its user not to host, display, publish, transmit or share any information that relates to or encourages gambling, or is harmful to child, or violates any law for the time being in force.
- (ii) The intermediary shall not host, store or publish unlawful information prohibited under law for the time being in force, 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) The intermediary shall provide, upon receipt of an order from a lawfully authorised government agency, information or assistance for prevention, detection, investigation or prosecution under law.

Further, 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 be complied with and that the advertisements broadcast on television adhere to the same.
