

GOVERNMENT OF INDIA
MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY
LOKSABHA
UNSTARRED QUESTION NO.797
TO BE ANSWERED ON: 07.02.2024

ONLINE GAMING ACTIVITIES

797. SHRIMATI JASKAUR MEENA:

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

- (a) whether the Government is aware about the negative effects of online gaming activities on users, specifically children and other weaker sections of the society in the country;
- (b) if so, the details thereof, State/UT-wise including Rajasthan;
- (c) whether the Government is considering to implement strict guidelines to ensure digital security of citizens and accountability of online gaming industry and a new era of responsible online gaming;
- (d) if so, the details thereof; and
- (e) the details of the steps taken/being taken by the Government in this regard?

ANSWER

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

(a) to (e): The policies of the Government are aimed at ensuring that the Internet in India is Open, Safe & Trusted and Accountable to all Digital Nagriks.

The Internet technology and Internet used to be seen as force for good, but in recent years, technology is also exploited for causing user harms and criminality. The number of Internet users in India are expected to increase from 85 crores today to 120 crore users by 2026. With the expansion of the Internet and more and more Indians coming online, the potential for Digital Nagriks being exposed to unlawful content has grown. However, the Government intends to ensure the Internet in general and information on it is safe & trusted and takes suitable steps on an ongoing basis to tackle the bad actors.

Online game content too is one among various categories of online content offered by online gaming platform intermediaries, which is rapidly growing around the world, including in India. The Government is aware of the possible risks and illegalities associated with some online games. There are numerous betting and gambling applications that are masquerading as online gaming.

The Ministry of Electronics and IT (MeitY) was allocated the matters related to online gaming on 23rd December 2022 through amendments to the Government of India (Allocation of Business) Rules, 1961. The Ministry, within a fortnight, prepared the draft amendments to the IT Rules, 2021 in exercise of the powers given under the Information Technology Act, 2000 and commenced public consultations on the same on 2nd January 2023. After extensive consultations with relevant stakeholders including National Commission for Protection of Child Rights (NCPCR), children, teacher, users of online games, online gaming companies, other concerned Ministries, etc., the amendments to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (“IT Rules, 2021”) were notified on 6th April, 2023.

The IT Rules, 2021 notified on 6th April, 2023 establish the clear framework of Permissible Online real game i.e online game that don't involve wagering on outcome, causing user harm, gaming addiction, etc. to be permitted on Internet in India.

Further, the IT Rules, 2021 cast the obligations on the intermediary platforms to not allow hosting, sharing, uploading, transmitting, etc. of any prohibited information under Rule 3(1)(b) that includes information which is in the nature of an online game that is not verified as permissible online game and which is in the nature of advertisement or surrogate advertisement or promotion of an online game that is not a permissible online game, or of any online gaming intermediary offering such an online game.

The amended IT Rules, 2021 dated 6th April, 2023 enforce greater accountability on online gaming and social media intermediaries in respect of online games to ensure an Open, Safe & Trusted and Accountable Internet for Digital Nagriks. The amendments seek to curb the negative impact of online gaming, especially on vulnerable users, and promote responsible gaming through stringent guidelines, ensuring safety and industry accountability.

These amended IT Rules, 2021 dated 6th April, 2023 cast specific legal obligations on online gaming intermediaries, including other intermediaries, social media intermediaries or platforms in relation to online games, to ensure their accountability towards safe & trusted Internet and in case of failure to follow such legal obligations as provided in the IT Rules, 2021, by intermediaries, they shall lose their safe harbour protection under section 79 of the IT Act and shall be liable for consequential action or prosecution as provided under any law for the time being in force including the IT Act and the Indian Penal Code.

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.

Regarding cases registered in various police stations, it may be noted that as per the Code of Criminal Procedure, 1973, prevention and investigation of cognizable offences is to be done by the police and “Police” is a State subject under the Seventh Schedule to the Constitution. States are primarily responsible for the prevention, investigation etc. for action on illegal matters. Accordingly, State police departments take preventive and penal action as per law. With regards to part (b) the State and UT wise Cyber Crime Cases against Children as provided by National Crime Record Bureau is placed *vide* ANNEXURE-I. There is no separate record maintained for Crime Against Children in relation to Online Gaming.

ANNEXURE-I

State/UT-wise Cases Registered(CR), Cases Charge sheeted(CCS), Cases Convicted(CON), Persons Arrested(PAR), Persons Charge sheeted(PCS) and Persons Convicted(PCV) under

Internet Crimes through Online Games etc. (Sec.305 IPC r/w IT Act) for Cyber Crimes against Children during 2020-2022

State/UT	2020						2021						2022					
	C R	C C S	C O N	P A R	P C S	P C V	C R	C C S	C O N	P A R	P C S	P C V	C R	C C S	C O N	P A R	P C S	P C V
Andhra Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arunachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Assam	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bihar	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chhattisgarh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Goa	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gujarat	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Haryana	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Himachal Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jharkhand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Karnataka	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kerala	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Madhya Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Maharashtra	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	4	0	0
Manipur	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Meghalaya	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Mizoram	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Nagaland#	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Odisha	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Punjab	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rajasthan	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sikkim	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tamil Nadu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Telangana	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Tripura	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Uttar Pradesh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Uttarakhand	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
West Bengal	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL STATE(S)	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	4	0	0
A&N Islands	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Chandigarh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
D&N Haveli and Daman & Diu	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Delhi	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Jammu & Kashmir	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ladakh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Lakshadweep	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Puducherry	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL UT(S)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL (ALL INDIA)	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	4	0	0

Source: Crime in India

Clarifications are pending from Nagaland for the year 2022
