

Chance One's Arm: Critical Evaluation on Laws of Sports Gambling in India

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Abstract : Gambling is the practice or act of betting or wagering on uncertain events with the hope of winning money or any other valuable assets. Nowadays, the practice of gambling can be seen in almost all grounds of events, especially in sports. In sports, this is commonly known among people as sports betting. The history of gambling can be traced about 2,000 years back. It originated from Greeks, from Greeks to the Romans, then to England, where betting on horse races was much popular among the elites. The evolution of gambling in sports has made a greater impact in the modern era. In India, the legality of gambling in sports is regulated by The Public Gambling Act 1867, which prohibits gambling activities in public places. The major draw of this statute is that it does not have specific laws regarding online sports gambling. Section 30 of The Indian Contract Act 1872 considers wagering agreements void. However, there are certain exceptions for this section, that is, (1) state-owned lotteries and (2) wagering on horse races with a sum of Rupees 500 or upward. As per the Indian Constitution, the rules regarding sports gambling are within the powers of the state legislatures. Some of the states have enacted their own laws which explicitly permit or prohibit gambling within their jurisdiction. Recently in Tamilnadu, The Tamilnadu Gaming Act was amended in 2021 to completely ban online gambling and betting. Moreover, the Central Government has introduced the Online Gaming and Prevention of Fraud Bill, 2018, to legalize and regulate sports betting in India. However, this bill has not yet been passed as law. Now as the Indian legal system does not have a specific rule regarding online sports gambling, sports betting companies use this major drawback and attract people to use the gambling and betting apps by advertising with well-known sports players and other celebrities. This paper aims to critically evaluate gambling in sports and the laws relating to it in India.

Keywords : history of gambling, The Public Gambling Act 1862, state legislations, gambling in India

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