

Legal Framework for Gambling and Sports Betting, 2018

The Law Commission of India, led by the former Supreme Court Justice Mr. B.S. Chauhan, submitted its 276th Report regarding legal framework for gambling and sports (including cricket) betting in India on 6th July 2018. This report stems out of the Supreme Court's direction to the Law Commission, in the case of Board of Control for Cricket in India v. Cricket Association of Bihar & Ors. (2016) 8 SCC 535, to examine the possibility of legalizing betting in India. In this report, the Law Commission has recommended that the State authorities must ensure enforcement of a complete ban on unlawful betting and gambling. However, it is not possible to prevent these activities completely. Therefore, according to the Law Commission of India, effectively regulating these activities remains the only viable option as the incapability of the States in enforcing a complete ban has resulted in rampant increase in illegal gambling, thereby resulting in a boom in black-money generation and circulation.

The Law Commission under this report *interalia* recommends that gambling and betting, if any, should be offered only by Indian licensed operators from India possessing valid licences granted by the game licensing authority. For participants, there must be a cap on the number of transactions an individual can indulge in these activities in a specific period, i.e., monthly, half-yearly 117 or yearly. The nature of stakes should be restricted to money with a linkage to PAN card and Aadhaar card, and the betting amount should be prescribed by law, having an upper limit on the amount one can legally stake in a gamble, which may be on the basis of the deposit, winnings or losses.

The Law Commission has also clarified, by a press note, that the above recommendations by the Law Commission are strictly in the alternative to a complete ban on such activities and that these recommendations are to be considered only if a complete ban is unenforceable in India.

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