

What is India Losing by Not Legalizing Gambling? A Legal Framework for Gambling

Anshu Kumar

The history of gambling can be traced back to Hindu mythology. The Mahabharata would not have taken place if betting was regulated. Scholars of many Indian scriptures have argued that betting must be regulated and be legal. Ironically, India has been still not legalized gambling and it is punishable under the British era Public Gambling Act, 1867, whereas the United Kingdom has long back legalized and regulated various forms of gambling and betting. There are questions like why legalize gambling? What will be its socio-economic impact? What is India losing by not legalizing it? What is the history of gambling in India? How has the world changed its laws and regulated gambling? Do Wagering, gambling and betting involve skills or the outcome depends purely on chance? What is the legal framework and how it should be regulated in India? What is the market of gambling in India? How does the illegal market of gambling affect society? A KPMG report in 2010 said that the Indian gambling market was worth US \$60 billion. Legalizing the practice would help cracking into black money in the country and bring revenue. There may be difficulties in legalizing betting, but its legalization is the need of hour. In times of 'Digital India', stopping online gambling becomes more complex. The Supreme Court's Justice D.P. Madon correctly said: "As the society changes, the laws cannot remain immutable and that the laws exist to serve the need of the society which is governed by it."

I Introduction

Sports and games have been an essential part of human civilization and they have a glorious history in our country and world at large. However, in the past decade we have seen controversies relating to them. In India cricket is a religion more than a sport, and after the commercialization of it like Indian Premier League, it has reached the masses and entangled with controversies like spot-fixing, match-fixing, etc. Due to this, there is a rise in betting and gambling phenomena. In the age of digitalization, the online market of betting and gambling has boomed. The Supreme Court appointed two committees, Justice Mukul Mudgal committee, and Justice Lodha committee, to look into these matters and make recommendations. This paper is about the legal framework of betting and gambling, and the market for it.