

# **LEGALIZATION OF GAMBLING ON OUTCOMES OF SPORTING EVENTS - A FARFARICAL SOLUTION TO AN UNCONTROLLABLE PROBLEM?**

Written by **Dr S. Krishnan**<sup>1</sup>

---

## **Abstract**

Through this paper, the author seeks to delineate the contentious issue of legalization of gambling on sporting events in India within the circumscribing limits of the thriving legislative framework. Adopting a sequential examination of the issue in hand, the author having engaged in an exhaustive analysis of the Indian Gambling Laws endorsing the objectives of inclusivity proceed towards a comprehensive illustrative perusal of arguments espousing for and against the cause of the issue in hand. Sensitive to the ideological force guiding the movement for the Pro-Legalization Agenda, the paper in its latter half makes a concerted effort to propose constructive structural solutions for the concretization of the change argued for before concluding the matters clarifying the author stance on the issue vis-à-vis underscoring the “Legislative Dynamism” argument.

**Keywords:** Legalisation, Gambling, Sports, Black Money, Betting, Income Tax,

## **1. THE CONCEPT OF GAMBLING IN SPORTS IN THE CONTEMPORARY ERA- AN OVERVIEW**

---

<sup>1</sup> The writer is an Assistant Professor in Seedling School of Law and Governance, Jaipur National University, Jaipur. He had worked as an Assistant Professor in History in Apex Professional University, Pasighat, Arunachal Pradesh. He had worked as a Journalist in esteemed newspapers like Indian Express and Daily News Analysis, online newsportals and a magazine in Ahmedabad. He had worked as a Liaison Officer and Media Relations In-charge in Indian Society of International Law, New Delhi.

In the modern world beleaguered by the ideologies of materialism and monetary gains, the concept of Gambling in Sporting Events has acquired unprecedented importance as a procedure guaranteeing quick money.

Gambling is popularly referred, 'to playing a game in which you can win or lose money or possessions in a bet'.<sup>2</sup> Gambling can be ascribed the status of genus and betting can form one of its species as has been simulated in various central and state legislations. It has assumed the nature of a game functioning on a contingent situation specifically the outcome of a sporting event providing it the essence of unpredictability.<sup>3</sup>

The primacy of this activity in the economic scenario can be logically deduced from the enormous cash flow involved as evidenced by reports from KPMG which has estimated India's overall gambling market (most of which is illegal and unaccounted) to be 60 billion dollars which amounts to around 3.5% of India's Gross Domestic Product.<sup>4</sup>

The idea of the proposed legalization has assumed essentiality in the Indian context by tracing its genesis from a similar legislative approach being adopted in several other parts of the world wherein gambling has acquired the status of a socially acceptable habit renouncing the illegality associated with it.<sup>5</sup> An escape from the ever-increasing tribulations of the modern life, a disturbingly high percentage of individuals indulge in excessive gambling to attain monetary success, which seems to be one good guess away.<sup>6</sup>

## **STATUS QUO IN THE SUBCONTINENT VIS-À-VIS ANTI-GAMBLING LAWS**

---

<sup>2</sup> *Gamble: Definition*, Merriam Webster (Encyclopedia Britannica). Available at <http://www.merriam-webster.com/dictionary/gamble>. (Last visited on: 9<sup>th</sup> November, 2018).

<sup>3</sup> Paul M. Anderson, *Sports Betting: Law And Policy*, Springer, October, 2011, pp. 459-460.

<sup>4</sup> *The World Bank: Data- India*. Available at <http://data.worldbank.org/country/india>. (Last visited on: 10<sup>th</sup> November, 2018).

<sup>5</sup> Julian Harris And Harrish Hagan, *Gaming Law: Jurisdictional Comparisons*, Thomson Reuters, 2012, p. 79.

<sup>6</sup> A. Blaczynski, A., P. Delfabbro, N. Dowling, K. Heading & D. Rickwood, *The Psychology of Gambling*, APS Gambling Working Group: APS Final Review Paper, 2010. Available at <https://www.psychology.org.au/Assets/Files/APS-Gambling-Paper-2010.pdf>.

The Pre- Independence approach was dominantly defined by the features of the Public Gambling Act, 1867, a central legislation which sought to illegalize gambling with insufficient punitive sanctions but failed to entail the scope of sports gambling with an inadequate reference to games of mere skill as an exception. The unexplained ambit of the words used “gambling” and “games of mere skill” within this statute unfortunately exposed the lacunae in the law which was sought to be effectively determined by the Constitution of India in 1950<sup>7</sup> and the Apex Court in 1996 in *K.R. Lakshmanan v. State of Tamil Nadu*.<sup>8</sup>

With the coming in of the Constitution of India and the consequent incorporation of Betting and Gambling as part of state list as entry no. 34 of List II, state governments have been delegated the responsibility of making laws on betting. The fact that a significant proportion of states such as Punjab (Punjab Gambling Act, 1961), Kerala (Kerala Gambling etc. 1960), etc.<sup>9</sup> asserted such legislative autonomy via formation of state legislations seeking to stringently ban gambling in any form while others continued to attach credence to the provisions of the abovementioned Act of 1867 rendered essentiality to ensuring judicial clarity over the classification of sports as a game of “skill” or “chance”.

This ensuing debate was settled by the Supreme Court in the previously mentioned cases of *State of Andhra Pradesh v. K. Satyanarayana*<sup>10</sup> and *K.R. Lakshmanan v. State of Tamil Nadu*<sup>11</sup> and the subsequent position of legality allowing games such as horse racing and rummy to fall within the penumbra of skill games maintaining silence with respect to any other form of sport concretizing

---

<sup>7</sup> Seventh Schedule, Entry 34 of List II of Constitution of India- “gambling” includes any activity or undertaking whose determination is controlled or influenced by chance or accident and an activity or undertaking which is entered into or undertaken with consciousness of the risk of winning or losing.

<sup>8</sup> (1996) 2 SCC 226.

<sup>9</sup> FICCI, *Regulating Sports Betting in India*. Available at [http://www.ficci.com/sector/37/Add\\_docs/ficci-faq-on-sports-betting.pdf](http://www.ficci.com/sector/37/Add_docs/ficci-faq-on-sports-betting.pdf).

<sup>10</sup> (1968) 2 SCR 387.

<sup>11</sup> (1996) 2 SCC 226.

the principle that “The test of legality of gambling vis-à-vis nature of sports is dependent upon the dominance of the element of skill/chance with regard to a recognized sport.”<sup>12</sup>

The authors find it particularly unsettling that criminalization of sports gambling conduct has experienced recognition in the sub-continent insensitive to the rationale behind the inception of criminal law certifying the immorality of the act indifferent to the common belief concerning the non-violative nature of such an act consequently infusing the legitimacy of state paternalism.<sup>13</sup> This debate is rooted in the Constituent Assembly Debates wherein the insertion of the entry on gambling was opposed afraid of the implied legalization subsequently clarified by B.R. Ambedkar justifying the resultant empowerment of the state to prohibit such activities.<sup>14</sup>

Furthermore, Section 30 under the Indian Contracts Act, 1872 inadvertently adopts a contractual perspective which primarily aims at achieving a considerable degree of deterrence via rendering the element of voidability and the succeeding unenforceability to gambling on sporting outcomes as a contract consequently depriving the participants of a legal recourse leaving the question of legality untouched.<sup>15</sup>

The absence of regulation and unenforceability paves way for infusion of large amount of funds into the sector pushing one to intercede with the object of influencing the outcome giving birth to the modern day idea of match fixing and spot fixing<sup>16</sup> exemplifying the inevitability of such an undesirable outcome.

Lately, the rigidity and archaic nature of laws in India has been exposed with the idea of online gambling assuming primacy. Such lack of dynamicity has necessitated the emergence of the Information Technology Act, 2011 to prevent its citizens from registering at online sports gambling sites by making Internet Service Providers responsible for unblocked offshore

---

<sup>12</sup> Ibid.

<sup>13</sup> Raadhika Gupta, “Legalising Betting in Sports: Some Reflections on Lawmaking”, *Economic and Political Weekly*, Volume XLVIII, No. 48, November 2013.

<sup>14</sup> B.R. Ambedkar, *Constituent Assembly Debates*, Volume IX, 2<sup>nd</sup> September, 1949.

<sup>15</sup> Subash Kumar Manwani v. State of M.P. AIR 2000 MP 109.

<sup>16</sup> S. Murlidharan, “The Thin Line Which Divides Betting And Spot Fixing”, *The Hindu*, 30<sup>th</sup> May, 2013

operations.<sup>17</sup> This legislative innovation forms an offshoot of a previous legislation; the Information Technology Act, 2000 which regulates cyber activities in India engulfing the scope of online betting recognizing gambling as cyber-crime tool. Furthermore, the Foreign Exchange Management Act, 2005 legislates upon the issues of cross border gambling transactions and online betting regulation and banning.<sup>18</sup> Yet gambling laws and regulations in this respect are in a nebulous state in the country as the IT Act, 2000 ceases to prevent customers from logging onto overseas websites without protection of national law.<sup>19</sup>

Gambling sites are often situated outside the jurisdiction of Indian courts making enforcement of punishment awarded by Indian authorities an insurmountable challenge. The mitigating strategy administered in the contemporary context has been extension of extra territorial jurisdiction of The Indian IT Act<sup>20</sup> eventually leading to cross-border litigation involving internet based gambling operations as in the US case of *In State of Minnesota v. Granite Gate Resorts, Inc.*<sup>21</sup>

Conclusively, the move of restrictive and restrained legalisation has been backed solely by the two states of Goa and Sikkim which have indulged in licensing and monitoring of the functioning of gambling houses on land and sea.<sup>22</sup> Seamlessly, amalgamating the utilisation of Information Communication Technology in this sector, the Sikkim government has recently introduced the Sikkim Online Gaming (Regulation) Act, 2008 and the amended Sikkim Online Gaming (Regulation) Rules, 2009 legitimising the setting up of online sports betting websites showcasing the way forward for the rest of the nation experiencing a policy framework dilemma.

### **III. EMERGENCE OF THE IDEA OF LEGALIZATION - A STEP TOO FAR?**

---

<sup>17</sup> Salman Waris, “Online Gambling and Betting on Cricket Matches continues unabated”, *Indian Law Journal*, Volume 2, Issue 3, 21<sup>st</sup> November, 2013.

<sup>18</sup> Animesh Sharma, *Gambling Laws in India!*, 2<sup>nd</sup> November, 2013. Available at <http://lawlex.org/lex-pedia/gambling-laws-in-india/8590>.

<sup>19</sup> Kapilesh Sharma, *Anti-Match Fixing Law of India in Pipeline but Online Gambling and Betting still untouched*, 29<sup>th</sup> May, 2013.

<sup>20</sup> Salman Waris, “Online Gambling and Betting on Cricket Matches continues unabated”, *Indian Law Journal*, Volume 2, Issue 3, 21<sup>st</sup> November, 2013.

<sup>21</sup> *State of Minnesota v. Granite Gate Resorts, Inc.*, 568 N.W. 2d 715, Court File No. c6-95-7227.

<sup>22</sup> FICCI, *Regulating Sports Betting in India*. Available at [http://www.ficci.com/sector/37/Add\\_docs/ficci-faq-on-sports-betting.pdf](http://www.ficci.com/sector/37/Add_docs/ficci-faq-on-sports-betting.pdf).

### ***The Ideological Force Backing the Pro-Legalization Agenda***

Legalization as conceived by the Indian policy makers essentially denotes an affirmative approach to such a practice rather than blissfully ignoring its jarring existence. This approach is circumscribed by the complementary ideas of accountability, licensing, detection, deterrence and taxation<sup>23</sup> seeking to eliminate the connotation of illegality and immorality which has compelled the stakeholders and beneficiaries engaged in the process to go underground.<sup>24</sup> The inability of the state to legalize an evil that intrinsically forms the modus vivendi of the society has consequently hurt the government exchequer, depriving the government of its potential tax revenue source.<sup>25</sup>

In the wake of the numerous match-fixing and betting scandals marring the sanctity of sporting institutions and the resultant demand to ban competitive events such as the IPL<sup>26</sup>, the discourse embedded in the idea of legalization has assumed prominence. The illogicality of the present legislative setup as has been sought to be rationalized by the Indian Courts legalizes horse race gambling on one hand but proposes a strict banishment of an activity of similar nature in other sports including cricket distinguishing the former as a game of skill.<sup>27</sup>

Seemingly, it is utterly naïve to disregard involvement of a certain degree of skill in picking winners in other sports and form an exception for horse racing in the current legal discourse thereby, exposing the persistent logical inconsistency.<sup>28</sup> Therefore, contextualization of gambling in the present policy-based discourse directs us towards legalization as a damage-control measure.

### ***Examining the Dichotomous Impact of the Intended Approach***

---

<sup>23</sup> Julian Harris And Harrish Hagan, *Gaming Law: Jurisdictional Comparisons*, Thomson Reuters, 2012, p. 79.

<sup>24</sup> Mandagadde Rama Jois, *Legal And Constitutional History Of India: Ancient, Legal, Judicial And Constitutional System*, 2010, pp.209-210.

<sup>25</sup>

<sup>26</sup> “Banning IPL is not a solution: Ajay Maken”, *Hindustan Times*, 19<sup>th</sup> May, 2012. Available at <http://www.hindustantimes.com/sports-news/cricket/banning-ipl-is-not-a-solution-ajay-aken/article1-858335.aspx>, (Last visited on: 21<sup>st</sup> November, 2018).

<sup>27</sup> (1996) 2 SCC 226.

<sup>28</sup> Paul M. Anderson, *Sports Betting: Law And Policy*, Springer, October, 2011, pp. 459-460.



The author attempting to achieve the twin objectives of preventing a skewed debate and subjecting the issue to a comprehensive examination ensure that vehemence does not see the daylight while assessing the essence of positivity surrounding the legalization of betting. Subsequently, in this section the policy is critically portrayed taking into account the two inevitable sides of the picture.

## **A. Appreciating the Polarity of the Situation- A Study of the Brighter Side**

### **1. Endorsing the Objectives of Regulation, Accountability and Victim Protection**

While betting has not been a novel concept to India, its coupling with the nation's fascination with sports has made it imperative to abandon the euphemism of betting as a vice and present a sanguine outlook towards the benefits of the legalization of sports betting.<sup>29</sup> Moreover, the broadcasting boom has brought about an exponential increase in viewers of sports on media channels. The most rudimentary step towards probing the benefits of sports betting must be the identification and acknowledgment of a mammoth web of individuals and finances involved in betting despite a proscription by the law.

Regulation is only second to recognition. In India, where an astronomical amount of Rs 300,000 Crores of black money is used annually for betting<sup>30</sup>, illuminating upon the indispensability to assay this business. Legalizing sports betting ensures the protection of minors, uneducated and unformed individuals with a limited income and the elderly with diminishing life savings who are often cheated by brokers in an unregulated market transaction.<sup>31</sup>

It is essential to examine the treatment of gambling on outcomes of sporting events under the umbrella term of wagering contracts. The push for legalization of gambling culls out one of the

---

<sup>29</sup> Rama Laxmi, "Considers Legalizing Sports Gambling as way to curb match fixing", *Washington Post*, 25<sup>th</sup> June, 2013. Available at <http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/25/india-considers-legalizing-sports-gambling-as-way-to-curb-match-fixing/>. (Last visited on: 4<sup>th</sup> December, 2018).

<sup>30</sup> Sujay Mehdudia, "FICCI for Legalizing Sports Betting", *The Hindu*, 24<sup>th</sup> May, 2013. Available at <http://www.thehindu.com/business/Industry/ficci-for-legalising-sportsbetting/article4746081.ece>. (Last visited on: 4<sup>th</sup> December, 2018).

<sup>31</sup> Paul M. Anderson, *Sports Betting: Law And Policy*, Springer, October, 2011, pp. 459-460.

most prominent gains for the vulnerable in the present scenario wherein the sting of enforceability in the court of law continues to be in the dark owing to its presumed immorality.<sup>32</sup>

Therefore, the espoused and revamped legislative framework possesses the prospect of securing the rights of the weaker party in a gambling contract and can provide an effective legal recourse preventing the unending subsequent contractual violence perpetrated on the section society deprived of considerable bargaining power, a policy also enacted by the United Kingdom and viewed as encouragingly effective.<sup>33</sup>

## **2. Furthering the State Economic Agenda**

Discerning the economic nature of betting transactions can help envisage a tax policy that ensures that legalization of sports betting checks on tax evasion by brokers and bettors as a source of taxable income under Section 115(BB) of the Income Tax Act, 1961.<sup>34</sup> While an earning in a betting transaction is not reported as a source of taxable income, the legalization of such transactions will mandate reporting such income. In India, this can help the Government generate revenue of Rs 12,000 Crores annually which can be reinvested in the promotion of sports that do not receive commercial or national funding.<sup>35</sup>

This will further help boost tribal sports which although a gem to India's heritage have been disdained. Investment in sports also has the potential to reignite a passion for forgotten sports like the National Sport of India – Hockey.

Hence, while the ambit of betting broadens beyond the conventional sports of Cricket and Horse racing, a shadowing investment and consequent upsurge in forgotten sports like Kabbadi will ensure India sees minimal extinction of the vibrant sporting culture that has been tarnished due to

---

<sup>32</sup> Deepaloke Chatterjee and Ranjani Das, "How to Square a Circle: Exploring the Legality of Financial Derivatives in India", *NUJS Law Review*, Volume 2, 2009, pp.337-338.

<sup>33</sup> Manu Kaushik, "Should the Government Legalize Sports Betting in India?", *Business Today*, 1<sup>st</sup> June, 2013. Available at <http://businesstoday.intoday.in/story/betting-in-sports-ipl-spot-fixing/1/195466.html>. (Last visited on: 7<sup>th</sup> December, 2018).

<sup>34</sup> Paul M. Anderson, *Sports Betting: Law And Policy*, Springer, October, 2011, pp. 459-460.

<sup>35</sup> Sujay Mehdudia, "FICCI for Legalizing Sports Betting", *The Hindu*, 24<sup>th</sup> May, 2013. Available at <http://www.thehindu.com/business/Industry/ficci-for-legalising-sportsbetting/article4746081.ece>. (Last visited on: 4<sup>th</sup> December, 2018).



a lack of funds.<sup>36</sup> The money collected in taxes can alternatively improve infrastructure and promote welfare schemes.

This approach of amalgamating sports betting revenue with the national system has been adopted and proven to be extremely successful and commercially viable for states like Nevada in the United States of America, Isle of Man, Curacao and Gibraltar.<sup>37</sup> In these states the government has molded sports betting to nurture income generation and encourage employment of locals thereby framing the success of legalizing sports betting to empower the community.

### **3. *Resolving the Problem of Plenty in a 1.2 Billion Territory***

Trotting along a similar line of argumentation, legalization of gambling taking its natural course instinctively embarks upon us the reduction of unemployment in India. Legalizing sports betting can yield the populous with a new wave of jobs ranging from officers to monitor betting transaction to a new breed of brokers who specialize in a stream of sports betting along with a majority of unskilled workers employed in the implementation of menial economic activity in the betting industry.

Such a demand is a replication of a tried and tested formula which has achieved considerable success cutting across several nations as experienced in the case of the revocation of the liquor prohibition in countries like the USA and a majority of Indian states wherein the prohibition contributed towards the inexorable ramifications in the form of bootlegging, huge black profits and the subsequent legalization espoused the cause of socio-economic-political gains.<sup>38</sup>

While there is a rise in the unskilled labor required, India can also evolve a niche as an Avant grade supplier of cyber-betting due to the available huge human capital trained in cyber and computer science ranging from Computer engineers to cyber traders who can come together to help India

---

<sup>36</sup> FICCI, *Regulating Sports Betting in India- A Vice to be Tamed*, pp.5-6. Available at <http://www.ficci.com/SEdocument/20208/report-betting-conference.pdf>. (Last visited on: 3<sup>rd</sup> December, 2018).

<sup>37</sup> KPMG International, *Online Gaming: A Gamble or a Sure Bet?*, pp.14-15, (2010). Available at <http://www.kpmg.com/EU/en/Documents/Online-Gaming.pdf>. (Last visited on: 5<sup>th</sup> December, 2018).

<sup>38</sup> Jack S. Blocker Jr., "Did Prohibition Really Work? Alcohol Prohibition as a Public Health Innovation", *Journal of Public Health*, Volume 96, No.2, February, 2006, pp.233-243.

build itself as a pioneering cyber sports betting hub.<sup>39</sup>Owing to the knowledge and expertise that swept India during its IT and BPO movement in the early 2000's, India also has the potential to metamorphose as an outsourcing destination to facilitate sports betting and consequent economic transactions.

Due to the huge population and prevailing knowledge in these industries, outsourcing of sports betting transactions will be more affordable in India as compared to other countries, thereby, attracting foreign investment in the Indian sports betting phenomena. Foreign investment can promote the establishment of such complex industries, thereby, pressurizing the Government to competently implement its laws and regulation mechanisms.

In most Scandinavian countries, such as Denmark there is complete freedom on sports betting which has given citizens the freedom to regulate their choices by modeling laws that keep social costs in mind while granting freedom to place bets.<sup>40</sup> This model has advantaged Italy, Spain and most American States. E.g. In Nevada, legal sports betting attracts 30 million visitors generating employment opportunities for thousands of locals.<sup>41</sup>

#### **4. Centrality of Transparency to the Solution Base**

Accompanying the taxation benefits is a symbiotic increase in transparency of the finances circulating in a betting transaction. While the legalization of sports gambling will ensure a competent taxation framework, it will also scrutinize the flow and sources of the finances. This propels transparency by ensuring that the colossal of black money in India is not in transaction and if already in circulation such black money can be traced and reported.<sup>42</sup>

---

<sup>39</sup> Michael Muehle, "Paving the Way for Legalized Sports Gambling?", *Rutgers Law Review Commentaries*, Volume 65, Issue 1, October 2012, pp.23-24.

<sup>40</sup> FICCI, *Regulating Sports Betting in India- A Vice to be Tamed*, pp.5-6. Available at <http://www.ficci.com/SEdocument/20208/report-betting-conference.pdf>. (Last visited on: 3<sup>rd</sup> December, 2018).

<sup>41</sup> American Gaming Association, *Sports Wagering*, (June 2012). Available at <http://www.americangaming.org/industry-resources/research/fact-sheets/sports-wagering>. (Last visited on: 4<sup>th</sup> December, 2018).

<sup>42</sup> James A.R. Nafziger And Stephen Ross, *Handbook On International Sports Law*, 2011, pp.165-166.

A competent taxation framework can control money laundering from further corroding the sports industry. More importantly, the transparency diffused by legalization of betting will entrench a vigilance and regulation mechanism to monitor the flow of money and its receivers, thereby ensuring, betting money is not used for illegal transactions such as drug pedaling or terrorist activities promoted by the Underworld Mafia or Independent Terrorist Organizations such as Al-Qaeda who presently benefit from the deficient vigilance system.<sup>43</sup>

Legalizing sports gambling can bolster the legal system by ensuring that a regulated framework ensures betting is not carried about by criminals but by registered agents who will report money that cannot be traced to reliable sources. It will also ensure that the defense of a betting malpractice occurring under foreign jurisdiction does not prohibit trial in the Indian legal setup. This has been witnessed in Sweden, where despite sports betting being legal there is a strict government control on foreign players venturing into the market or taking advantage of Swedish bettors.<sup>44</sup>

This ascertains that dupers posing as betting agents are not allowed to take advantage of their operations. It is pivotal for legalization to be introduced to cover the ambit of online betting which is not included in the present Indian Laws. This will promote litigation and help people gain awareness of their rights in order to protect their finances while betting.<sup>45</sup> Henceforth a strong redressal mechanism can be developed to safeguard rights and ensure speedy relief against illicit betting transactions.

## **B. Shades of Grey-Demystification of State-Sanctioned**

### **Sports Gambling**

#### ***1. Entrenchment of an Inherently Problematic Practice vis-à-vis State Legitimization and the Rising Social Cost***

The strategy of legalization as proposed by the State suffers from a fundamental ideological foible in the form of the state sanctioned gambling, a practice historically viewed immoral in the Indian

---

<sup>43</sup> Ibid.

<sup>44</sup> *Online Sportsbooks in Sweden*, Available at <http://gamingzion.com/sportsbook/sweden/>. (Last visited on: 1<sup>st</sup> December, 2018).

<sup>45</sup> Julian Harris And Harrish Hagan, *Gaming Law: Jurisdictional Comparisons*, Thomson Reuters, 2012, p. 79.

Context. Contrary to the favored belief that “*One cannot legislate morality*”, the Indian Legislature has time and again refuted such a belief by addressing the immorality of acts of killing, stealing, defaming going to the extent of gambling thereby, setting public morality standards irrespective of the personal values harbored by a few.<sup>46</sup> Exploiting such law-morality co-efficiency, the impact of the recommended legalization possesses the potential to single-handedly redefine the acceptable moral code of conduct vis-à-vis the practice of gambling historically frowned upon the Indian context.

Drawing from the jurisprudential analysis furthered by Justice OW Holmes in his *Bad Man Theory*,<sup>47</sup> the infusion of legalized gambling into the scheme of matters involves *continuation of the banned conduct and instead of eradicating the evil, the law may instead drive the bad men to engage in it more clandestinely, causing greater harm*<sup>48</sup> thereby, frustrating the primary motive for the concretization of the policy. In pursuit of achieving the goals of regulation, accountability and state opulence via the rule of law, the proponents of the strategy have demonstrated nonchalance to the psychological aspect of the situation transgressing into the financial realms impacting the society at an individual as well as mass level, thereby, contributing to the cause of societal breakdown.

The commencement of the problem starts with the exponentially high reliance on the gambler’s attribute of self-discipline, the failure of which sets in a vicious cycle resultantly causing the complementary mental, physical and financial problems<sup>49</sup> en masse termed ludomania, a form of

---

<sup>46</sup> Mark S. Putnam, *Legislating Morality and Beyond*, (2004). Available at <http://www.globalethicsuniversity.com/articles/legislatingmorality.html>. (Last visited on: 29<sup>th</sup> November, 2018).

<sup>47</sup> Bad Man Theory- “A society’s legal system is defined by predicting how the law affects a person, as opposed to considering the ethics or morals underlying the law. Under this theory, the prediction is done by viewing the law in accordance with a bad man’s point of view who is not bothered about morals.”, *Bad Man Theory Legal Definition*, <http://definitions.uslegal.com/b/bad-man-theory%20/>. (Last visited on: 29<sup>th</sup> November, 2018).

<sup>48</sup> Raadhika Gupta, “Legalising Betting in Sports: Some Reflections on Lawmaking”, *Economic and Political Weekly*, Volume XLVIII, No. 48, November 2013.

<sup>49</sup> D.A. Korn & H. Shaffer, “Gambling And The Health Of The Public: Adopting A Public Health Perspective”, *Journal of Gambling Studies*, Volume 15, Issue 4, 1999, pp.223-234.

compulsive gambling.<sup>50</sup> Statistics produced by various American Researchers<sup>51</sup> and Australian Medical Association<sup>52</sup> have revealed that adolescents engaging in such activities possess a higher rate in school failure accompanied by a history of family conflict triggered by loss of household income, erratic sexual activity and psychiatric disorders paving way for baleful tendencies to commit suicide arising out of the ensuing depression.

Concluding the matter, the authors believe that the inequity intrinsic to the complications attract essentiality as the prevalence and possible impacts of the State Approval of this antagonistic practice seems to have the most pronounced bearing on the socially and economically disadvantaged individuals and communities who compulsive expose their vulnerability via disbursing a greater proportion of their depleting income for such wagering transactions.<sup>53</sup>

### ***1. Legalization...Sowing the Seeds of the Vices it sought to destroy-Breakdown of Law and Order?***

Exploiting the wide gamut of discussion in the previous section, gambling is often chaperoned by an abhorrent alcoholic and drug abuse practice. Occasional wins accompanied by a scourging alcohol or drug addiction<sup>54</sup> can threaten the backbone of the present societal order leading to a social breakdown.

A pathological gambler takes unwarranted risks at his own accord that can lead to cataclysm often twined with gargantuan economic losses forcing the family into penury. This in turn leads to the

---

<sup>50</sup> Dr. Gita Mathai, “An Addiction Called Ludomania”, *The Telegraph*, 10<sup>th</sup> June, 2013. Available at [http://www.telegraphindia.com/1130610/jsp/knowhow/story\\_16989852.jsp](http://www.telegraphindia.com/1130610/jsp/knowhow/story_16989852.jsp). (Last visited on: 5<sup>th</sup> December, 2018).

<sup>51</sup> Nelson Rose, “The Legalization and Control of Casino Gambling”, *Fordham Law Journal*, Volume 8, Issue 2, Article 1, 1979, pp.243-244.

<sup>52</sup> F. Lorains and S. Thomas, “Prevalence of comorbid disorders in problem and pathological gambling: Systematic review and meta-analysis of population surveys”, *Addiction*, Vol. 106, 2011, pp. 406-410.

<sup>53</sup> M. Young, T. Barnes, M. Paterson and M. Morris, “The Changing Landscape Of Indigenous Gambling In Northern Australia: Current Knowledge And Future Directions”, *International Gambling Studies*, Vol.7, 2007, pp.327-344.

<sup>54</sup> “Pathological Gambling: A Critical Review”, National Research Council USA, 1999, pp.130-131.

gambler becoming more abusive and suicidal. An Australian Productivity Commission finding, states that 60% of people with gambling problems have suffered from depression and 9% have considered suicide as an option, has supported this.<sup>55</sup> Two out of three of these gamblers commit illegal activities to pay debts.<sup>56</sup>

Making matter worse, 52% of gamblers with a problem sell their family possession to repay debts and continue betting, leaving the family with no security to back upon.<sup>57</sup> This also instigates a vicious cycle of economic losses, which leads to a despairing enhancement of economic disparity that a gambler tries to overcome by taking steeper risks that typically founder.<sup>58</sup> As a result the economic inequalities perpetuate and the family's social and economic status is tarnished.

## **2. *Impelling Susceptibility of the Field to Commercialization***

Apart from abrading the prevailing social law and order, gambling can also lacerate the integrity of sports and rend the quintessential sportsman spirit. Legalization of sports betting can impede sportsmen from competing fairly and the instances of match fixing will escalate, as sports will begin to get invaded by the dominance of money. Matches will get fixed based upon a popularity opinion of the public, which in the Indian context is most often formed by the media who can be paid to advocate the caliber of a team.<sup>59</sup>

Players determining their performance based on the bets placed upon them or their respective teams will trail this phenomena leading to a forlorn future for sports. Hence, it is cogent to vocalize

---

<sup>55</sup> "Research on the Social Impacts of Gambling", *Scottish Executive Social Research*, pp.43-44. Available at [http://www.gla.ac.uk/media/media\\_34552\\_en.pdf](http://www.gla.ac.uk/media/media_34552_en.pdf) . (Last visited on: 6<sup>th</sup> December, 2018).

<sup>56</sup> D. Anderson, *Problem Gambling among Incarcerated male Felons*, *Journal of Offender Rehabilitation*, 1999, pp.113-114.

<sup>57</sup> "Research on the Social Impacts of Gambling", *Scottish Executive Social Research*, pp.43-44. Available at [http://www.gla.ac.uk/media/media\\_34552\\_en.pdf](http://www.gla.ac.uk/media/media_34552_en.pdf) . (Last visited on: 6<sup>th</sup> December, 2018).

<sup>58</sup> Chapter 5 – Social and Economic Effects, pp.3-4. Available at <http://govinfo.library.unt.edu/ngisc/reports/pathch5.pdf>. (Last visited on: 6<sup>th</sup> December, 2018).

<sup>59</sup> Andrew Brocker, *Does Betting Harm the Perception of Sport*, 24<sup>th</sup> March, 2013. Available at <http://www.bettingexpert.com/blog/perception-of-sports-betting>. (Last visited on: 30<sup>th</sup> November, 2018).



that the congruence of sports and betting in India will fabricate a lethal future of Indian Sports adulterating the youth's perception of this inherently non-commercial sector.<sup>60</sup>

### **3. A Policy Welcoming Economic Advancement or Veiling State Weaknesses?**

One of the principal arguments justifying the legalization of gambling on outcomes of sporting events in India has been that the activity is so deeply rooted in the Indian Socio-Economic structure that the violation of a prohibitive law is an inevitability.<sup>61</sup> However, the authors believe that such an approach often sometimes simulates a presumption made by the state to conveniently shift the burden of proving its administrative incapability on the mentality of the Indian Common Man.

The immorality connoted to the tradition of gambling has been reiterated by the judiciary itself in numerous Supreme Court judgments<sup>62</sup> via reference to the ancient texts to conclude on gambling as “sinful and pernicious vice” and successfully deploy the public interest argument to restrict the constitutionally determined freedom.<sup>63</sup>

Such a culturally colored and morally influenced perception of betting initiated the proactive approach towards constructing an anti-gambling legal structure and owing to the evident inefficacy of the framework demonstrated by more than half the market share consumed by underground gambling transactions, the validity of such laws and voice for legalization has occupied the center-stage.<sup>64</sup>

Ending the argumentation, the “Prohibition Analogy” encapsulates the issue stating that the imposition of such paternalistic prohibitive laws instills a culture promoting disrespect for the legal system via widespread violations rendering impracticality. This proposed line of argumentation

---

<sup>60</sup> Avishek Roy, “One of the Biggest Threats to Sports Integrity is Sporting Fraud”: IPL Probe Judge Mukul Mudgal speaks up for the regulation of Sports Betting”, *The Daily Mail*, 12<sup>th</sup> October, 2013. Available at <http://www.dailymail.co.uk/indiahome/indianews/article-2456903/One-biggest-threats-sports-integrity-sporting-fraud-IPL-probe-judge-Mukul-Mudgal-speaks-regulation-sports-betting.html>. (Last visited on: 3<sup>rd</sup> December, 2018).

<sup>61</sup> FICCI, *Regulating Sports Betting in India*. Available at [http://www.ficci.com/sector/37/Add\\_docs/ficci-faq-on-sports-betting.pdf](http://www.ficci.com/sector/37/Add_docs/ficci-faq-on-sports-betting.pdf).

<sup>62</sup> State of Bombay v. RMD Chamarbaugwala AIR 1957 SC 699.

<sup>63</sup> Raadhika Gupta, “Legalising Betting in Sports: Some Reflections on Lawmaking”, *Economic and Political Weekly*, Volume XLVIII, No. 48, November 2013.

<sup>64</sup> *The World Bank: Data- India*. Available at <http://data.worldbank.org/country/india>. (Last visited on: 10<sup>th</sup> November, 2018).

often employed by the state to legitimate such policy-based novation can be confuted by exposing the correlation existing between accessibility to gambling and the rate at which people bet destructively enhanced by the suggested legal approach.<sup>65</sup>

Therefore, arrogating an eclectic approach, gambling distinguished as a modus vivendi of the Indian society is a conscious attempt to obscure the impotence of the Indian Government to effectively execute the laws.

#### **4. *Exposing the Statistical Fallacy of the Pro-Legalization Movement***

The argumentative deliberations confining the issue has often been colonized by exaggerated statistics vis-à-vis potential of expanding the magnitude of government tax revenues with no real change in the revenue and employment generated consequently creating a partially adulterated image of the future of the possible integration of a pro-gambling framework.

Examining the overestimation, the profits taxed for the purpose of such calculation often fail to consider the longevity associated with the implementation of the policy which necessarily leads to flattening out of profits in the long run diluting the rise in tax-based government revenue.

Furthermore, the flattening will take place once all the states incorporate such a legislative change integrating such legalization into their functioning, thereby, sequentially leading us to the concept of Monopoly v. Competition.<sup>66</sup>

Often citing the examples of places like Goa and Las Vegas which are ascribed the status of Gambling Hubs, the pro-legalization propaganda tries to create a false sense of confidence amongst the public.<sup>67</sup> However, once the proposed policy measure undergoes enactment the

---

<sup>65</sup> Nelson Rose, “The Legalization and Control of Casino Gambling”, *Fordham Law Journal*, Volume 8, Issue 2, Article 1, 1979, pp.243-244.

<sup>66</sup> Margaret E. Beare and Howard Hampton, *Legalized Gambling: An Overview 1984-13*, Programs Branch User Report, pp.224-225. Available at <http://dSPACE.ucalgary.ca/bitstream/1880/41372/1/ail.pdf>. (Last visited on: 30<sup>th</sup> November, 2018).

<sup>67</sup> Jersey’s tax take from casinos fell from \$477 million in 2006 to just \$255 million last year and worse is likely to come as states rush to approve online gambling. See Steven Malanga, “Legalizing Casinos for NY”, *New York Post*, 8<sup>th</sup> October, 2013. Available at <http://nypost.com/2013/10/08/legalizing-casinos-a-loser-for-ny/>. (Last visited on: 21<sup>st</sup> November, 2018).

monopolistic identity credited to the restrictive legalization will cease to exist concretizing the economic concept of competitive markets in the gambling sector<sup>68</sup> subsequently dividing and diluting the profit share earned by the organized legal operators engaging in gambling on outcomes of sporting events.

Ultimately, the argument for such legalization is often buttressed by the possibilities of creation of fostering economic development. However, it is essential to debunk such an argument by examining its contours revolving around the concept of revenue shifting<sup>69</sup> assumes momentousness in the process of countering the popular belief that gambling creates new money as it tends to essentially represent consumer expenditure switched from other sectors of the economy such as consumer goods or investment capital.<sup>70</sup>

#### **IV. BRIDGING THE GAP – THE WAY FORWARD**

In the light of the arguments advanced and analysis of the status quo, it is climacteric to confer about the much-needed solutions in the legal, regulatory framework governing the legalization of sports betting. The incompetency of the present laws dealing with a startling reality in India today has necessitated a refurbishment in the framework regulating the same.

To protect the economically vulnerable from falling prey to a misfortune, it is suggested that gambling tax be introduced homologous to the application of luxury tax. This can aid a higher tax revenue collection while safeguarding the vulnerable. Similarly, a law instituting the prohibition of minors from placing bets must be introduced to protect their economic and social interests.

A gambling association, responsible for regulating and administering bets can be established and registration must be made compulsory. This commission must grant licenses on analyzing the

---

<sup>68</sup> Margaret E. Beare and Howard Hampton, *Legalized Gambling: An Overview 1984-13*, Programs Branch User Report, pp.224-225. Available at <http://dspace.ucalgary.ca/bitstream/1880/41372/1/ail.pdf>. (Last visited on: 30<sup>th</sup> November, 2018).

<sup>69</sup> Patrick Basham And Karen White, “Gambling With Our Future: The Costs And Benefits Of Legalized Gambling”, Fraser Institute Digital Publication, Canada, 2002, pp.58-60.

<sup>70</sup> Margaret E. Beare and Howard Hampton, *Legalized Gambling: An Overview 1984-13*, Programs Branch User Report, pp.224-225. Available at <http://dspace.ucalgary.ca/bitstream/1880/41372/1/ail.pdf>. (Last visited on: 30<sup>th</sup> November, 2018).

source and flow of money placed in the transaction and the tax paid before granting licenses.<sup>71</sup> This will check on illegal gambling in India, thereby protecting the bettors who often fall prey to the illicit activities of bookies.

In the constitutional context, it is crucial to amend the Gambling Act, 1867 to include ‘authorized games’ that bets can be placed on, provided it is a taxed and transaction registered. Currently, the Gambling Act prohibits betting but this is not applicable to ‘Games of skills’ exposing the horseracing-cricket legislative distinction. Hence, there is a need to fragment the current classification and establish an authorized list of sports that bets can be placed upon.<sup>72</sup>

Regulation must be outlined under entry 42 of the Union list dealing with Interstate trade and commerce to safeguard the commercial interests of parties involved in betting.<sup>73</sup> The Information Technology Act, 2000 should augment to regulate online sports betting transactions and their legality vis-à-vis the Constitution.<sup>74</sup> To aid this, Entry 31 of the union list pertaining to telephones and other modes of broadcasting and communication must be modified to chalk out regulatory mechanisms such as checking age of bettor online, demanding a tax return on online betting transactions to ensure the applicability of the IT Act effectively.

The central Government must also take the responsibility of imposing a code of conduct, practices and procedure along with making licensing of brokers mandatory.<sup>75</sup> Such licenses must be revoked on the non-payment of taxes or illicit transfer of the money placed in bets, especially with respect to terrorist or mafia organizations. To promote sports that are not in the commercial limelight, the Government can limit the amount placed on bets of a particular sport, thereby ushering bets to be placed on sports that have previously been ignored. This can actuate those sports that need the financial support and encouragement previously repudiated.

---

<sup>71</sup> K.R. Sarkar, *Public Finance In Ancient India*, Abhinav Publications, 2003, pp.104-105.

<sup>72</sup> Julian Harris And Harrish Hagan, *Gaming Law: Jurisdictional Comparisons*, Thomson Reuters, 2012, p. 79.

<sup>73</sup> FICCI, *Regulating Sports Betting in India*. Available at [http://www.ficci.com/sector/37/Add\\_docs/ficci-faq-on-sports-betting.pdf](http://www.ficci.com/sector/37/Add_docs/ficci-faq-on-sports-betting.pdf).

<sup>74</sup> Julian Harris And Harrish Hagan, *Gaming Law: Jurisdictional Comparisons*, Thomson Reuters, 2012, p. 79.

<sup>75</sup> FICCI, *Regulating Sports Betting in India*. Available at [http://www.ficci.com/sector/37/Add\\_docs/ficci-faq-on-sports-betting.pdf](http://www.ficci.com/sector/37/Add_docs/ficci-faq-on-sports-betting.pdf).

## V. CONCLUSION-AN ECCLECTIC EXPOSITORY ANALYSIS

The path advocating for the cause of legalization of betting on outcomes of sporting events in India perfectly symbolizes, “*the road not taken*”. The status quo vis-à-vis the anti-gambling framework as has been compendiously outlined emanates a feeling of rigidity and obsolescence in the modern dynamic environment. Demonstrating extreme levels of indifference to the penal provisions attacking the existence of gambling perceived as an immoral practice, the instituted legal framework exemplifies discord between law and reality as proposed by legal philosophers such as Hans Kelsen.<sup>76</sup>

Adopting an objective approach while scrutinizing the contours of the issue, one is often perplexed by the balance of arguments in favour of the pros and cons of the policy change. However, utilizing the Hans Kelsen’s theory, gambling as a norm of the modern society has rendered the subsisting legal framework to be meaningless necessitating enforcement of better mechanisms.<sup>77</sup> The stubborn attitude of the Centre has reaped no significant benefits and proved to be a lost economic gain opportunity. It is germane to appreciate that cons are inevitability for every legislation circumscribing the conduct of billion people and such overenthusiasm vis-à-vis criticism leads to critics overstating the social as well as economic costs of legalized gambling in the sports field.

Change forms the rule of the day and placing the arguments on a weighing scale often paves way for the inference that benefits of the proposed legal mechanism trump over the possible costs which irrespective of the legalization policy will continue to persist. It can be logically held that the opposition experienced by the transformation sought to be introduced is primarily principle based describing the accentuation of the already existing problems by the legislative overhaul and does not constructively counter or establish the need to maintain status quo. Therefore, the overarching principle governing the ideology backing the Pro-Legalization Movement can be befittingly worded as- “*Preference of Consumer Freedom over Government Paternalism via the Instrumentalization of Regulation over Prohibition*”.

---

<sup>76</sup> Raadhika Gupta, “Legalising Betting in Sports: Some Reflections on Lawmaking”, *Economic and Political Weekly*, Volume XLVIII, No. 48, November 2013.

<sup>77</sup> Ibid.

## References

1. Paul M. Anderson, *Sports Betting: Law And Policy*, Springer, October, 2011, pp. 459-460.
2. Julian Harris And Harrish Hagan, *Gaming Law: Jurisdictional Comparisons*, Thomson Reuters, 2012, p. 79.
  - A. Blaczynski, A., P. Delfabbro, N. Dowling, K. Heading & D. Rickwood, *The Psychology of Gambling*, APS Gambling Working Group: APS Final Review Paper, 2010. Available at <https://www.psychology.org.au/Assets/Files/APS-Gambling-Paper-2010.pdf>.
3. (1996) 2 SCC 226.
4. (1968) 2 SCR 387.
5. Raadhika Gupta, “Legalising Betting in Sports: Some Reflections on Lawmaking”, *Economic and Political Weekly*, Volume XLVIII, No. 48, November 2013.
6. B.R. Ambedkar, *Constituent Assembly Debates*, Volume IX, 2<sup>nd</sup> September, 1949.
7. Subash Kumar Manwani v. State of M.P. AIR 2000 MP 109.
8. S. Murlidharan, “The Thin Line Which Divides Betting And Spot Fixing”, *The Hindu*, 30<sup>th</sup> May, 2013
9. Salman Waris, “Online Gambling and Betting on Cricket Matches continues unabated”, *Indian Law Journal*, Volume 2, Issue 3, 21<sup>st</sup> November, 2013.
10. Kapilesh Sharma, *Anti-Match Fixing Law of India in Pipeline but Online Gambling and Betting still untouched*, 29<sup>th</sup> May, 2013.
11. State of Minnesota v. Granite Gate Resorts, Inc., 568 N.W. 2d 715, Court File No. c6-95-7227.
12. Mandagadde Rama Jois, *Legal And Constitutional History Of India: Ancient, Legal, Judicial And Constitutional System*, 2010, pp.209-210.
13. “Banning IPL is not a solution: Ajay Maken”, *Hindustan Times*, 19<sup>th</sup> May, 2012. Available at <http://www.hindustantimes.com/sports-news/cricket/banning-ipl-is-not-a-solution-ajay-aken/article1-858335.aspx>, (Last visited on: 21<sup>st</sup> November, 2018).



14. Rama Laxmi, “Considers Legalizing Sports Gambling as way to curb match fixing”, *Washington Post*, 25<sup>th</sup> June, 2013. Available at <http://www.washingtonpost.com/blogs/worldviews/wp/2013/06/25/india-considers-legalizing-sports-gambling-as-way-to-curb-match-fixing/>. (Last visited on: 4<sup>th</sup> December, 2018).
15. Sujay Mehdudia, “FICCI for Legalizing Sports Betting”, *The Hindu*, 24<sup>th</sup> May, 2013. Available at <http://www.thehindu.com/business/Industry/ficci-for-legalising-sportsbetting/article4746081.ece>. (Last visited on: 4<sup>th</sup> December, 2018).
16. Deepaloke Chatterjee and Ranjani Das, “How to Square a Circle: Exploring the Legality of Financial Derivatives in India”, *NUJS Law Review*, Volume 2, 2009, pp.337-338.
17. Manu Kaushik, “Should the Government Legalize Sports Betting in India?”, *Business Today*, 1<sup>st</sup> June, 2013. Available at <http://businesstoday.intoday.in/story/betting-in-sports-ipl-spot-fixing/1/195466.html>. (Last visited on: 7<sup>th</sup> December, 2018).
18. Jack S. Blocker Jr., “Did Prohibition Really Work? Alcohol Prohibition as a Public Health Innovation”, *Journal of Public Health*, Volume 96, No.2, February, 2006, pp.233-243.
19. Michael Muehle, “Paving the Way for Legalized Sports Gambling?”, *Rutgers Law Review Commentaries*, Volume 65, Issue 1, October 2012, pp.23-24.
20. James A.R. Nafziger And Stephen Ross, *Handbook On International Sports Law*, 2011, pp.165-166.
21. D.A. Korn & H. Shaffer, “Gambling And The Health Of The Public: Adopting A Public Health Perspective”, *Journal of Gambling Studies*, Volume 15, Issue 4, 1999, pp.223-234.
22. Dr. Gita Mathai, “An Addiction Called Ludomania”, *The Telegraph*, 10<sup>th</sup> June, 2013. Available at [http://www.telegraphindia.com/1130610/jsp/knowhow/story\\_16989852.jsp](http://www.telegraphindia.com/1130610/jsp/knowhow/story_16989852.jsp). (Last visited on: 5<sup>th</sup> December, 2018).
23. Nelson Rose, “The Legalization and Control of Casino Gambling”, *Fordham Law Journal*, Volume 8, Issue 2, Article 1, 1979, pp.243-244.

24. F. Lorains and S. Thomas, “Prevalence of comorbid disorders in problem and pathological gambling: Systematic review and meta-analysis of population surveys”, *Addiction*, Vol. 106, 2011, pp. 406-410.
25. M. Young, T. Barnes, M. Paterson and M. Morris, “The Changing Landscape Of Indigenous Gambling In Northern Australia: Current Knowledge And Future Directions”, *International Gambling Studies*, Vol.7, 2007, pp.327-344.
26. “Pathological Gambling: A Critical Review”, National Research Council USA, 1999, pp.130-131.
27. D. Anderson, *Problem Gambling among Incarcerated male Felons*, Journal of Offender Rehabilitation, 1999, pp.113-114.
28. Avishek Roy, “One of the Biggest Threats to Sports Integrity is Sporting Fraud”: IPL Probe Judge Mukul Mudgal speaks up for the regulation of Sports Betting”, *The Daily Mail*, 12<sup>th</sup> October, 2013. Available at <http://www.dailymail.co.uk/indiahome/indianews/article-2456903/One-biggest-threats-sports-integrity-sporting-fraud-IPL-probe-judge-Mukul-Mudgal-speaks-regulation-sports-betting.html>. (Last visited on: 3<sup>rd</sup> December, 2018).
29. State of Bombay v. RMD Chamarbaugwala AIR 1957 SC 699.
30. Nelson Rose, “The Legalization and Control of Casino Gambling”, *Fordham Law Journal*, Volume 8, Issue 2, Article 1, 1979, pp.243-244.
31. Margaret E. Beare and Howard Hampton, *Legalized Gambling: An Overview 1984-13*, Programs Branch User Report, pp.224-225. Available at <http://dspace.ucalgary.ca/bitstream/1880/41372/1/ail.pdf>. (Last visited on: 30<sup>th</sup> November, 2018).
32. Steven Malanga, “Legalizing Casinos for NY”, *New York Post*, 8<sup>th</sup> October, 2013. Available at <http://nypost.com/2013/10/08/legalizing-casinos-a-loser-for-ny/>. (Last visited on: 21<sup>st</sup> November, 2018).
33. Patrick Basham And Karen White, “Gambling With Our Future: The Costs And Benefits Of Legalized Gambling”, Fraser Institute Digital Publication, Canada, 2002, pp.58-60.

34. K.R. Sarkar, *Public Finance In Ancient India*, Abhinav Publications, 2003, pp.104-105.
35. Patrick Basham And Karen White, “Gambling With Our Future: The Costs And Benefits Of Legalized Gambling”, Fraser Institute Digital Publication, Canada, 2002, pp.58-60.

### Websites

1. Animesh Sharma, *Gambling Laws in India!*, 2<sup>nd</sup> November, 2013. Available at <http://lawlex.org/lex-pedia/gambling-laws-in-india/8590>.
2. American Gaming Association, *Sports Wagering*, (June 2012). Available at <http://www.americangaming.org/industry-resources/research/fact-sheets/sports-wagering>. (Last visited on: 4<sup>th</sup> December, 2018).
3. *Gamble: Definition*, Merriam Webster (Encyclopedia Britannica). Available at <http://www.merriam-webster.com/dictionary/gamble>. (Last visited on: 9<sup>th</sup> November, 2018).
4. *The World Bank: Data- India*. Available at <http://data.worldbank.org/country/india>. (Last visited on: 10<sup>th</sup> November, 2018).
5. FICCI, *Regulating Sports Betting in India*. Available at [http://www.ficci.com/sector/37/Add\\_docs/ficci-faq-on-sports-betting.pdf](http://www.ficci.com/sector/37/Add_docs/ficci-faq-on-sports-betting.pdf).
6. FICCI, *Regulating Sports Betting in India- A Vice to be Tamed*, pp.5-6. Available at <http://www.ficci.com/SEdocument/20208/report-betting-conference.pdf>. (Last visited on: 3<sup>rd</sup> December, 2018).
7. KPMG International, *Online Gaming: A Gamble or a Sure Bet?*, 14-15, (2010). Available at <http://www.kpmg.com/EU/en/Documents/Online-Gaming.pdf>. (Last visited on: 5<sup>th</sup> December, 2018).
8. *Online Sportsbooks in Sweden*, Available at <http://gamingzion.com/sportsbook/sweden/>. (Last visited on: 1<sup>st</sup> December, 2018).
9. Mark S. Putnam, *Legislating Morality and Beyond*, (2004). Available at <http://www.globalethicsuniversity.com/articles/legislatingmorality.html>. (Last visited on: 29<sup>th</sup> November, 2018).
10. *Bad Man Theory Legal Definition*, <http://definitions.uslegal.com/b/bad-man-theory%20/>. (Last visited on: 29<sup>th</sup> November, 2018).

11. “Research on the Social Impacts of Gambling”, *Scottish Executive Social Research*, pp.43-44. Available at [http://www.gla.ac.uk/media/media\\_34552\\_en.pdf](http://www.gla.ac.uk/media/media_34552_en.pdf) . (Last visited on: 6<sup>th</sup> December, 2018).
12. Chapter 5 – Social and Economic Effects, pp.3-4. Available at <http://govinfo.library.unt.edu/ngisc/reports/pathch5.pdf>. (Last visited on: 6<sup>th</sup> December, 2018).
13. Andrew Brocker, *Does Betting Harm the Perception of Sport*, 24<sup>th</sup> March, 2013. Available at <http://www.bettingexpert.com/blog/perception-of-sports-betting>. (Last visited on: 30<sup>th</sup> November, 2018).