

**IN THE HON'BLE HIGH COURT OF KARNATAKA
AT BENGALURU/ DHARWAD / KALABURGI
PRESENTATION FORM**

W. P No. _____ of 2021 [PIL]

SERIAL NO. _____

Bangalore District

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Between

Saahil Nalwaya

And

**The State of Karnataka AND
ANOTHER**

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**IN THE HIGH COURT OF JUDICATURE FOR KARNATAKA
AT BENGALURU**

WRIT PETITION NO. of 2021 (PIL)

BETWEEN :

Mr. Saahil Nalwaya

..... PETITIONER

VERSUS

STATE OF KARNATAKA AND ANOTHER

.....RESPONDENTS

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BENGALURU

DATED:

ADVOCATE FOR PETITIONER

**IN THE HIGH COURT OF JUDICATURE FOR KARNATAKA
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WRIT PETITION NO. of 2021 (PIL)

BETWEEN :

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.....RESPONDENTS

SYNOPSIS AND LIST OF DATES AND EVENTS

DATE	EVENTS
5.10.2021	Date of the Gazette publication of the Karnataka Police (Amendment) Act 2021.

Synopsis

The Petitioner has preferred the instant PIL for seeking an appropriate writ, order or direction to the Respondent State of Karnataka to suitably amend the Karnataka Police (Amendment) Act, 2021 notified and published on 05.10.2021, so as to forthwith prohibit the offering and playing in the State of Karnataka of even such online fantasy sports which are compliant with the Charter of the 'Federation of Indian Fantasy Sports (FIFS)' - the Respondent no. 2 and are games of mere skill played by citizens by putting their

money at stake, by making it a criminal offence punishable under the Karnataka Police Act, 1963;

The petitioner submits that surprisingly, even in the Karnataka Police (Amendment) Act, 2021 notified and published on 05.10.2021 with the stated object in the Statement of Objects and Reasons to the corresponding LA Bill no. 37 of 2021, inter alia, of "*orderly conduct of citizens and to wean them away from the vice of gambling*", the Respondent No. 1 had not prohibited the offering and playing of these online fantasy sports compliant with the Charter of the Respondent no. 2.

BENGALURU
DATED:

ADVOCATE FOR PETITIONER

**IN THE HIGH COURT OF JUDICATURE FOR KARNATAKA
AT BENGALURU**

WRIT PETITION NO.

of 2021 (PIL)

BETWEEN :

Mr. Saahil Nalwaya

Son of Vimal Kumar Nalwaya

Aged about 25 Years,

Residing at G-3, Divya Jyoti Complex,

New Bhupalpura, Girwa,

Udaipur, Rajasthan

Today in Bangalore

..... PETITIONER

VERSUS

1. STATE OF KARNATAKA

Represented by Chief Secretary,
M S Building, Ambedkar Veedhi,
Bengaluru - 560001.

2. FEDERATION OF INDIAN FANTASY SPORTS (FIFS)

Innova, Regal Building,
69, Connaught Place,
New Delhi - 110001.
contact@fifs.in

.....RESPONDENTS

**WRIT PETITION (PUBLIC INTEREST LITIGATION)
UNDER ARTICLE 226 READ WITH ARTICLE 227 OF
THE CONSTITUTION OF INDIA FOR ISSUING
APPROPRIATE WRIT/ORDER/ DIRECTIONS**

In the matter of seeking issuance in public interest, of -

(a) an appropriate writ, order or direction to the Respondent

State of Karnataka to suitably amend the Karnataka Police

(Amendment) Act, 2021 notified and published on

05.10.2021, so as to-

(i) forthwith prohibit the offering and playing in the State

of Karnataka of even such online fantasy sports which

are compliant with the Charter of the 'Federation of

Indian Fantasy Sports (FIFS)' - the Respondent no. 2

even if they are games of mere skill played by citizens

by putting their money at stake, and

(ii) notifying it as a criminal offence punishable under the

Karnataka Police Act, 1963;

(b) To pass any other or further Orders as deem just and

expedient in public interest.

TO

THE HON'BLE CHIEF JUSTICE

AND HIS OTHER HON'BLE COMPANION JUDGES

OF THE HIGH COURT OF JUDICATURE FOR

KARNATAKA AT BENGALURU

The petitioner above named most respectfully submits as under:

1. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:-

1.1. Date of Order/Notification/Circular/Policy decision etc. :
04.10.2021

1.2. Passed in (Case or File Number): Karnataka Police (Amendment) Act, 2021 notified and published in Gazette on 05.10.2021.

1.3. Passed by (Name & designation of the Court, Authority, Tribunal etc.):

Respondent no. 1 – State of Karnataka

Subject matter in brief : That, the Petitioner has preferred the instant PIL for seeking an appropriate writ, order or direction to the Respondent State of Karnataka to suitably amend the Karnataka Police (Amendment) Act, 2021 notified and published on 05.10.2021, so as to forthwith prohibit the offering and playing in the State of Karnataka of even such online fantasy sports which are

compliant with the Charter of the 'Federation of Indian Fantasy Sports (FIFS)' - the Respondent no. 2 and are games of mere skill played by citizens by putting their money at stake, by making it a criminal offence punishable under the Karnataka Police Act, 1963;

The petitioner submits that surprisingly, even in the Karnataka Police (Amendment) Act, 2021 notified and published on 05.10.2021 with the stated object in the Statement of Objects and Reasons to the corresponding LA Bill no. 37 of 2021, inter alia, of "*orderly conduct of citizens and to wean them away from the vice of gambling*", the Respondent No. 1 had not prohibited the offering and playing of these online fantasy sports compliant with the Charter of the Respondent no. 2.

Amended Section 176 of the Act continues to exclude application of the penal provisions stated therein to any game of mere skill i.e. to pure game of skill. Definition of 'gaming' in amended Section 2(7) applies to 'any game of chance' and not to 'any game of mere skill'. A sport is also not included in 'game of chance'. Consequently, definitions of '*Instruments of gaming*' in

amended Section 2(11) and of "*Online Gaming*" in amended Section 2(12A), continue to remain inapplicable to 'game of mere skill'. Consequently, all penal or preventive provisions relating thereto, such as amended Sections 78, 79, 80 and 87, continue to remain inapplicable to 'game of mere skill'. Definition of 'Common Gaming House' in Section 2(3) of does not have any express indication of its application outside State of Karnataka. The Online Fantasy Sports compliant with Charter of FIFS therefore would continue to operate without any prohibition in the State of Karnataka.

The petitioner submits that this inaction is despite having obligation under the directive principles in Part IV, and legal competence to make laws conferred in this respect vide entry 34 of List II of the VIIth Schedule, of the Constitution of India, 1949. The Respondent State ought to have blocked websites of all such operators of online fantasy sports offering gaming / gambling / betting activities facilitating the players to put any money at stake. The petitioner submits that the State has powers to direct such blocking of websites and regulating their operation,

notwithstanding various judgments of the Hon'ble Supreme Court and the High Courts.

Whereas the Respondent no. 2 i.e. Federation of Indian Fantasy Sports (FIFS), claims to be India's self-regulatory industry body for Online Fantasy Sports engaged in adopting and implementing industry self-governance norms and best practices for the fantasy sports industry, allegedly to protect the interests of users and promote public interest, the petitioner submits that the on-line fantasy sports offered by its Members as per the Charter of FIFS, are nothing but wholly illegal organized gambling activities.

It is duty of a State to promote welfare of the people, to protect children, youth, and weaker sections of the people against any kind of exploitation. Thus, the State cannot permit rapid growth of such wholly unregulated addictive on-line organized gambling activities. Whereas the effort of the State in bringing in the said Karnataka Police (Amendment) Act, 2021 is laudable, however, the State ought to have covered in its ambit even such online fantasy sports promoted by FIFS, and ought to have made

offering as well as playing of such online fantasy sports, a criminal offence. By its inaction State would continue to expose large portions of vulnerable children, youth, and weaker sections of the people to put their savings on stakes for playing such online games by use of credit / debit cards or by on-line bank transfer, which may result in economic and financial ruin in expectation of making easy gain.

2. Particulars of Petitioner:

1. That the Petitioner is Citizen of India. The petitioner is a practicing advocate holding Enrolment No. R/3314/2019 issued by the Bar Council of Rajasthan and Aadhar No. 330717115112.
2. The Petitioner has not filed any other Public Interest Litigation Petition either before this Hon'ble Court or before Hon'ble Supreme Court of India against the said Karnataka Police (Amendment) Act, 2021. However, he had earlier filed a PIL DB CWP 2026 of 2021 in the State of Rajasthan, which however was dismissed by the Hon'ble Rajasthan

High Court vide Order dated 22.07.2021, a copy of which is at **Annexure P-1**.

3. The Petitioner is not and has not been involved in any other civil, revenue or criminal litigation in any capacity before any court or tribunal.
4. The Petitioner has no personal dispute with any of the persons mentioned in the present PIL or effected by its outcome regarding .

3. Declaration and undertaking of the Petitioner:

- (1) That the present petition is being filed by way of public interest litigation and the Petitioner does not have any personal interest in the matter.
- (2) That the entire litigation cost, including the advocate's fee and other charges are being borne by the Petitioner. The source of income of the Petitioner are mainly from profession.
- (3) That a thorough research has been conducted in the matter raised through the present public interest litigation. The documents so obtained are annexed with the Writ Petition and other documents will be kept ready for kind

perusal of this Hon'ble Court at the time of hearing of the case.

- (4) That to the best of the Petitioner's knowledge and research, the issue raised regarding the deficiency in the Karnataka Police (Amendment) Act, 2021 has not been dealt with or decided by this Hon'ble Court or by the Hon'ble Supreme Court of India and that no similar or identical petition has been filed earlier by him. However, his earlier PIL DB CWP 2026 of 2021 filed in the State of Rajasthan, which was dismissed by the Hon'ble Rajasthan High Court vide Order dated 22.07.2021, may have some overlapping issues. The Petitioner submits that the said dismissal Order dated 22.07.2021 passed by the Hon'ble Rajasthan High Court is not binding on this Hon'ble Court. The petitioner submits that the Hon'ble Rajasthan High Court had erred in observing that offering of online fantasy sports in accordance with the Charter of the FIFS has already been judicially recognized as a business and consequently, entitled to protection under Article 19(1)(g) of the Constitution of India and the prayer seeking directions to the State Government to prohibit the same

would be opposed to Article 14 and 19(1)(g) of the Constitution of India. The Petitioner submits that this Hon'ble Court is competent to pass such directions as prayed herein by exercising extra ordinary writ jurisdiction under Article 226 of the Constitution of India.

- (5) That the Petitioner has understood that in the course of hearing of this petition the Court may require any security to be furnished towards costs or any other charges and the Petitioner shall comply with such requirements.

4. FACTS IN BRIEF CONSTITUTING THE CAUSE:-

- (1) The instant *pro bono publico* writ petition is being filed by way of Public Interest Litigation for benefit of public at large.
- (2) The Petitioner submits that the source of knowledge about the facts alleged in the Writ Petition includes various published articles, statutory provisions, information available in public domain, reported or unreported judgments, and 276th Report of Law Commission of India titled as the "*Legal Framework:*

*Gambling and Sports Betting Including in Cricket in India". A copy of the summary of the said report of Law Commission is at **Annexure P-2.***

(3) The Petitioner submits that the suffering caused to the general public of the State particularly youth is writ large, and huge amounts are lost by the citizens who are putting their money at stakes in hope of any chance to win on online gaming portals promoting various forms of gambling activities in the guise of online games.

(4) That the Respondent State had therefore introduced The Karnataka Police (Amendment) Bill, 2021 with the following Statement of Objects and Reasons-

"STATEMENT OF OBJECTS AND REASONS'

It is consider necessary further toare also made. Hence the Bill."

A copy of the Karnataka Police (Amendment) Bill, 2021 with the said Statement of Objects and Reasons is

at **Annexure P-3.** A copy of the Karnataka Police (Amendment) Act, 2021 is at **Annexure P-4.**

- (5) Amended Section 176 of the Act continues to exclude application of the penal provisions stated therein to any game of mere skill i.e. to pure game of skill. Definition of 'gaming' in amended Section 2(7) applies to 'any game of chance' and not to 'any game of mere skill'. A sport is also not included in 'game of chance'. Consequently, definitions of '*Instruments of gaming*' in amended Section 2(11) and of "*Online Gaming*" in amended Section 2(12A), continue to remain inapplicable to 'game of mere skill'. Consequently, all penal or preventive provisions relating thereto, such as amended Sections 78, 79, 80 and 87, continue to remain inapplicable to 'game of mere skill'. Definition of 'Common Gaming House' in Section 2(3) of does not have any express indication of its application outside State of Karnataka. The Online Fantasy Sports compliant with Charter of FIFS therefore would continue to operate without any prohibition in the State of Karnataka.

(6) The said Amendment Act of 2021 would therefore be wholly ineffective in curbing the menace of organized gambling activities promoted by the Online Fantasy Sports promoted and regulated by FIFS, unless appropriate directions are issued by this Hon'ble Court directing the State to consider and issue appropriate amendments in accordance with law.

(7) Significantly, as per media reports the Hon'ble Home Minister of the State of Karnataka has also stated that *"skill games are not banned per se. Only gambling for various sports and games are banned"*. A copy of the news paper report is hereto annexed and marked as **Annexure P-5.**

(8) That, Petitioner is not against any particular organization or online fantasy sports portal, but is interested in the public cause.

(9) The young generation including the school going children are addictive to online organized gambling by

way of such online fantasy sports regulated by FIFS, which are not prohibited in the Respondent State.

- (10) That, vide Order dated 14.02.2020 in DB CWP (PIL) 6653/2019 titled **Chandresh Sankhla vs State**, Order dated 16.10.2020 in DB CWP (PIL) 20779/2019 titled **Ravinder Singh Chaudhary Vs State** and Order dated 22.10.2020 in DB CWP (PIL) 11122/2020 titled **Mohanlal Nama vs State**, the Hon'ble Rajasthan High Court had earlier dealt with a few issues in respect of Online fantasy sports games offered by a particular Company namely Dream 11 Fantasy Private Ltd. It was held that online fantasy games offered on their portal did not amount to gambling and that their business activity had protection of Article 19(1)(g) of the Constitution of India. Copies of the judgments of the Hon'ble Rajasthan High Court in DB CWP (PIL) 6653/2019 titled **Chandresh Sankhla vs State**, DB CWP (PIL) 20779/2019 titled **Ravinder Singh Chaudhary Vs State** and DB CWP (PIL) 11122/2020 titled **Mohanlal Nama vs State** are hereto annexed

and marked as **Annexure P-6, P-7 and P-8** respectively.

(11) Order dated 18.04.2017 passed by the Hon'ble Punjab & Haryana High Court in the case of **Varun Gumber**, and Order dated 15.09.2017 passed by the Hon'ble Supreme Court by dismissing SLP thereagainst, are at **Annexure P-9 and P-10** respectively.

(12) Thereafter, NITI Aayog has published a "*Draft for Discussion*" for "*Guiding Principles for the Uniform National Level Regulation of Online Fantasy Sports Platforms in India*". A copy of the said "*Draft for Discussion*" issued by NITI Aayog, Government of India is hereto annexed and marked as **Annexure P-11**.

(13) Grave suffering is being caused to the general public, including that of the State of Karnataka, particularly youth loosing huge amounts put at stakes in hope of any chance to win on these online fantasy sports portals regulated by FIFS. Grave suffering is being caused to

the players, as significant amounts are being lost by them.

5. **SOURCE OF INFORMATION:-**

- (1) That the Petitioner has shown utmost care in conducting research on the subject matter for the averments made in the instant writ petition.
- (2) That, to the best of the knowledge and research conducted by the petitioner, certain issues raised in this petition have not been specifically dealt-with or decided in various judgments on the subject. In any event, no similar or identical Writ Petition has been earlier filed by him concerning the Amendment Act of 2021.
- (3) That, the Hon'ble Rajasthan High Court had earlier dealt with a few issues in respect of Online fantasy sports of a particular Company namely Dream 11 Fantasy Private Ltd in DB CWP (PIL) 6653/2019 titled **Chandresh Sankhla vs State**, DB CWP (PIL) 20779/2019 titled **Ravinder Singh Chaudhary Vs State** and DB CWP (PIL) 11122/2020 titled **Mohanlal**

Nama vs State. Now, NITI Aayog has published a *"Draft for Discussion"* for *"Guiding Principles for the Uniform National Level Regulation of Online Fantasy Sports Platforms in India"*. Despite laudable object in the Statement of Objects and Reasons, the Respondent State has neither prohibited offering / playing online fantasy sports in the State of Karnataka, nor made it an offence punishable under the Karnataka Police Act, 1963. Hence, the present PIL is bona fide.

- (4) If there is any resemblance of this Petition with another Petition of similar kind either pending or already decided in this Hon'ble Court or any other High Court or the Hon'ble Supreme Court of India, the same may only be coincidental about which the Petitioner has no knowledge at the time of filing instant Petition.

6. Nature and extent of injury caused/apprehended:

The nature and extent of the injury caused needs no explanation.

7. Any representation etc. made:

No, as there is no scope of representations for the relief so claimed for.

Hence, in such circumstances, the Petitioner has no option except to file the present Writ Petition on the following grounds amongst others:-

8. GROUNDS:

- (a) Because, the Respondent State has not taken any steps in the Karnataka Police (Amendment) Act, 2021 notified and published on 05.10.2021, to prohibit online fantasy sports of mere skill and compliant with Charter of FIFS, and to notify the offering or playing thereof as a punishable offence under the Karnataka police Act, 1963.
- (b) Because, the Respondent State has failed to discharge its constitutional and statutory duty.

- (c) Because, the young generation including the school going children of the State are becoming addictive of playing the organized online fantasy sports by putting money at stake.
- (d) Because, the Public Gambling Act, 1867 which is no longer in force, has been verbatim adopted by 14 States / Union Territories namely, Andaman and Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Haryana, Himachal Pradesh, Lakshadweep, Punjab, Madhya Pradesh, Chhattisgarh, Manipur, Mizoram, Tripura and Uttarakhand. States namely Delhi, Gujarat Maharashtra, Jammu & Kashmir, etc. had enacted specific statutes in regard to gambling. None of these regulate or prohibit the online fantasy games, which require players to put their money at stake. Sikkim, Meghalaya and State of Nagaland permit online fantasy sports, but require a licence for the same. State of Andhra Pradesh, State of Telangana, and State of Tamil Nadu had prohibited online gaming / gambling / betting Activities, which involve monetary stakes by the players.

- (e) Because, no steps have been taken in this regard by the Respondent State of Karnataka, despite having obligation under the directive principles in Part IV, and legal competence to make laws conferred in this respect vide entry 34 of List II of the VIIth Schedule of the Constitution of India, 1949.
- (f) Because, in ***K.R. Lakshmanan (Dr) v. State of T.N., (1996) 2 SCC 226***, the Hon'ble Supreme Court has held that:

"20. The judgments of this Court in the two Chamarbaugwala cases and in the Satyanarayana case clearly lay down that (i) the competitions where success depends on substantial degree of skill are not 'gambling' and (ii) despite there being an element of chance if a game is preponderantly a game of skill it would nevertheless be a game of "mere skill". We, therefore, hold that the expression "mere skill" would mean substantial degree or preponderance of skill."

Following the said decision, various judgments have been delivered by various Courts. Despite the same, the Respondent State is competent to block websites of all

such operators members of FIFS offering online fantasy sports and facilitating the players to put any money at stake, notwithstanding various judgments of the Hon'ble Supreme Court and this Hon'ble Court on the issue whether or not the games offered are games of mere skill.

- (g) Because, the Order dated 22.07.2021 passed by the Hon'ble Rajasthan High Court dismissing the PIL filed by the instant Petitioner is not binding on this Hon'ble Court. The Petitioner submits that the Hon'ble Rajasthan high Court had erred in observing that offering of online fantasy sports in accordance with the Charter of the FIFS has already been judicially recognized as a business and consequently, entitled to protection under Article 19(1)(g) of the Constitution of India and the prayer seeking directions to the State Government to prohibit the same would be opposed to Article 14 and 19(1)(g) of the Constitution of India. The Petitioner submits that this Hon'ble Court is competent to pass such directions as prayed herein by exercising extra ordinary writ jurisdiction under Article 226 of the Constitution of India.

- (h) Because, similarly another Order dated 16.10.2020 in D.B. Civil Writ Petition No. 20779/2019 passed by the Hon'ble Rajasthan High Court in the matter of **Ravindra Singh Chaudhary v. Union of India & Ors**, and further orders referred and relied therein including Order dated 18.04.2017 passed by the Hon'ble Punjab & Haryana High Court in the case of **Varun Gumber**, although approved by the Hon'ble Supreme Court by dismissing SLP thereagainst vide its Order dated 15.09.2017, may not be relevant and applicable, if under the directions of this Hon'ble Court suitable amending legislation is forthwith brought in force to bring online fantasy sports under the ambit of Karnataka Police Act, 1963.
- (i) Because, on-line fantasy sports are illegal organized gambling activities. Prohibiting the same is necessary as the people do not even have to leave their own house to resort to such on-line gambling activities, which are available round the clock and all 365 days.

- (j) Because, even claims of the Respondent No. 2, of being the Fantasy Sports self-regulatory industry body established to protect consumer interest and to create standardized best practices in the fantasy sports industry, for responsible gaming, ethical advertising, user verification, fair play, online security measures and measures for complaints, appear to be mere eye wash and erroneous. The same are not backed by any data.
- (k) Because, the online fantasy sports are promoted widely by print and electronic media, and many celebrities are promoting the same. Large public is therefore easily influenced by such promotions. The same also be prohibited.
- (l) Because, it is duty of a State to promote welfare of the people, to protect children, youth, and weaker sections of the people against any kind of exploitation. Thus, the State cannot permit rapid growth of such wholly unregulated addictive on-line organized gambling activities offered in the form of online fantasy sports by the Members of FIFS.

- (m) Because, by its inaction State may expose large portions of vulnerable children, youth, and weaker sections of the people to put their savings on stakes for playing such online gambling by use of credit / debit cards or by on-line bank transfer, which may result in their economic and financial ruin in expectation of making easy gain.
- (n) Because, the addiction of the online gambling continued to be offered in the State may also lead to commission of suicides by vulnerable people under the burden of indebtedness.
- (o) Because, appropriate legislative amendments if immediately brought out by the State to prohibit offering of such online fantasy sports in the State of Karnataka, the protection of Article 19(1)(g) would not be available to the Members of FIFS offering online fantasy games.
- (p) Because, such on-line fantasy games offered by various Members of FIFS are presently being permitted as per their Memorandum and Articles of Association approved by the Ministry of Corporate Affairs. The prize money

offered and the amount retained by such Operators are also subject to applicable Income Tax provisions. These operators may also be holding registration under the GST by the State or Central Authorities and may be discharging tax liability. However, none of the same can cause any impediment in exercise of jurisdiction under Article 226, to deter this Hon'ble Court from issuing appropriate directions as prayed for or as may be deemed fit and proper by this Hon'ble Court in public interest.

- (q) Any other grounds shall be raised and any other document may be referred and relied upon at the time of oral hearing with the permission of the Hon'ble Court.

9. DELAY IF ANY IN FILING THE PETITION & EXPLANATION FOR THAT:

There is no delay in filing the Petition. The Karnataka Police (Amendment) Act, 2021 has been notified and published on 05.10.2021. the Petitioner has immediately filed this PIL.

10. RELIEF (S) PRAYED FOR:

In the facts and circumstances enumerated above this Hon'ble Court may be graciously pleased to issue in Public Interest-

(i) an appropriate writ, order or direction to the Respondent State of Karnataka to suitably amend the Karnataka Police (Amendment) Act, 2021 notified and published on 05.10.2021, so as to forthwith-

(a) prohibit the offering and playing in the State of Karnataka of even such online fantasy sports which are compliant with the Charter of the 'Federation of Indian Fantasy Sports (FIFS)' - the Respondent no. 2 and are games of mere skill played by citizens by putting their money at stake, and

(b) notify it as a criminal offence punishable under the Karnataka Police Act, 1963;

(ii) To pass any other or further Orders as deem just and expedient in public interest.

11. INTERIM ORDER:

Pending issuance of further appropriate amendments by the State of Karnataka in the Karnataka Police Act, 1963, this Hon'ble Court may be pleased to stay playing of any online fantasy sports by putting any money at stake in the State of Karnataka.

12. CAVEAT:

Although there is no caveat but a copy of the petition will be served to the respondent as per the directions of this Hon'ble Court.

HUMBLE PETITIONER

(Advocate for the Petitioner)

Bengaluru

8th October 2021

**IN THE HIGH COURT OF JUDICATURE FOR KARNATAKA
AT BENGALURU**

WRIT PETITION NO. of 2021 (PIL)

BETWEEN :

Mr. Saahil Nalwaya

..... PETITIONER

VERSUS

STATE OF KARNATAKA AND ANOTHER

.....RESPONDENTS

VERIFYING AFFIDAVIT

I, Mr. Saahil Nalwaya, son of Sri. Vimal Kumar Nalwaya, aged about 25 Years, residing at G-3, Divya Jyoti Complex, New Bhupalpura, Girwa, Udaipur, Rajasthan, today in Bengaluru, do hereby solemnly affirm and state under oath as follows:-

- 1) That I am the Petitioner in the above case and am well aware and acquainted with the facts and circumstances thereof.
- 2) I state that what is stated in paragraphs **1 to 9** of the Writ Petition are true to the best of my knowledge, information and belief and that **Annexures "P1 to P11"** are true copies of the originals.

I do hereby declare that the following is my name and signature and the contents of this Affidavit are true to the best of my knowledge, information and belief.

Identified by

DEPONENT

Advocate

Sworn to before me

Bangalore

Dated: October ____ 2021

No of Corrections:



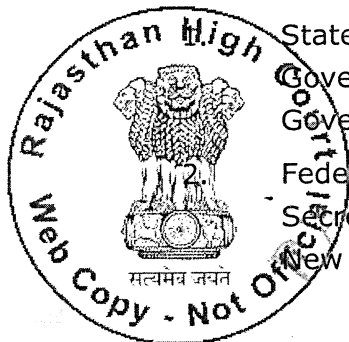
**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 2026/2021

Saahil Nalwaya S/o Vimal Kumar Nalwaya, Aged About 25 Years,
R/o G-3, Divya Jyoti Complex, New Bhupalpura, Girwa, Udaipur,
Rajasthan

----Petitioner

Versus



State Of Rajasthan, Through The Chief Secretary,
Government Of Rajasthan, State Of Rajasthan,
Government Secretariat, Jaipur-302005.

Federation Of Indian Fantasy Sports (Fifs), Through Its
Secretary, Innova, Regal Building, 69, Connaught Place,
New Delhi - 110001.

----Respondents

For Petitioner(s)

Ms. Vijaya T through VC
Mr. Sanjay Srivastava

For Respondent(s)

Mr. Atul Nanda, Senior Advocate
through VC
Mr. Sandeep Pathak &
Mr. Sandeep Taneja

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SATISH KUMAR SHARMA**

Order

22/07/2021

1. Heard learned counsel for the respective parties.
2. This petition has been filed seeking the following relief(s):-

"(a) To regulate or prohibit the offering and playing in the State of Rajasthan of any online fantasy game and other online games of mere skill by putting money at stake in expectation of winning;

(b) To prohibit offering and playing in the State of Rajasthan of any online gaming not amounting to game of mere skill by putting money at stake in expectation of winning;

(c) Any other or further order as this Hon'ble Court may deem just and expedient may also be passed."



3. Respondent No.2, Federation of Indian Fantasy Sports (FIFS) have filed reply and relied upon various judgments of various Courts in India and have asserted that it has been consistently held that online fantasy sports are games of skills distinguished from gambling/betting and enjoy protection under Article 19(1)(g) of the Constitution of India. Copies of the Draft Self Regulations Guidelines issued by the Niti Aayog as well as research conducted by the IIM Bangalore have also been relied upon and placed on record in order to establish their assertion that making teams on a fantasy sports platform demonstrates a higher range of skill than what is required by a mutual fund manager to manage the mutual fund portfolio.

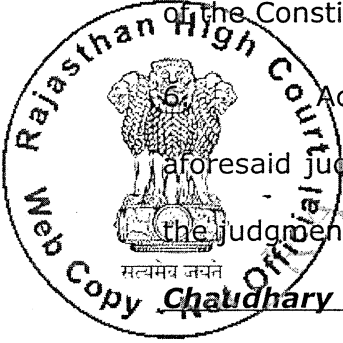
4. Having heard learned counsel for the respective parties and their pleadings, it is clear that the petitioners have sought for directions to the State Government to make appropriate Legislation to prohibit all sorts of online gaming activities, notwithstanding whether they are games of mere skill or games of chance with more emphasis on online fantasy sports. All these prayers were considered and decided by this Court in **D.B.Civil Writ Petition No.20779/2019 (Ravindra Singh Chaudhary Vs. Union of India & Ors.)** vide order dated 16.10.2020. In essence, the present writ petition is an attempt of reviewing this judgment referred to hereinabove, which has been passed by this Court by placing reliance on various judgments rendered by the Hon'ble Supreme Court.



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5. We are, therefore, of the view that offering of online fantasy sports in accordance with the Charter of the FIFS has already been judicially recognized as a business and consequently, entitled to protection under Article 19(1)(g) of the Constitution of India and the prayer seeking directions to the State Government to prohibit the same would be opposed to Article 14 and 19(1)(g) of the Constitution of India.

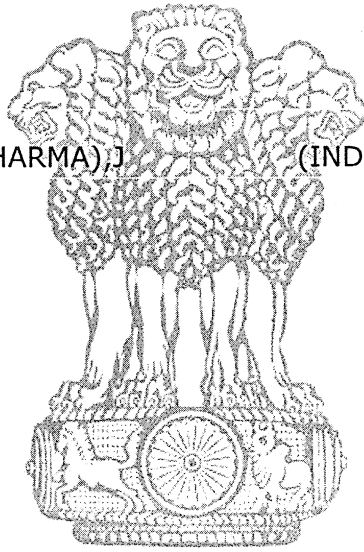
6. Accordingly, the present matter is covered by the aforesaid judgment and the petition stands dismissed in terms of the judgment passed by this Court in the case of **Ravindra Singh Chaudhary (supra)**.



(SATISH KUMAR SHARMA),J

(INDRAJIT MAHANTY),CJ

KAMLESH KUMAR /



सत्यमेव जयते

Law Commission Report Summary

Legal Framework: Gambling and Sports Betting Including Cricket in India

- The Law Commission of India (Chair: Justice B.S. Chauhan) submitted its report on July 5, 2018, examining whether betting may be legalised in India. The report follows a Supreme Court directive in 2016 where the Court asked the Commission to examine the possibility of a law to regulate betting. The Commission noted that while it is desirable to ban betting and gambling, it is difficult to prevent these activities altogether. Therefore, it recommended regulation of gambling and betting.
- **Regulating gambling and betting:** Betting and gambling is a state subject under the Constitution. Therefore, the Commission noted that state legislatures may enact a law to regulate betting and gambling. However, it stated that Parliament may enact a model law to regulate betting and gambling, which states may adopt. Parliament may also enact laws under Article 249 (in national interest) or Article 252 (if two or more states consent). With regard to online gambling and betting, it observed that Parliament has the competence to enact a law.
- **Regulations governing gambling and betting:** The Commission recommended that gambling and betting should only be permitted by licensed operators from India. For participants, it recommended that there should be a cap on the number of such transactions for a specific time period, i.e., monthly, half-yearly or yearly. It further recommended that transactions between operators and participants should be made cashless and penalties should be imposed for cash transactions.
- In order to protect the public from the ill-effects of these activities and to increase transparency and state supervision, the Commission recommended that all betting and gambling transactions should be linked to the Aadhaar/PAN Card of the operator and the participants. Further, any income derived from betting or gambling should be made taxable under the Income Tax Act (IT Act), 1961, the Goods and Services Tax Act (GST), 2017, and other relevant laws.
- **Classification of gambling:** The Commission recommended classifying gambling activities into two categories, namely 'proper gambling' and 'small gambling'. "Proper gambling" would be characterised by higher stakes. Only individuals belonging to higher income groups will be permitted to indulge in "proper gambling". Individuals belonging to the lower income groups will only be permitted to indulge in "small gambling". The stakes for "small gambling" will fall below the bracket of of stakes permitted in "proper gambling".
- **Prohibited persons:** The Commission recommended that certain classes of persons should be barred from participating in online or offline gambling platforms. These persons include: (i) minors, (ii) those who receive subsidies from the government, or (iii) those who do not fall within the purview of the Income Tax Act, 1961, or the Goods and Services Tax Act, 2017.
- **Amendments to FEMA:** The Commission recommended that the Foreign Exchange Management Act, 1999 and the Foreign Direct Investment Policy be amended to encourage Foreign Direct Investment in the casino/online gaming industry, and for other purposes. It felt that this would propel the growth of tourism and hospitality industry in such states, and would also lead to higher revenue and an increase in employment opportunities.
- **Amendment to IT Rules:** Under the Information Technology (Intermediary Guidelines) Rules, 2011, intermediaries are barred from hosting or transmitting content relating to or encouraging gambling. The Commission recommended barring only those intermediaries which illegally transmit or host content related to gambling. This will ensure that intermediaries are not held liable in states which license gambling.
- **Match-fixing and sports fraud:** The Commission recommended that match-fixing and sports fraud should be made criminal offences with severe punishments.

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KARNATAKA LEGISLATIVE ASSEMBLY
FIFTEENTH LEGISLATIVE ASSEMBLY
TENTH SESSION

THE KARNATAKA POLICE (AMENDMENT) BILL, 2021
(LA Bill No. 37 of 2021)

A Bill further to amend the Karnataka Police Act, 1963.

Whereas it is expedient further to amend the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964), for the purpose hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Seventy second year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Police (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of Section 2.-In section 2 of the Karnataka Police Act, 1963 (Karnataka Act 04 of 1964) (here in after referred to as the Principal Act) in clause (3),-

(a) after the words "Profit or gain" occurring in two places the words "or otherwise" shall be inserted.

(b) in clause (7),

(i) for the words "gaming" does not include a lottery but includes all forms of wagering or betting in connection with any game of chance except wagering or betting on a horse-race run on any race course within or outside the State, when such wagering or betting takes place" the words "gaming means and includes online games, involving all forms of wagering or betting, including in the form of tokens valued in terms of money paid before or after issue of it, or electronic means and virtual currency, electronic transfer of funds in connection with any game of chance, but does not include a lottery or wagering or betting on horse-race run on any race course within or outside the State, when such wagering or betting takes place" shall be substituted.

(ii) in the explanation in item (i) the following shall be inserted at the end, namely:-

"any act or risking money, or otherwise on the unknown result of an event including on a game of skill and any action specified above carried out

directly or indirectly by the players playing any game or by any third parties".

(c) for clause (11) the following shall be substituted, namely:-

"(11) 'Instruments of gaming' includes any article used or intended to be used as a subject or means of gaming, including computers, computer system, mobile app or internet or cyber space, virtual platform, computer network, computer resource, any communication device, electronic applications, software and accessory or means of online gaming, any document, register or record or evidence of any gaming in electronic or digital form, the proceeds of any online gaming as or any winning or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

Explanation: The words 'computer', 'communication device', 'computer network', 'computer resource', 'computer system', 'cyber café' and 'electronic record' used in this Act shall have the respective meaning assigned to them in the Information Technology Act, 2000 (Central Act 21 of 2000)".

(d) after clause (12) the following shall be inserted, namely:-

"(12A) "Online gaming" means and includes games as defined in clause (7) played online by means of instruments of gaming, computer, computer resource, computer network, computer system or by mobile app or internet or any communication device, electronic application, software or on any virtual platform;"

(e) In clause (13), the following shall be inserted at the end, namely:-

"including a recreation club or on virtual platform, mobile app or internet or any communication device, electronic application, software, online gaming and computer resource as defined in Information Technology Act, 2000 (Central Act 21 of 2000) or under this Act;"

3. Amendment of Section 78.-In section 78 of the Principal Act, In sub-section (1) in clause (a),-

(a) after the words "enclosure, vehicle, vessel or place" the words and figures "or at cyber café or online gaming involving wagering or betting including computer resource or mobile application or internet or any communication device as defined in the Information Technology Act, 2000 (Central Act 21 of 2000)" shall be inserted.

(i) in clause (vi) after the words "depend on chance or" the words "skill of other" shall be inserted.

(ii) after the clause (vi) the following shall be inserted, namely:-

"(vii) on any act on risking money or otherwise on the unknown result of an event including on a game of skill"; or

(iii) in the hanging para for the words "one year" the words "three years" and for the words "one thousand" the words "one lakh" shall be substituted.

(iv) in the proviso for the words "one month" the words "six months" and for the words "five hundred" the words "ten thousand" shall respectively be substituted;

(b) In sub-section (2),-

(i) after the words "sub section or present" the words "or aids or abets" shall be inserted;

(ii) for the words "one month" the words "six months" and for the words "five hundred" the words "ten thousand" shall be respectively substituted;

(c) In sub-section (3), for the words "three months" the words "one year" and for the words "three hundred" the words "twenty thousand" shall be respectively substituted.

4. Amendment of Section 79.- In section 79 of the Principal Act,-

(i) in the hanging para, for the words "one year" the words "three years" shall be substituted and after the word "fine" the words "up to rupees one lakh" shall be inserted;

(ii) in the proviso,-

(a) in clause (a) for the words "three months" the words "six months" and for the words "five hundred" the words "ten thousand" shall be respectively substituted;

(b) in clause (b) for the words "six months" the words "one year" and for the words "five hundred" the words "fifteen thousand" shall be respectively substituted; and

(c) in clause (c) for the words "nine months" the words "eighteen months" and for the words "one thousand" the words "twenty thousand" shall be respectively substituted.

5. Amendment of Section 80.- In section 80 of the Principal Act,-

(i) for the words "one year" the words "three years" shall be substituted and after the word "fine" the words "upto rupees one lakh" shall be inserted;

(ii) in the proviso,-

- (a) in clause (a) for the words "one month" the words "six months" and for the words "two hundred" the words "ten thousand" shall be respectively substituted;
- (b) in clause (b) for the words "three months" the words "one year" and for the words "two hundred" the words "fifteen thousand" shall be respectively substituted; and
- (c) in clause (c) for the words "six months" the words "eighteen months" and for the words "five hundred" the words "twenty thousand" shall be respectively substituted.

6. Amendment of Section 87.-In section 87 of the Principal Act,-

- (a) after the words "suspected to be gaming" the words "or aiding or abetting such gaming" shall be inserted;
- (b) for the words "three months" the words "six months" and for the words "three hundred" the words "Ten thousand" shall be respectively substituted.

7. Amendment of Section 114.- In section 114 of the Principal Act, after the words "fine" the words "which shall not be less than twenty five thousand but which may extend to rupees one lakh" shall be inserted.

8. Insertion of section 128A.-After section 128 the Principal Act the following shall be inserted, namely:-

"128A. Certain offences to be Cognizable, Non-bailable,-

- (1) All offences under chapter VII except section 87; and all offences under section 90, 108, 113, 114 and 123 under chapter VIII shall be cognizable and non-bailable;
- (2) Offences under section 87 shall be cognizable and bailable ."

9. Amendment of section 176.-In section 176 of the Principal Act, the words "and to wagering by persons taking part in such game of skill" shall be omitted.

STATEMENT OF OBJECTS AND REASONS

It is consider necessary further to amend the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) to provide for,-

- (i) effective enforcement of the provisions of this Act by making offences under Chapter VII and under section 90, 98, 108, 113, 114 and 123 as cognizable offence and non-bailable except section 87 which is made cognizable and bailable;
- (ii) include the use of cyberspace including computer resources or any communication device as defined in Information Technology Act, 2000 in the process of gaming. to curb the menace of gaming through internet, mobile app;
- (iii) enhance the punishment for Gaming for the orderly conduct of citizens and to wean them away from the vice of gambling;
- (iv) certain other consequential amendments are also made.

Hence the Bill,

FINANCIAL MEMORANDUM

There is no extra expenditure involved the proposed legislative measure.

AARAGA JNANENDRA

Minister for Home

M.K. VISHALAKSHI

Secretary (I/c)

Karnataka Legislative Assembly

ANNEXURE

Extract from the Karnataka Police Act, 1963

(Karnataka Act 4 of 1964)

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2. Definitions.— In this Act, unless the context otherwise requires,—

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(3) "common gaming-house" means a building, room, tent, enclosure, vehicle, vessel or place in which any instruments of gaming are kept or used for the profit or gain of the person owning, occupying, or keeping such building, room, tent, enclosure, vehicle, vessel or place, or of the person using such building, room, tent, enclosure, vehicle, vessel or place, whether he has a right to use the same or not, such profit or gain being either by way of a charge for the use of the instruments of gaming or of the building, room, tent, enclosure, vehicle, vessel or place, or otherwise howsoever or as subscription or other payment for the use of facilities along with the use of the instruments of gaming or of the building, room, tent, enclosure, vehicle, vessel or place for purposes of gaming;

Explanation.— In this clause "person" includes a company, association, club or other body of persons whether incorporated or not.

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(7) "gaming" does not include a lottery but includes all forms of wagering or betting in connection with any game of chance, except wagering or betting on a horse-race run on any race course within or outside the State, when such wagering or betting takes place,—

(i) on the day on which such race is run; and

(ii) in an enclosure set apart for the purpose in a race course by the licensee of such race course under the terms of the licence issued under section 4 of the Mysore Race Courses Licensing Act, 1952 (Mysore Act VIII of 1952); and

(iii) between any person being present in such enclosure, on the one hand and such licensee or other person licensed by such licensee in terms of the aforesaid licence on the other in such manner and by such contrivance as may be permitted by such licence.

Explanation.—In this clause,—

(i) 'wagering or betting,' includes the collection or soliciting of bets, the receipt or distribution of winnings or prizes, in money or otherwise, in respect of any act which is intended to aid or facilitate wagering or betting or such collection, soliciting, receipt or distribution;

(ii) 'game of chance' includes a game of chance and skill combined and a pretended game of chance or of chance and skill combined, but does not include any athletic game or sport;

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(11) "instruments of gaming" includes any article used or intended to be used as a subject, or means of gaming, any document used or intended to be used as a register or record or evidence of any gaming, the proceeds of any gaming and any winnings or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

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(13) "place" includes a building, a tent, a booth or other erection, whether permanent or temporary, or any area whether enclosed or open;

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(18) "public place" includes the foreshore, the precincts of every public building or monument, and all places accessible to the public for drawing water, washing or bathing or for the purpose of recreation;

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(20) "street" includes any highway, bridge, way over a causeway, viaduct, arch, quay or wharf or any road, lane, footway, square, court, alley or passage accessible to the public, whether a thoroughfare or not;

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(23) "vehicle" means any carriage, cart, van, dray, truck, hand-cart or other conveyance of any description and includes a bicycle, tricycle, a rickshaw, an automatic car, a vessel or an aeroplane.

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78. Opening, etc., of certain forms of gaming.— (1) Whoever,—

(a) being the owner or occupier or having the use of any building, room, tent, enclosure, vehicle, vessel or place, opens, keeps or uses the same for the purpose of gaming,—

(i) on a horse-race, or

(ii) on the market price of cotton, bullion or other commodity or on the digits of the number used in stating such price, or

(iii) on the amount or variation in the market price of any such commodity or on the digits of the number used in stating the amount of such variation, or

(iv) on the market price of any stock or share or on the digits of the number used in stating such price, or

(v) on the number of registration or on the digits of the number of registration of any motor vehicle using a public place, or

(vi) on any transaction or scheme of wagering or betting in which the receipt or distribution of winnings or prizes in money or otherwise is made to depend on chance; or

(b) being the owner or occupier of any such building, room, tent, enclosure, vehicle, vessel or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose of gaming on any of the objects aforesaid, or

(c) has the care or management of, or in any manner assists in, conducting the business of, any such building, room, tent, enclosure, vehicle, vessel or place opened, occupied, kept or used for the purpose of gaming on any of the objects aforesaid, or

(d) advances or furnishes money for the purpose of gaming on any of the objects aforesaid with persons frequenting any such building, room, tent, enclosure, vehicle, vessel or place,

shall, on conviction, be punished with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both:

Provided that, in the absence of special reasons to be recorded in writing, the punishment to be imposed on an offender on conviction for an offence under this sub-section shall be imprisonment for not less than one month or fine of not less than five hundred rupees or both.

(2) Whoever is found in any building, room, tent, enclosure, vehicle, vessel or place referred to in sub-section (1), gaming on any of the objects specified in that sub-section, or present, for the purpose of gaming on any such object shall, on conviction, be punished with imprisonment which may extend to one month or with fine which may extend to five hundred rupees or with both.

Any person found in any such building, room, tent, enclosure, vehicle, vessel or place during any gaming therein on any of the objects specified in sub-section (1) shall be presumed, until the contrary is proved, to have been there for the purpose of gaming on such object.

(3) Whoever is found gaming on any of the objects specified in sub-section (1) in any public street or thoroughfare or in any place to which the public have or are permitted to have access shall, on conviction be punished with imprisonment which may extend to three months or with fine which may extend to three hundred rupees, or with both.

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79. Keeping common gaming house, etc.— Any person who,—

(a) opens, keeps or uses any building, room, tent, enclosure, vehicle, vessel, or place for the purpose of a common gaming-house;

(b) being the owner or occupier of any such building, room, tent, enclosure, vehicle, vessel, or place knowingly or wilfully permits the same to be opened, occupied, kept or used by any other person for the purpose aforesaid;

(c) has the care or management of, or in any manner assists in conducting the business of, any such building, room, tent, enclosure, vehicle, vessel, or place opened, occupied, kept or used for the purpose aforesaid; or

(d) advances or furnishes money for the purpose of gaming with persons frequenting any such building, room, tent, enclosure, vehicle, vessel, or place, shall, on conviction, be punished with imprisonment which may extend to one year and with fine:

Provided that,—

(a) for a first-offence, such imprisonment shall not be less than three months and fine shall not be less than five hundred rupees;

(b) for a second offence, such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees; and

(c) for a third or subsequent offence, such imprisonment shall not be less than nine months and fine shall not be less than one thousand rupees.

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80. Gaming in common gaming-house, etc.— Whoever is found in any common gaming-house gaming or present for the purpose of gaming shall, on conviction, be punished with imprisonment which may extend to one year and with fine:

Provided that,—

(a) for a first offence such imprisonment shall not be less than one month and fine shall not be less than two hundred rupees;

(b) for a second offence such imprisonment shall not be less three months and fine shall not be less than two hundred rupees; and

(c) for a third or subsequent offence such imprisonment shall not be less than six months and fine shall not be less than five hundred rupees.

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87. Gaming in public streets.— Whoever is found gaming or reasonably suspected to be gaming in any public street, or thoroughfare, or in any place to which the public have or permitted to have access or in any race-course shall, on conviction, be punished with imprisonment which may extend to three months or with fine which may extend to three hundred rupees, or with both and where such gaming consists of wagering or betting, any such person so found gaming shall, on conviction, be punishable in the manner and to the extent referred to in section 80 and all moneys found on such person shall be forfeited to the Government.

Any police officer may seize all things reasonably suspected to be instruments of gaming found in such public street, thoroughfare, place or race-course or on or about the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed. When anything has been found on or about any person and a court is satisfied that the police officer had reasonable grounds for suspecting that such thing was an instrument of gaming, such circumstance shall, until the contrary is proved, be evidence that such thing was an instrument of gaming and that the person on or about whom the thing was found was present for the purpose of gaming.

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90. Printing, publishing or distributing any news or information.—(1) No person shall print, publish, sell, distribute or in any manner circulate any newspaper, news-sheet or other document or any news or information with the intention of aiding or facilitating gaming.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished with imprisonment which may extend to six months and with fine.

(3) Any Police Officer may enter and search any place for the purpose of seizing, and may seize all things reasonably suspected to be used or to be intended to be used, for the purpose of committing an offence under this section.

(4) Any Police Officer may arrest without warrant any person who contravenes the provisions of sub-section (1).

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108. Penalty for contravention of rules or directions under section 35, 38 or 39,— Whoever disobeys an order lawfully made under section 35, 38 or 39 or abets the disobedience thereof, shall, on conviction, be punished,—

(i) if the order disobeyed or of which the disobedience was abetted was made under subsection (1) of section 35, or under section 38 or section 39, with imprisonment for a term which may extend to one year but shall not, except for reasons to be recorded in writing, be less than four months and shall also be liable to fine;

(ii) if the said order was made under sub-section (2) of section 35, with imprisonment which may extend to one month or with fine which may extend to one hundred rupees; and

(iii) if the said order was made under sub-section (3) of section 35, with fine which may extend to one hundred rupees.

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113. Penalty for contravention of directions under sections 54, 55, 56 or 63.— Whoever opposes or disobeys or fails to conform to any direction issued under sections 54, 55, 56 or 63 or abets opposition to or disobedience of any such direction shall, on conviction, be punished with imprisonment which may extend to one year, but shall not, except for reasons to be recorded in writing, be less than four months, and shall also be liable to fine.

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114. Penalty for entering area from which person has been directed to remove himself.— Notwithstanding anything contained in section 61, any person who, in contravention of a direction issued to him under sections 54, 55, 56 or 63 enters the area from which he was directed to remove himself, shall on conviction, be punished with imprisonment for a term which may extend to two years, but shall not, except for reasons to be recorded in writing be less than six months, and shall also be liable to fine.

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123. Penalty for causing disaffection, etc.— (1) Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause, disaffection towards the Government established by law in India, among the members of the police force, or induces or attempts to induce, or does any act which he knows is likely to induce, any member of the police force to withhold his services or to commit a breach of discipline shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.

Explanation.—Expressions of disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, or of the disapprobation of the administrative or other action of the Government, do not constitute an offence under this section unless they cause or are made for the purpose of causing or likely to cause disaffection.

(2) Nothing shall be deemed to be an offence under this section which is done in good faith,—

- (a) for the purpose of promoting the welfare or interests of any member of the police force by inducing him to withhold his services in any manner authorised by law; or
- (b) by or on behalf of any association formed for the purpose of furthering the interests of members of the police force as such, where the association has been authorised or recognised by the Government and the act done is done under any rules or articles of the association which have been approved by the Government.

(3) No court shall take cognizance of any offence under this section except with the previous sanction, or on the complaint, of the District Magistrate.

(4) No court inferior to that of a magistrate of the first class shall try any offence under this section.

(5) Notwithstanding anything contained in Chapter XXII of the Code of Criminal Procedure, 1898, no offence under this section shall be triable summarily.

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128. Prosecution for offences under other enactments not affected.— Nothing in this Act shall be construed to prevent any person from being prosecuted and punished under any other enactment for any offence made punishable by this Act or from being prosecuted and punished under this Act for an offence punishable under any other enactment:

Provided that, all such cases shall be subject to the provisions of section 403 of the Code of Criminal Procedure, 1898.

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176. Saving of games of skill.— For the removal of doubts it is hereby declared that the provisions of sections 79 and 80 shall not be applicable to the playing of any pure game of skill and to wagering by persons taking part in such game of skill.

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ಕರ್ನಾಟಕ ವಿಧಾನಸಭೆ
ಹದಿನೈದನೇ ವಿಧಾನಸಭೆ
ಹತ್ತನೇ ಅಧಿವೇಶನ

ಕರ್ನಾಟಕ ಪೊಲೀಸು (ತಿದ್ದುಪಡಿ) ವಿಧೇಯಕ, 2021
(2021ರ ವಿಧಾನಸಭೆಯ ವಿಧೇಯಕ ಸಂಖ್ಯೆ-37)

ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ, 1963ನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಡಿ ಮಾಡಲು ಒಂದು ವಿಧೇಯಕ

ಇಲ್ಲಿ ಇನ್ನುಮುಂದೆ ಕಂಡು ಬರುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ, 1963ನ್ನು (1964ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 4) ಮತ್ತಷ್ಟು ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ;

ಇದು, ಭಾರತ ಗಣರಾಜ್ಯದ ಎಪ್ಪತ್ತೆರಡನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.- (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಪೊಲೀಸು (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2021 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು, ಈ ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು;

2. 2ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ 1963ರ (1964ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 04) (ಇದರಲ್ಲಿ ಇನ್ನುಮುಂದೆ ಮೂಲ ಅಧಿನಿಯಮವೆಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ) 2ನೇ ಪ್ರಕರಣದ (3)ನೇ ಖಂಡದಲ್ಲಿ, -

(ಎ) ಎರಡು ಕಡೆಗಳಲ್ಲಿ ಬರುವ "ಲಾಭ ಅಥವಾ ಸಂಪಾದನೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ಅನ್ಯಥಾ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ಬಿ) 7ನೇ ಖಂಡದಲ್ಲಿ,-

(i) "ಜೂಜಾಟ" ಲಾಟರಿಯನ್ನು ಒಳಗೊಳ್ಳುವುದಿಲ್ಲ ಆದರೆ ರಾಜ್ಯದ ಒಳಗೆ ಅಥವಾ ಹೊರಗೆ ಯಾವುದೇ ರೇಸ್ ಕೋರ್ಸಿನಲ್ಲಿ ಕುದುರೆ ಓಟದ ಪಂದ್ಯದ ಮೇಲೆ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಹೊರತುಪಡಿಸಿ, ಅಂಥ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯು ನಡೆಯುವಾಗಿನ ಜೂಜಾಟದ ಯಾವುದೇ ಪಂದ್ಯದ ಸಂಬಂಧದಲ್ಲಿನ ಎಲ್ಲ ರೀತಿಯ ಬಾಜಿಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಒಳಗೊಳ್ಳುವುದು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಜೂಜಾಟ" ಎಂದರೆ ಆನ್‌ಲೈನ್ ಆಟಗಳು ಹಾಗೂ ಟೋಕನ್‌ಗಳ ರೂಪದಲ್ಲಿದ್ದು, ಇದನ್ನು ನೀಡಿದ ಮೊದಲು ಅಥವಾ ತರುವಾಯ ಹಣ ಪಾವತಿಸುವ ನಿಬಂಧನೆಗಳಲ್ಲಿ ಮೌಲ್ಯ ಹೊಂದಿರುವುದನ್ನು ಒಳಗೊಂಡು

ವಿದ್ಯುನ್ಮಾನ ವಿಧಗಳು ಮತ್ತು ವರ್ಚುವಲ್ ಕರೆನ್ಸಿ, ನಿಧಿಗಳ ವಿದ್ಯುನ್ಮಾನ ವರ್ಗಾವಣೆ, ಎಲ್ಲಾ ರೀತಿಯ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಒಳಗೊಳ್ಳುವುದು, ಆದರೆ ಲಾಟರಿಯನ್ನು ಅಥವಾ ರಾಜ್ಯದ ಒಳಗೆ ಅಥವಾ ಹೊರಗೆ ರೇಸ್ ಕೋರ್ಸಿನಲ್ಲಿ ಕುದುರೆ ಓಟದ ಪಂದ್ಯದ ಮೇಲೆ ಅಂಥ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯು ನಡೆಯುವಾಗಿನ ಪಂದ್ಯಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಒಳಗೊಳ್ಳುವುದಿಲ್ಲ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

(ii) ವಿವರಣೆಯ ಬಾಬು (i) ರಲ್ಲಿ "ಅಥವಾ ಹಂಚಿಕೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"ಯಾವುದೇ ಹಣಹಾನಿ ಸಂಭವ ಅಥವಾ ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಅನ್ಯಥಾ ಕೌಶಲ್ಯದ ಪಂದ್ಯವನ್ನೊಳಗೊಂಡ ಫಲಿತಾಂಶ ಗೊತ್ತಿಲ್ಲದ ಪ್ರಸಂಗ ಹಾಗೂ ಯಾವುದೇ ಪಂದ್ಯವನ್ನಾಡುವ ಆಟಗಾರರು ಅಥವಾ ಯಾರೇ ಮೂರನೇ ಪಕ್ಷಕಾರರು ಪ್ರತ್ಯೇಕವಾಗಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿ ಕೈಗೊಳ್ಳುವ, ಮೇಲೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಕಾರ್ಯ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ಸಿ) (11)ನೇ ಖಂಡಕ್ಕೆ ಈ ಮುಂದಿನದನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"(11) 'ಜೂಜಾಡುವಿಕೆಯ ಉಪಕರಣಗಳು' ಎಂಬ ಪದವು ಗಣಕ ಯಂತ್ರಗಳು, ಗಣಕ ಯಂತ್ರ ಜೋಡಣೆ(ಸಿಸ್ಟಂ), ಮೊಬೈಲ್ ಆಪ್ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಸೈಬರ್ ತಾಣ, ವರ್ಚುವಲ್ ವೇದಿಕೆ, ಗಣಕ ಯಂತ್ರ ಜಾಲ, ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ, ಯಾವುದೇ ಸಂವಹನ ಸಾಧನ, ವಿದ್ಯುನ್ಮಾನ ಅನ್ವಯಿಕಗಳು, ತಂತ್ರಾಂಶಗಳನ್ನೊಳಗೊಂಡಂತೆ ಜೂಜಾಡುವಿಕೆಯ ವಸ್ತುವಾಗಿ ಅಥವಾ ಸಾಧನಗಳಾಗಿ ಬಳಸಿದ ಅಥವಾ ಬಳಸಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ವಸ್ತು ಮತ್ತು ಯಾವುದೇ ಜೂಜಾಡುವಿಕೆಯ ಉಪಸಾಧನಗಳು ಅಥವಾ ಸಾಧನಗಳು, ವಿದ್ಯುನ್ಮಾನ ಅಥವಾ ಡಿಜಿಟಲ್ ರೂಪದಲ್ಲಿರುವ ಯಾವುದೇ ಜೂಜಾಡುವಿಕೆಯ ಯಾವುದೇ ದಸ್ತಾವೇಜು, ರಿಜಿಸ್ಟರ್ ಅಥವಾ ಅಭಿಲೇಖ ಅಥವಾ ಸಾಕ್ಷ್ಯ ಅಥವಾ ಹಂಚಲು ಉದ್ದೇಶಿಸಲಾದ ಯಾವುದೇ ಲಾಭಗಳು ಅಥವಾ ಹಣದ ರೂಪದ ಅಥವಾ ಹಣ ಅಥವಾ ಬೇರೆ ರೂಪದಲ್ಲಿರುವ ಬಹುಮಾನಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

ವಿವರಣೆ:- ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಬಳಸಲಾದ "ಗಣಕಯಂತ್ರ" 'ಸಂವಹನ ಸಾಧನ' ಗಣಕಯಂತ್ರ ಜಾಲ, 'ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ', ಗಣಕಯಂತ್ರ ಜೋಡಣೆ(ಸಿಸ್ಟಂ), ' ಸೈಬರ್ ಕೆಫೆ' ಮತ್ತು 'ವಿದ್ಯುನ್ಮಾನ ದಾಖಲೆ' ಈ ಪದಗಳು, ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ (2000ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 21) ಅವುಗಳಿಗೆ ಅನುಕ್ರಮವಾಗಿ ನೀಡಲಾದ ಅರ್ಥವನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು."

(ಡಿ) (12)ನೇ ಖಂಡದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು ಎಂದರೆ:-

"(12ಎ) "ಆನ್ ಲೈನ್ ಜೂಜಾಡುವಿಕೆ" ಎಂದರೆ (7)ನೇ ಖಂಡದಲ್ಲಿ ಪರಿಭಾಷಿಸಿದಂತೆ, ಜೂಜಾಡುವಿಕೆಯ ಉಪಕರಣಗಳ ಸಾಧನಗಳ ಮೂಲಕ ಆನ್‌ಲೈನ್‌ನಲ್ಲಿ ಆಡುವ ಪಂದ್ಯಗಳು ಮತ್ತು

ಇದು ಗಣಕಯಂತ್ರ, ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ, ಗಣಕಯಂತ್ರ ಕಾರ್ಯಜಾಲ, ಗಣಕಯಂತ್ರ ಜೋಡಣೆ (ಸಿಸ್ಟಂ) ಅಥವಾ ಮೊಬೈಲ್ ಆಪ್ ಮೂಲಕ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನ, ವಿದ್ಯುನ್ಮಾನ ಅನ್ವಯಿಕೆ, ತಂತ್ರಾಂಶದ ಮೂಲಕ ಅಥವಾ ಯಾವುದೇ ವರ್ಚುವಲ್ ವೇದಿಕೆಯಲ್ಲಿ ಆಡುವ ಪಂದ್ಯಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

(ಇ) (13)ನೇ ಖಂಡದ "ಎಂಬುದರಲ್ಲಿ" ಎಂಬ ಪದದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ (2000ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 21) ಪರಿಭಾಷಿಸಿದಂತೆ ಮನರಂಜನಾ ಕ್ಲಬ್ ಅಥವಾ ವರ್ಚುವಲ್ ವೇದಿಕೆಯಲ್ಲಿ, ಮೊಬೈಲ್ ಆಪ್ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನ, ವಿದ್ಯುನ್ಮಾನ ಅನ್ವಯಿಕೆ, ತಂತ್ರಾಂಶ, ಆನ್‌ಲೈನ್ ಜೂಜಾಡುವಿಕೆ ಮತ್ತು ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲವನ್ನು ಒಳಗೊಂಡಂತೆ "

3. 78ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ:- ಮೂಲ ಅಧಿನಿಯಮದ 78ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿನ (ಎ) ಖಂಡದಲ್ಲಿ,-

(ಎ) " ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳದ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ (2000ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 21) ಪರಿಭಾಷಿಸಿದಂತೆ ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ ಅಥವಾ ಮೊಬೈಲ್ ಅನ್ವಯಿಕೆ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನವನ್ನು ಒಳಗೊಂಡ ಸೈಬರ್ ತಾಣ ಅಥವಾ ಪಂದ್ಯ ಕಟ್ಟುವುದು ಅಥವಾ ಪಣ ಕಟ್ಟುವುದನ್ನು ಒಳಗೊಂಡಿರುವ ಆನ್‌ಲೈನ್ ಜೂಜಾಡುವಿಕೆ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು ಅಂಕಿಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(i) (vi)ನೇ ಖಂಡದಲ್ಲಿ "ಅದೃಷ್ಟವನ್ನು" ಎಂಬ ಪದದ ತರುವಾಯ "ಅಥವಾ ಮತ್ತೊಬ್ಬರ ಕೌಶಲ್ಯವನ್ನು" ಎಂಬ ಪದವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ii) (vi)ನೇ ಖಂಡದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"(vii) ಹಣಹಾನಿ ಸಂಭವದ ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಅನ್ಯಥಾ ಕೌಶಲ್ಯ ಪಂದ್ಯವನ್ನು ಒಳಗೊಂಡ ಫಲಿತಾಂಶ ಗೊತ್ತಿಲ್ಲದ ಪ್ರಸಂಗದ ಮೇಲೆ; ಅಥವಾ"

(iii) ಇದರ ಜೋಡಿತ ಖಂಡಿಕೆಯಲ್ಲಿ "ಒಂದು ವರುಷದವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಮೂರು ವರ್ಷಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಹಾಗೂ "ಒಂದು ಸಾವಿರ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ಲಕ್ಷ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

(iv) ಪರಂತುಕದಲ್ಲಿ "ಒಂದು ತಿಂಗಳಿಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳಿಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಬಿ) (2)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ,-

(i) "ಅಲ್ಲಿ ಹಾಜರಿದ್ದರೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ನೆರವು ನೀಡಿದರೆ ಅಥವಾ ದುಪ್ಪೇರೇಪಿಸಿದರೆ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು;

(ii) "ಒಂದು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದುನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಸಿ) (3)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ "ಮೂರು ತಿಂಗಳುಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ವರ್ಷದವರೆಗೆ" ಮತ್ತು "ಮೂರು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಇಪ್ಪತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

4. 79ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 79ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-

(i) ಜೋಡಿತ ಖಂಡಿಕೆಯಲ್ಲಿ, "ಒಂದು ವರುಷದವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಮೂರು ವರ್ಷಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು ಮತ್ತು "ಜುಲಾನೆಯು" ಎಂಬ ಪದದ ಮೊದಲು "ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗಿನ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ii) ಪರಂತುಕದಲ್ಲಿ,-

(ಎ) (ಎ) ಖಂಡದಲ್ಲಿ "ಮೂರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದುನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಬಿ) (ಬಿ) ಖಂಡದಲ್ಲಿ "ಆರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ವರ್ಷಕ್ಕಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೈದು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ಸಿ) (ಸಿ) ಖಂಡದಲ್ಲಿ "ಒಂಬತ್ತು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೆಂಟು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಒಂದು ಸಾವಿರ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಇಪ್ಪತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

5. 80ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 80ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-

(i) "ಒಂದು ವರುಷದವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಮೂರು ವರ್ಷಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು ಮತ್ತು "ಜುಲಾನೆಯಿಂದ" ಎಂಬ ಪದದ ಮೊದಲು "ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗಿನ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ii) ಪರಂತುಕದಲ್ಲಿ,-

(ಎ) (ಎ) ಖಂಡದಲ್ಲಿ "ಒಂದು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಎರಡು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಬಿ) (ಬಿ) ಖಂಡದಲ್ಲಿ "ಮೂರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ವರ್ಷಕ್ಕಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಎರಡು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೈದು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ಸಿ) (ಸಿ) ಖಂಡದಲ್ಲಿ "ಆರು ತಿಂಗಳುಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೆಂಟು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಇಪ್ಪತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

6. 87ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 87ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-

(ಎ) "ಯುಕ್ತವಾಗಿ ಶಂಕಿಸಲಾದರೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ಅಂಥ ಜೂಜಾಟವಾಡುವುದಕ್ಕೆ ನೆರವಾದರೆ ಅಥವಾ ದುಷ್ಪ್ರೇರೇಪಿಸಿದರೆ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ಬಿ) "ಮೂರು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಹಾಗೂ "ಮೂರು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

7. 114ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 114ನೇ ಪ್ರಕರಣದಲ್ಲಿ "ಜುಲ್ಮಾನೆಗೂ" ಎಂಬ ಪದದ ಮೊದಲು "ಇಪ್ಪತ್ತೈದು ಸಾವಿರಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಆದರೆ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

8. 128ಎ ಪ್ರಕರಣದ ಸೇರ್ಪಡೆ,- ಮೂಲ ಅಧಿನಿಯಮದ 128ನೇ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"128ಎ. ಕೆಲವು ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯ ಹಾಗೂ ಜಾಮೀನು ರಹಿತವಾಗಿರುವುದು.-

(1) 87ನೇ ಪ್ರಕರಣವನ್ನು ಹೊರತುಪಡಿಸಿ ಅಧ್ಯಾಯ VIIರ ಅಡಿಯಲ್ಲಿನ ಎಲ್ಲಾ ಅಪರಾಧಗಳು ಮತ್ತು ಅಧ್ಯಾಯ VIIIರ 90, 108, 113, 114 ಹಾಗೂ 123ನೇ ಪ್ರಕರಣಗಳ ಅಡಿಯಲ್ಲಿನ ಎಲ್ಲಾ ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯವಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಜಾಮೀನುರಹಿತವಾಗಿರತಕ್ಕದ್ದು;

(2) 87ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿನ ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯ ಮತ್ತು ಜಾಮೀನಿಯವಾಗಿರತಕ್ಕದ್ದು.

9. 176ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ,- ಮೂಲ ಅಧಿನಿಯಮದ 176ನೇ ಪ್ರಕರಣದಲ್ಲಿ, "ಮತ್ತು ಅಂಥ ಚಾತುರ್ಯದ ಆಟದಲ್ಲಿ ಭಾಗವಹಿಸುವ ವ್ಯಕ್ತಿಗಳು ಪಣಕಟ್ಟುವುದಕ್ಕೆ" ಎಂಬ ಪದಗಳನ್ನು ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು.

ಉದ್ದೇಶಗಳು ಮತ್ತು ಕಾರಣಗಳ ಹೇಳಿಕೆ

ಈ ಮುಂದಿನವುಗಳನ್ನು ಉಪಬಂಧಿಸುವುದಕ್ಕಾಗಿ,-

(i) 87ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿನ ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯ ಮತ್ತು ಜಾಮೀನೀಯವಾಗಿ ಮಾಡಿರುವುದನ್ನು ಹೊರತುಪಡಿಸಿ, ಅಧ್ಯಾಯ VIIIರ ಅಡಿಯಲ್ಲಿನ ಮತ್ತು 90, 98, 108, 113, 114 ಮತ್ತು 123ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿನ ಅಪರಾಧಗಳನ್ನು ಸಂಜ್ಞೆಯ ಮತ್ತು ಜಾಮೀನುರಹಿತ ಅಪರಾಧಗಳನ್ನಾಗಿ ಮಾಡುವುದರ ಮೂಲಕ ಈ ಅಧಿನಿಯಮದ ಉಪಬಂಧಗಳನ್ನು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಜಾರಿಗೊಳಿಸಲು;

(ii) ಜೂಜಾಟದ ಹಾವಳಿಯನ್ನು ನಿಗ್ರಹಿಸುವುದಕ್ಕೆ ಸೈಬರ್ ತಾಣ, ಮೊಬೈಲ್ ಆಪ್ ಮೂಲಕ ಜೂಜಾಟದ ಪ್ರಕ್ರಿಯೆಯಲ್ಲಿ ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ ಪರಿಭಾಷಿತ ಗಣಕಯಂತ್ರ ಸರಪನ್ನೊಳಗಳನ್ನು ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನವನ್ನು ಒಳಗೊಂಡಂತೆ ಸೈಬರ್ ತಾಣದ ಬಳಕೆಯನ್ನು ಸೇರಿಸುವುದಕ್ಕಾಗಿ;

(iii) ಸುವ್ಯವಸ್ಥಿತ ನಾಗರಿಕ ನಡವಳಿಕೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಜೂಜಾಟಕ್ಕಾಗಿನ ದಂಡನೆಯನ್ನು ಹೆಚ್ಚಿಸಲು ಹಾಗೂ ಜೂಜಾಟದ ವ್ಯಸನದಿಂದ ಅವರನ್ನು ತಪ್ಪಿಸುವುದಕ್ಕಾಗಿ;

(iv) ಇತರ ಕೆಲವು ಅನುಷಂಗಿಕ ತಿದ್ದುಪಡಿಗಳನ್ನು ಸಹ ಮಾಡುವುದಕ್ಕಾಗಿ,

-ಕರ್ನಾಟಕ ಪೊಲೀಸ್ ಅಧಿನಿಯಮ, 1963ನ್ನು (1964ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 4) ಮತ್ತು ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಅವಶ್ಯಕವೆಂದು ಪರಿಗಣಿಸಿದೆ.

ಆದ್ದರಿಂದ, ಈ ವಿಧೇಯಕ.

ಆರ್ಥಿಕ ಜ್ಞಾಪನ ಪತ್ರ

ಪ್ರಸ್ತಾವಿತ ಶಾಸನಾತ್ಮಕ ಕ್ರಮವು ಯಾವುದೇ ಹೆಚ್ಚಿನ ವೆಚ್ಚವನ್ನು ಒಳಗೊಂಡಿರುವುದಿಲ್ಲ.

ಆರಗ ಜ್ಞಾನೇಂದ್ರ
ಗೃಹ ಮಂತ್ರಿ

ಎಂ.ಕೆ. ವಿಶಾಲಾಕ್ಷಿ
ಕಾರ್ಯದರ್ಶಿ(ಪ್ರ)
ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ

ಅನುಬಂಧ

**ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ, 1963ರ
(1964 ರ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ. 4) ಉದ್ಘಾತ ಭಾಗ**

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2. ಪರಿಭಾಷೆಗಳು.- ಈ ಅಧಿನಿಯಮದಲ್ಲಿ, ಸಂದರ್ಭವು ಅನ್ಯಥಾ ಅಗತ್ಯಪಡಿಸಿದ ಹೊರತು,-

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(3) "ಸಾಮಾನ್ಯ ಜೂಜಿನ ಮನೆ" ಎಂದರೆ, ಒಂದು ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ, ಅಥವಾ ಸ್ಥಳದ ಒಡೆಯನ, ಆಧಿಭೋಗದಾರನ ಅಥವಾ ಅದನ್ನು ನೋಡಿಕೊಳ್ಳುವವನ ಅಥವಾ ಅದನ್ನು ಉಪಯೋಗಿಸಲು ಹಕ್ಕುಳ್ಳವನಾಗಿರಲಿ ಇಲ್ಲದಿರಲಿ ಅದನ್ನು ಉಪಯೋಗಿಸುತ್ತಿರುವ ವ್ಯಕ್ತಿಯ ಲಾಭ ಅಥವಾ ಸಂಪಾದನೆ, ಜೂಜಿನ ಉಪಕರಣಗಳನ್ನು ಇಟ್ಟಿರುವ ಅಥವಾ ಉಪಯೋಗಿಸುತ್ತಿರುವ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳ; ಹಾಗೂ ಅಂಥ ಲಾಭ ಅಥವಾ ಸಂಪಾದನೆಯು ಜೂಜಿನ ಉಪಕರಣಗಳ ಅಥವಾ ಕಟ್ಟಡ ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳದ ಉಪಯೋಗದ ಬಗ್ಗೆ ಜಾರ್ಜಿನ ರೂಪದಲ್ಲಿರುವ ಲಾಭ ಅಥವಾ ಸಂಪಾದನೆಯಾಗಿದ್ದು ಅಥವಾ ಬೇರೆ ಯಾವುದೇ ಪ್ರಕಾರದ್ದಾಗಿದ್ದು ಅಥವಾ ಜೂಜಿನ ಉಪಕರಣಗಳ ಅಥವಾ ಕಟ್ಟಡ, ಕೊಠಡಿಯ, ಡೇರೆಯ, ಆವರಣದ, ವಾಹನದ, ನೌಕೆಯ ಅಥವಾ ಜೂಜಿನ ಉದ್ದೇಶದ ಸ್ಥಳದ ಉಪಯೋಗದೊಂದಿಗೆ ಸೌಲಭ್ಯದ ಉಪಯೋಗದ ಬಗ್ಗೆ ಚಂದಾ ರೂಪದಲ್ಲಿ ಅಥವಾ ಇತರ ಪಾವತಿಯ ರೂಪದಲ್ಲಿದ್ದುದಾಗಿರತಕ್ಕದ್ದು.

ವಿವರಣೆ :- ಈ ಖಂಡದಲ್ಲಿ 'ವ್ಯಕ್ತಿ' ಎಂಬುವಲ್ಲಿ, ಕಂಪೆನಿ, ಸಂಘ, ಕ್ಲಬ್ ಅಥವಾ ವ್ಯಕ್ತಿಗಳ ಇತರ ನಿಕಾಯ ಅದು ನಿಗಮಿತವಾಗಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ ಒಳಗೊಂಡಿರುತ್ತದೆ.

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(7) "ಜೂಜಾಡುವುದು" ಎಂಬುದರಲ್ಲಿ ಲಾಟರಿ ಸೇರುವುದಿಲ್ಲ; ಆದರೆ ಕುದುರೆ ಪಂದ್ಯದಲ್ಲಿ ಪಣಕಟ್ಟುವುದು;

(i) ಅಂಥ ಪಂದ್ಯವು ನಡೆಯುವ ದಿನದಂದು; ಮತ್ತು

(ii) ಪಂದ್ಯ ನಡೆಯಲಿರುವ ಪಂದ್ಯ ಪ್ರದೇಶದ ಲೈಸೆನ್ಸುದಾರನು ಪಂದ್ಯ ಪ್ರದೇಶದ ಸಂಬಂಧದಲ್ಲಿ, ಕರ್ನಾಟಕ ರೇಸ್‌ಕೋರ್ಸ್‌ ಲೈಸೆನ್ಸು ಕೊಡುವಿಕೆ ಅಧಿನಿಯಮದ (1952ರ ಮೈಸೂರು ಅಧಿನಿಯಮದ viii) 4ನೆಯ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಕೊಡಲಾದ ಲೈಸೆನ್ಸಿನ ನಿರ್ಬಂಧಗಳ ಮೇರೆಗೆ ಈ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಪ್ರತ್ಯೇಕವಾಗಿರಿಸಿರುವ ಆವರಣದಲ್ಲಿ; ಮತ್ತು

(iii) ಅಂಥ ಆವರಣದಲ್ಲಿ ಹಾಜರಿರುವ ವ್ಯಕ್ತಿ ಒಂದು ಕಡೆ ಮತ್ತು ಅಂಥ ಲೈಸೆನ್ಸುದಾರನು ಅಥವಾ ಅಂಥ ಲೈಸೆನ್ಸುದಾರನಿಂದ ಸದರಿ ಲೈಸೆನ್ಸಿನ ನಿರ್ಬಂಧಗಳಿಗನುಸಾರವಾಗಿ ಲೈಸೆನ್ಸು ಪಡೆದುಕೊಂಡ ಇತರ ವ್ಯಕ್ತಿ ಇನ್ನೊಂದು ಕಡೆ - ಈ ರೀತಿ ಅವರಿಬ್ಬರ ನಡುವೆ ಮತ್ತು ಅಂಥ ಲೈಸೆನ್ಸಿನಿಂದ ಅನುಮತಿ ಕೊಡಲ್ಪಡಬೇಕಾದಂಥ ಸಾಧನದಿಂದ ಪಂದ್ಯ ಅಥವಾ ಪಣ ಕಟ್ಟುವುದನ್ನುಳಿದು ಯಾವುದಾದರೂ ಜೂಜಾಟದ ಸಂದರ್ಭದಲ್ಲಿನ ಎಲ್ಲ ಪ್ರಕಾರದ ಪಂದ್ಯ ಅಥವಾ ಪಣ ಕಟ್ಟುವುದು ಸೇರುತ್ತದೆ.

ವಿವರಣೆ :- ಈ ಖಂಡದಲ್ಲಿ,-

(i) "ಪಂದ್ಯ ಕಟ್ಟುವುದು ಅಥವಾ ಪಣ ಕಟ್ಟುವುದು" ಎಂಬುದರಲ್ಲಿ, ಪಣಗಳ ವಸೂಲಿ ಅಥವಾ ಅವುಗಳಿಗಾಗಿ ಕೋರಿಕೆ ಅಥವಾ ಅಂಥ ಪಂದ್ಯ ಅಥವಾ ಪಣ ಕಟ್ಟುವುದಕ್ಕೆ ಅಂಥ ವಸೂಲಿ, ಕೋರಿಕೆ, ಸ್ವೀಕಾರ ಅಥವಾ ಹಂಚಿಕೆಗೆ ಸಹಾಯವಾಗಲು ಅಥವಾ ಅನುಕೂಲವಾಗಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕಾರ್ಯದ ಸಂಬಂಧದಲ್ಲಿ ಲಾಭಗಳ ಅಥವಾ ಹಣ ಅಥವಾ ಇತರ ರೂಪದಲ್ಲಿರುವ ಬಹುಮಾನಗಳ ಸ್ವೀಕಾರ, ಅಥವಾ ಹಂಚಿಕೆ ಇವುಗಳು ಸೇರುತ್ತವೆ.

(ii) "ಜೂಜಾಟ" ಎಂಬುದರಲ್ಲಿ ಜೂಜಾಟ ಮತ್ತು ಚಾತುರ್ಯ ಸೇರಿರುವ ಆಟ ಮತ್ತು ಜೂಜಾಟವೆಂದು ಅಥವಾ ಜೂಜಾಟ ಮತ್ತು ಚಾತುರ್ಯ ಸೇರಿರುವುದೆಂದು ನಟಿಸುವ ಆಟ, ಇವುಗಳು ಸೇರುತ್ತವೆ. ಆದರೆ ಅಂಗಸಾಧನೆಯ ಆಟ ಅಥವಾ ಕ್ರೀಡೆ ಇದರಲ್ಲಿ ಸೇರುವುದಿಲ್ಲ.

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(11) "ಜೂಜಾಟದ ಉಪಕರಣಗಳು" ಎಂಬುದರಲ್ಲಿ, ಜೂಜಿನ ಪದಾರ್ಥವಾಗಿ ಅಥವಾ ಸಾಧನವಾಗಿ ಉಪಯೋಗಿಸಲಾದ ಅಥವಾ ಉಪಯೋಗಿಸಲು ಉದ್ದೇಶಿಸಲಾದ ಯಾವುದೇ ವಸ್ತು, ಯಾವುದೇ ಜೂಜಾಟದ ಅಭಿಲೇಖ, ಸಾಕ್ಷ್ಯ ಅಥವಾ ರಿಜಿಸ್ಟ್ರಂ ತೆ ಉಪಯೋಗಿಸಲಾದ ಅಥವಾ ಉಪಯೋಗಿಸಲು ಉದ್ದೇಶಿಸಲಾದ ಯಾವುದೇ ದಸ್ತಾವೇಜು, ಯಾವುದೇ ಜೂಜಾಟದ ಉತ್ಪತ್ತಿಗಳು ಮತ್ತು ಯಾವುದೇ ಜೂಜಾಟದ ಸಂಬಂಧದಲ್ಲಿ ಹಂಚಲಾದ ಅಥವಾ ಹಂಚಲು ಉದ್ದೇಶಿಸಲಾದ ಯಾವುದೇ ಲಾಭಗಳು, ಹಣದ ರೂಪಗಳು ಅಥವಾ ಹಣದ ಅಥವಾ ಬೇರೆ ರೂಪದಲ್ಲಿರುವ ಬಹುಮಾನಗಳು ಒಳಗೊಳ್ಳುತ್ತವೆ.

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(13) "ಸ್ಥಳ" ಎಂಬುದರಲ್ಲಿ ಖಾಯಂ ಆದ ಅಥವಾ ಹಂಗಾಮಿಯಾದ ಕಟ್ಟಡ, ಡೇರೆ, ಮಂಟಪ ಅಥವಾ ಇತರ ನಿರ್ಮಾಣ ಇವು ಆವೃತವಾದ ಅಥವಾ ತೆರೆದ ಯಾವುದೇ ಪ್ರದೇಶ.

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(18) "ಸಾರ್ವಜನಿಕ ಸ್ಥಳ" ಎಂಬುದರಲ್ಲಿ, ಮುಂಗರೆ, ಪ್ರತಿಯೊಂದು ಸಾರ್ವಜನಿಕ ಕಟ್ಟಡದ ಅಥವಾ ಸ್ಮಾರಕದ ಪ್ರಕಾರ ಮತ್ತು ನೀರು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕಾಗಿ, ಒಗೆಯುವುದಕ್ಕಾಗಿ ಅಥವಾ ಸ್ನಾನಕ್ಕಾಗಿ ಅಥವಾ ವಿಹಾರದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಸಾರ್ವಜನಿಕರಿಗೆ ಮೀಸಲಿರಿಸಿರುವಂಥ ಎಲ್ಲ ಸ್ಥಳಗಳು ಒಳಗೊಳ್ಳುತ್ತವೆ;

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(20) "ಬೀದಿ" ಎಂಬುದರಲ್ಲಿ ಯಾವುದೇ ಹೆದ್ದಾರಿ, ಸೇತುವೆ, ಒಡ್ಡಿನ ಮೇಲಿನ ದಾರಿ, ಸೇತುವೆ ತಾಕದ ದಾರಿ, ವೈಯಡ್‌ಕ್ ಕಮಾನು, ಹಡಗುಕಟ್ಟೆ ಅಥವಾ ಬಂದರುಕಟ್ಟೆ ಅಥವಾ ಸಾರ್ವಜನಿಕರಿಗೆ ಅವಕಾಶವಿರುವ ಯಾವುದೇ ರಸ್ತೆ, ಓಣಿ, ಕಾಲುದಾರಿ, ಚೌಕ, ಅಂಗಣ, ಸಂದಿ ಅಥವಾ ಹಾದಿ ಅದು ಸಾರ್ವಜನಿಕ ರಸ್ತೆಯಾಗಿರಲಿ ಅಥವಾ ಇಲ್ಲದಿರಲಿ, ಒಳಗೊಳ್ಳುತ್ತದೆ;

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(23) "ವಾಹನ" ಎಂದರೆ ಯಾವುದೇ ಗಾಡಿ, ಬಂಡಿ, ವ್ಯಾನು, ಸಾಮಾನು ಗಾಡಿ, ಸಾಮಾನು ಎಳೆಯುವ ಕುದುರೆಗಾಡಿ, ಟ್ರಕ್, ಕೈಗಾಡಿ ಅಥವಾ ಯಾವುದೇ ಬಗೆಯ ಇತರ ವಾಹನ ಮತ್ತು ಅದರಲ್ಲಿ ಬೈಸಿಕಲ್ಲು ಮತ್ತು ಮೂರು ಚಕ್ರದ ಸೈಕಲ್ಲು, ರಿಕ್ಷಾ, ಮೋಟಾರು ಗಾಡಿ, ನೌಕೆ ಅಥವಾ ವಿಮಾನ ಇವುಗಳೂ ಒಳಗೊಳ್ಳುತ್ತವೆ.

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78. ಕೆಲವು ಬಗೆಯ ಜೂಜುಗಳನ್ನು ಪ್ರಾರಂಭಿಸುವುದು ಇತ್ಯಾದಿ.-

(1) ಯಾವೊಬ್ಬನು,-

(ಎ) ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳದ ಒಡೆಯನು ಅಥವಾ ಆಧಿಭೋಗದಾರನು ಅಥವಾ ಅದನ್ನು ಉಪಯೋಗಿಸುವವನು ಆಗಿದ್ದು ಅದನ್ನು

(i) ಕುದುರೆ ಪಂದ್ಯದ ಮೇಲೆ, ಅಥವಾ

(ii) ಹತ್ತಿ, ಚಿನ್ನ-ಬೆಳ್ಳಿ, ಅಥವಾ ಇತರ ವಸ್ತುವಿನ ಮಾರುಕಟ್ಟೆ ಬೆಲೆಯ ಮೇಲೆ ಅಂತಹ ಬೆಲೆಯನ್ನು ಸೂಚಿಸಲು ಉಪಯೋಗಿಸುವ ಸಂಖ್ಯೆಯ ಅಂಕಗಳ ಮೇಲೆ; ಅಥವಾ

(iii) ಅಂತಹ ಯಾವುದೇ ವಸ್ತುವಿನ ಮಾರುಕಟ್ಟೆಯ ಬೆಲೆಯ ಮೊಬಲಗಿನ ಅಥವಾ ಅದರಲ್ಲಾಗುವ ವ್ಯತ್ಯಾಸಗಳ ಮೇಲೆ ಅಥವಾ ಅಂತಹ ವ್ಯತ್ಯಾಸವನ್ನು ಸೂಚಿಸಲು ಉಪಯೋಗಿಸುವ ಸಂಖ್ಯೆಯ ಅಂಕಗಳ ಮೇಲೆ; ಅಥವಾ

(iv) ಯಾವುದೇ ನಿಧಿಪತ್ರ (ಸ್ಟಾಕ್) ಷೇರಿನ ಮಾರುಕಟ್ಟೆಯ ಬೆಲೆಯ ಮೇಲೆ ಅಥವಾ ಅಂತಹ ಬೆಲೆಯನ್ನು ಸೂಚಿಸಲು ಉಪಯೋಗಿಸುವ ಸಂಖ್ಯೆಯ ಅಂಕಗಳ ಮೇಲೆ; ಅಥವಾ

(v) ಸಾರ್ವಜನಿಕ ಸ್ಥಳವನ್ನು ಉಪಯೋಗಿಸುವ ಯಾವುದೇ ಮೋಟಾರು ವಾಹನದ ನೋಂದಣಿ ಸಂಖ್ಯೆಯ ಮೇಲೆ ಅಥವಾ ನೋಂದಣಿ ಸಂಖ್ಯೆಯ ಅಂಕಗಳ ಮೇಲೆ; ಅಥವಾ

(vi) ಅದೃಷ್ಟವನ್ನು ಅವಲಂಬಿಸಿರುವ ಹಣ ಅಥವಾ ಇತರ ರೂಪದಲ್ಲಿರುವ ಲಾಭಗಳ ಅಥವಾ ಬಹುಮಾನಗಳ ಸ್ವೀಕಾರ ಅಥವಾ ಹಂಚಿಕೆಯಿಂದ ಕೂಡಿರುವ ಯಾವುದೇ ವ್ಯವಹಾರದ ಮೇಲೆ ಅಥವಾ ಪಂದ್ಯ ಅಥವಾ ಪಣದ ಯೋಜನೆಯ ಮೇಲೆ; ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ತೆರೆದರೆ, ಇಟ್ಟರೆ ಅಥವಾ ಉಪಯೋಗಿಸಿದರೆ; ಅಥವಾ

(ಬಿ) ಅಂತಹ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ, ಅಥವಾ ಸ್ಥಳದ ಒಡೆಯ ಅಥವಾ ಅಧಿಭೋಗದಾರನಾಗಿದ್ದು ಮೇಲೆ ಹೇಳಿದ ಯಾವುದೇ ರೀತಿಯ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಇತರ ಯಾವನೇ ವ್ಯಕ್ತಿಯು ಅದನ್ನು ಅಧಿಭೋಗಿಸಲು, ಇಟ್ಟುಕೊಳ್ಳಲು ಅಥವಾ ಉಪಯೋಗಿಸಲು ತಿಳಿದೂ ಅಥವಾ ಬುದ್ಧಿಪೂರ್ವಕವಾಗಿ ಅನುಮತಿ ಕೊಟ್ಟರೆ, ಅಥವಾ

(ಸಿ) ಮೇಲೆ ಹೇಳಿದ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ತೆರೆದ ಅಧಿಭೋಗಿಸಿದ, ಇಟ್ಟುಕೊಂಡ ಅಥವಾ ಉಪಯೋಗಿಸಿದ ಅಂತಹ ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ ನೌಕೆ ಅಥವಾ ಸ್ಥಳದ ಮೇಲ್ವಿಚಾರಣೆ ಅಥವಾ ವ್ಯವಸ್ಥೆಯನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದರೆ ಅಥವಾ ಅದರ ವ್ಯವಹಾರ ನಡೆಯಿಸುವುದರಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಸಹಾಯ ಮಾಡುತ್ತಿದ್ದರೆ, ಅಥವಾ

(ಡಿ) ಅಂಥ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ ನೌಕೆ ಅಥವಾ ಸ್ಥಳಕ್ಕೆ ಆಗಾಗ ಬರುವ ವ್ಯಕ್ತಿಗಳಿಗೆ ಮೇಲೆ ಹೇಳಿದ ಯಾವುದೇ ವಸ್ತು ರೀತಿಯಲ್ಲಿ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಸಾಲ ಕೊಡುತ್ತಿದ್ದರೆ ಅಥವಾ ಹಣ ಒದಗಿಸುತ್ತಿದ್ದರೆ,

-ಅವನು, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಬಳಿಕ, ಒಂದು ವರುಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಅಥವಾ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆ ಅಥವಾ ಎರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಪರಂತು, ಅಭಿಲೇಖಿಸಬೇಕಾದ ವಿಶೇಷ ಕಾರಣಗಳಿಲ್ಲದಿರುವಾಗ, ಈ ಉಪಪ್ರಕರಣದ ಮೇರೆಗೆ ಯಾವುದೇ ಅಪರಾಧದ ಬಗ್ಗೆ ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಬಳಿಕ ಅಪರಾಧಿಗೆ ವಿಧಿಸಿದ ದಂಡನೆಯು ಒಂದು ತಿಂಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಕಾರಾವಾಸ ಅಥವಾ ಐದು ನೂರು ರೂಪಾಯಿಗಳಿಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಜುಲ್ಮಾನೆ ಅಥವಾ ಎರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

(2) ಯಾವನೇ ವ್ಯಕ್ತಿಯು, (1)ನೆಯ ಉಪಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದೇಶಿಸಿದ ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ, ಅಥವಾ ಸ್ಥಳದಲ್ಲಿ, ಆ ಉಪ ಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಜೂಜಾಟವಾಡುತ್ತಿರುವುದು ಕಂಡುಬಂದರೆ, ಅಥವಾ ಅಂತಹ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಲ್ಲಿ ಹಾಜರಿದ್ದರೆ, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಬಳಿಕ ಒಂದು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಅಥವಾ ಐದು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆ ಅಥವಾ ಎರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

ಅಂತಹ ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ ನೌಕೆ ಅಥವಾ ಸ್ಥಳದಲ್ಲಿ (1)ನೆಯ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಜೂಜಾಟ ನಡೆಯುತ್ತಿರುವಾಗ ಅಲ್ಲಿ ಕಂಡು ಬಂದ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ತದ್ವಿರುದ್ಧ ರುಜುವಾತು ಆಗುವವರೆಗೆ ಅಂತಹ ರೀತಿಯಲ್ಲಿ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಲ್ಲಿ ಇದ್ದನೆಂದು ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದು.

(3) ಯಾವನೇ ವ್ಯಕ್ತಿಯು, (1)ನೆಯ ಉಪಪ್ರಕರಣದಲ್ಲಿ ಉಲ್ಲೇಖಿಸಿದ ಯಾವೊಂದು ರೀತಿಯಲ್ಲಿ ಯಾವುದೇ ಸಾರ್ವಜನಿಕ ಬೀದಿಯಲ್ಲಿ ಅಥವಾ ಮಾರ್ಗದಲ್ಲಿ ಅಥವಾ ಸಾರ್ವಜನಿಕರಿಗೆ ಪ್ರವೇಶವಿರುವ ಅಥವಾ ಪ್ರವೇಶಹೊಂದಲು ಅನುಮತಿಯಿರುವ ಯಾವುದೇ ಸ್ಥಳದಲ್ಲಿ ಜೂಜಾಟವಾಡುತ್ತಿರುವುದು ಕಂಡುಬಂದರೆ, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಬಳಿಕ, ಮೂರು ತಿಂಗಳುಗಳವರೆಗೆ ವಿತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಅಥವಾ ಮೂರು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆ ಅಥವಾ ಎರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

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79. ಸಾಮಾನ್ಯ ಜೂಜಿನ ಮನೆಯನ್ನು ಇಡುವುದು, ಇತ್ಯಾದಿ.- ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು,

(ಎ) ಸಾಮಾನ್ಯ ಜೂಜಿನ ಮನೆಯ ಉದ್ದೇಶಕ್ಕಾಗಿ ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳವನ್ನು ತೆರೆದರೆ, ಇರಿಸಿದರೆ ಅಥವಾ ಉಪಯೋಗಿಸಿದರೆ;

(ಬಿ) ಅಂತಹ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳದ ಒಡೆಯನಾಗಿದ್ದು ಅಥವಾ ಅಧಿಭೋಗದಾರನಾಗಿದ್ದು ಅದನ್ನು ಮೇಲೆ ಹೇಳಿದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಬೇರೊಬ್ಬ ವ್ಯಕ್ತಿಯಿಂದ ತೆರೆಯಲು, ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಲು ಇಡಲು ಅಥವಾ ಉಪಯೋಗಿಸಲು ತಿಳಿದೂ ಅಥವಾ ಬುದ್ಧಿಪೂರ್ವಕವಾಗಿ ಅನುಮತಿ ಕೊಟ್ಟರೆ;

(ಸಿ) ಮೇಲೆ ಹೇಳಿದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಪ್ರಾರಂಭಿಸಿದ, ಅಧಿಭೋಗಿಸಿದ, ಇಟ್ಟುಕೊಂಡ ಅಥವಾ ಉಪಯೋಗಿಸಿದ ಅಂತಹ ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ, ಅಥವಾ ಸ್ಥಳದ ಮೇಲ್ವಿಚಾರಣೆ ಅಥವಾ ವ್ಯವಸ್ಥೆಯನ್ನು ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದರೆ ಅಥವಾ ಅದರ ವ್ಯವಹಾರ ನಡೆಯಿಸುವುದರಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಸಹಾಯ ಮಾಡುತ್ತಿದ್ದರೆ; ಅಥವಾ

(ಡಿ) ಅಂತಹ ಯಾವುದೇ ಕಟ್ಟಡ, ಕೊಠಡಿ, ಡೇರೆ, ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳಕ್ಕೆ ಆಗಾಗ ಬರುವ ವ್ಯಕ್ತಿಗಳಿಗೆ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ, ಸಾಲಕೊಡುತ್ತಿದ್ದರೆ, ಅಥವಾ ಹಣ ಒದಗಿಸುತ್ತಿದ್ದರೆ,

-ಅವನು, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಬಳಿಕ, ಒಂದು ವರುಷದವರೆಗೆ ವಿತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಪರಂತು,-

(ಎ) ಮೊದಲನೆಯ ಅಪರಾಧಕ್ಕಾಗಿ, ಇಂತಹ ಕಾರಾವಾಸವು ಮೂರು ತಿಂಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಜುಲ್ಮಾನೆಯು ಐದುನೂರು ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ;

(ಬಿ) ಎರಡನೆಯ ಅಪರಾಧಕ್ಕಾಗಿ, ಅಂತಹ ಕಾರಾವಾಸವು ಆರು ತಿಂಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಜುಲ್ಮಾನೆಯು ಐದು ನೂರು ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ; ಮತ್ತು

(ಸಿ) ಮೂರನೆಯ ಅಥವಾ ತರುವಾಯದ ಅಪರಾಧಕ್ಕಾಗಿ ಅಂತಹ ಕಾರಾವಾಸವು, ಒಂಬತ್ತು ತಿಂಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಜುಲ್ಮಾನೆಯು ಒಂದು ಸಾವಿರ ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ.

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80. ಸಾಮಾನ್ಯ ಜೂಜಿನ ಮನೆಯಲ್ಲಿ ಜೂಜಾಟ ಇತ್ಯಾದಿ.- ಯಾವೊಬ್ಬನು ಸಾಮಾನ್ಯ ಜೂಜಿನ ಮನೆಯಲ್ಲಿ ಜೂಜಾಟವಾಡುತ್ತಿದ್ದುದು ಅಥವಾ ಜೂಜಾಟವಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಹಾಜರಿದ್ದುದು ಕಂಡುಬಂದರೆ, ಅವನು ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಬಳಿಕ, ಒಂದು ವರುಷದವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ಜುಲ್ಮಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು:

ಪರಂತು,-

(ಎ) ಮೊದಲನೆಯ ಅಪರಾಧಕ್ಕಾಗಿ, ಅಂತಹ ಕಾರಾವಾಸವು ಒಂದು ತಿಂಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಜುಲಾನೆಯು ಎರಡು ನೂರು ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ;

(ಬಿ) ಎರಡನೆಯ ಅಪರಾಧಕ್ಕಾಗಿ, ಅಂತಹ ಕಾರಾವಾಸವು ಮೂರು ತಿಂಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಜುಲಾನೆಯು ಎರಡು ನೂರು ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ; ಮತ್ತು

(ಸಿ) ಮೂರನೆಯ ಅಥವಾ ಆ ತರುವಾಯದ ಅಪರಾಧಕ್ಕಾಗಿ, ಕಾರಾವಾಸವು ಆರು ತಿಂಗಳುಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ ಮತ್ತು ಜುಲಾನೆಯು ಐದು ನೂರು ರೂಪಾಯಿಗಳಿಗಿಂತ ಕಡಿಮೆಯಾಗತಕ್ಕದ್ದಲ್ಲ.

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87. ಸಾರ್ವಜನಿಕ ಬೀದಿಗಳಲ್ಲಿ ಜೂಜಾಟ.- ಯಾವನೊಬ್ಬನು, ಯಾವುದೇ ಸಾರ್ವಜನಿಕ ಬೀದಿಯಲ್ಲಿ ಅಥವಾ ಮಾರ್ಗದಲ್ಲಿ ಅಥವಾ ಸಾರ್ವಜನಿಕರಿಗೆ ಪ್ರವೇಶಿಸಿರುವ ಅಥವಾ ಪ್ರವೇಶಕ್ಕೆ ಅನುಮತಿ ಇರುವ ಯಾವುದೇ ಸ್ಥಳದಲ್ಲಿ ಅಥವಾ ಯಾವುದೇ ಕುದುರೆ ಪಂದ್ಯದ ಸ್ಥಳದಲ್ಲಿ ಜೂಜಾಟವಾಡುತ್ತಿದ್ದರೆ ಅಥವಾ ಜೂಜಾಟವಾಡುತ್ತಿರುವವನೆಂದು ಯುಕ್ತವಾಗಿ ಶಂಕಿಸಲಾದರೆ, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ, ಮೂರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಅಥವಾ ಮೂರು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲಾನೆ ಅಥವಾ ಎರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅಂಥ ಜೂಜಾಟವು ಪಂದ್ಯ ಅಥವಾ ಪಣವನ್ನೊಳಗೊಂಡಿದ್ದರೆ, ಹಾಗೆ ಜೂಜಾಡುತ್ತಿರುವ, ಅಂಥಹ ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ, 80ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ದೇಶಿಸಲಿರುವ ರೀತಿಯಲ್ಲಿ ಮತ್ತು ಅಷ್ಟುಮಟ್ಟಿಗೆ ದಂಡನೀಯನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಅವನ ಬಳಿ ಕಂಡುಬಂದ ಎಲ್ಲ ಹಣವು ಸರಕಾರಕ್ಕೆ ಮುಟ್ಟುಗೋಲಾಗತಕ್ಕದ್ದು.

ಯಾರೇ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಯು, ಅಂಥ ಸಾರ್ವಜನಿಕ ಬೀದಿಯಲ್ಲಿ, ಮಾರ್ಗದಲ್ಲಿ, ಸ್ಥಳದಲ್ಲಿ ಅಥವಾ ಕುದುರೆ ಪಂದ್ಯದ ಸ್ಥಳದಲ್ಲಿ ಅಥವಾ ತಾನು ಹಾಗೆ ದಸ್ತಗಿರಿ ಮಾಡುವ ವ್ಯಕ್ತಿಗಳ ಮೇಲೆ ಅಥವಾ ಹತ್ತಿರ ದೊರೆತ ಜೂಜಾಟದ ಸಲಕರಣೆಗಳೆಂದು ಯುಕ್ತವಾಗಿ ಶಂಕಿಸಲಾದ ಎಲ್ಲ ವಸ್ತುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಬಹುದು ಮತ್ತು ಮ್ಯಾಜಿಸ್ಟ್ರೇಟನು, ಅಪರಾಧಿಯ ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ, ಅಂಥ ಸಲಕರಣೆಗಳನ್ನು ಕೂಡಲೇ ನಾಶಪಡಿಸುವಂತೆ ಆದೇಶ ಮಾಡಬಹುದು. ಯಾವನೇ ವ್ಯಕ್ತಿಯ ಮೇಲೆ ಅಥವಾ ಬಳಿ ಯಾವುದೇ ವಸ್ತು ದೊರೆತಾಗ ಮತ್ತು ಅದು ಜೂಜಾಟದ ಸಲಕರಣೆಯೆಂಬುದಾಗಿ ಶಂಕಿಸಲು ಪೊಲೀಸ್ ಅಧಿಕಾರಿಗೆ ಯುಕ್ತ ಆಧಾರಗಳಿದ್ದುವೆಂದು ನ್ಯಾಯಾಲಯಕ್ಕೆ ಮನದಟ್ಟಾದರೆ, ಅಂಥ ವಿದ್ಯಮಾನಗಳು, ತದ್ವಿರುದ್ಧ ರುಜುವಾತಾಗುವವರೆಗೆ ಅಂಥ ವಸ್ತು ಜೂಜಾಟದ ಸಲಕರಣೆಯಾಗಿದ್ದಿತೆಂಬುದಕ್ಕೆ ಮತ್ತು ಯಾವನ ಮೇಲೆ ಅಥವಾ ಬಳಿ ಆ ವಸ್ತು ದೊರೆಕಿತೋ ಅವನು ಜೂಜಾಟದ ಉದ್ದೇಶಕ್ಕಾಗಿ ಅಲ್ಲಿದ್ದನೆಂಬುದಕ್ಕೆ ಸಾಕ್ಷ್ಯವಾಗಿರತಕ್ಕದ್ದು.

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90. ಯಾವುದೇ ಸಮಾಚಾರ ಅಥವಾ ಮಾಹಿತಿಯನ್ನು ಮುದ್ರಿಸುವುದು, ಪ್ರಕಟಿಸುವುದು ಅಥವಾ ಹಂಚುವುದು.- (1) ಯಾವ ವ್ಯಕ್ತಿಯೂ, ಯಾವುದೇ ವೃತ್ತ ಪತ್ರಿಕೆಯನ್ನು, ವೃತ್ತ ಪತ್ರವನ್ನು ಅಥವಾ ಇತರ ಲಿಖಿತವನ್ನು ಅಥವಾ ಯಾವುದೇ ಸಮಾಚಾರ ಅಥವಾ ಮಾಹಿತಿಯನ್ನು ಜೂಜಾಟಕ್ಕೆ ಸಹಾಯ ನೀಡುವ ಅಥವಾ ಅನುಕೂಲ ಮಾಡಿಕೊಡುವ ದೃಷ್ಟಿಯಿಂದ, ಮುದ್ರಿಸತಕ್ಕದ್ದಲ್ಲ, ಪ್ರಕಟಿಸತಕ್ಕದ್ದಲ್ಲ, ಮಾರತಕ್ಕದ್ದಲ್ಲ, ಹಂಚತಕ್ಕದ್ದಲ್ಲ ಅಥವಾ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ಪರಿಚಾಲನೆ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

(2) ಯಾವುದೇ ವ್ಯಕ್ತಿಯು, (1)ನೆಯ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಅವನು ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ, ಆರು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಮತ್ತು ಜುಲಾನೆಯಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

(3) ಈ ಪ್ರಕರಣದ ಮೇರಿಗಿನ ಯಾವುದೇ ಅಪರಾಧ ಮಾಡುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸಲಿರುವುದಾಗಿ ಯುಕ್ತವಾಗಿ ಶಂಕಿಸಲಾದ ಅಥವಾ ಉಪಯೋಗಿಸಲು ಉದ್ದೇಶಿಸಿರುವ ಎಲ್ಲ ವಸ್ತುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳುವುದಕ್ಕಾಗಿ ಯಾರೇ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಯು ಯಾವುದೇ ಸ್ಥಳವನ್ನು ಪ್ರವೇಶಿಸಬಹುದು ಮತ್ತು ಶೋಧನೆ ಮಾಡಬಹುದು ಮತ್ತು ಅಂತಹ ಎಲ್ಲ ವಸ್ತುಗಳನ್ನು ವಶಪಡಿಸಿಕೊಳ್ಳಬಹುದು.

(4) (1)ನೆಯ ಉಪಪ್ರಕರಣದ ಉಪಬಂಧಗಳನ್ನು ಉಲ್ಲಂಘಿಸುವ ಯಾವನೇ ವ್ಯಕ್ತಿಯನ್ನು ಯಾವನೇ ಪೊಲೀಸ್ ಅಧಿಕಾರಿಯು, ವಾರಂಟಿಲ್ಲದೇ ದ ದಸ್ತಗಿರಿ ಮಾಡಬಹುದು.

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108. 35, 38 ಅಥವಾ 39ನೆಯ ಪ್ರಕರಣಗಳ ಮೇರಿಗಿನ ನಿಯಮಗಳ ಅಥವಾ ನಿರ್ದೇಶನಗಳ ಉಲ್ಲಂಘನೆಗಾಗಿ ದಂಡ.- ಯಾವೊಬ್ಬನು, 35, 38 ಅಥವಾ 39ನೆಯ ಪ್ರಕರಣದ ಮೇರಿಗೆ ಕಾನೂನುಬದ್ಧವಾಗಿ ಮಾಡಲಾದ ಯಾವುದೇ ಆದೇಶವನ್ನು ಪಾಲಿಸದಿದ್ದರೆ ಅದನ್ನು ಪಾಲಿಸದಿರಲು ದುಷ್ಪ್ರೇರಣೆ ಮಾಡಿದರೆ, ಅವನು ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ

(i) ಪಾಲಿಸದ ಅಥವಾ ಪಾಲಿಸದಿರಲು ದುಷ್ಪ್ರೇರಣೆ ಮಾಡಲಾದ ಆದೇಶವು 35ನೆಯ ಪ್ರಕರಣದ (1)ನೆಯ ಉಪಪ್ರಕರಣದ ಮೇರಿಗೆ ಅಥವಾ 38ನೆಯ ಪ್ರಕರಣದ ಮೇರಿಗೆ ಅಥವಾ 39ನೆಯ ಪ್ರಕರಣದ ಮೇರಿಗೆ ಮಾಡಲಾಗಿರುವಲ್ಲಿ, ಒಂದು ವರುಷದ ಅವಧಿಯವರೆಗೆ ವಿತರಿಸಬಹುದಾದ, ಆದರೆ ಲಿಖಿತದಲ್ಲಿ ಕಾರಣಗಳನ್ನು ಅಭಿಲೇಖಿಸಿದ ಹೊರತು, ನಾಲ್ಕು ತಿಂಗಳುಗಳಿಗೆ ಕಡಿಮೆ ಇರದ ಕಾರಾವಾಸದಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಜುಲ್ಮಾನೆಗೂ ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು;

(ii) ಸದರಿ ಆದೇಶವು 35ನೆಯ ಪ್ರಕರಣದ (2)ನೆಯ ಉಪಪ್ರಕರಣದ ಮೇರಿಗೆ ಮಾಡಲಾಗಿದ್ದರೆ, ಒಂದು ತಿಂಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸದಿಂದ ಅಥವಾ ಒಂದು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ; ಮತ್ತು

(iii) ಸದರಿ ಆದೇಶವು 35ನೆಯ ಪ್ರಕರಣದ (3)ನೆಯ ಉಪಪ್ರಕರಣದ ಮೇರಿಗೆ ಮಾಡಲಾಗಿರುವಲ್ಲಿ ಒಂದು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ; - ಅವನು ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

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113. 54, 55, 56 ಅಥವಾ 63ನೆಯ ಪ್ರಕರಣದ ಮೇರಿಗಿನ ನಿರ್ದೇಶನಗಳ ಉಲ್ಲಂಘನೆಗಾಗಿ ದಂಡ.- ಯಾವೊಬ್ಬನು 54, 55, 56 ಅಥವಾ 63ನೆಯ ಪ್ರಕರಣದ ಮೇರಿಗೆ ಹೊರಡಿಸಿದ ನಿರ್ದೇಶನವನ್ನು ವಿರೋಧಿಸಿದರೆ, ಅಥವಾ ಪಾಲಿಸದಿದ್ದರೆ ಅಥವಾ ಅದರಂತೆ ನಡೆಯಲು ತಪ್ಪಿದರೆ, ಅಥವಾ ಅಂತಹ ನಿರ್ದೇಶನವನ್ನು ವಿರೋಧಿಸಲು ಅಥವಾ ಪಾಲಿಸದಿರಲು ದುಷ್ಪ್ರೇರಣೆ ಮಾಡಿದರೆ, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ, ಒಂದು ವರುಷದ ವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ, ಆದರೆ ಲಿಖಿತದಲ್ಲಿ ಅಭಿಲೇಖನದ ಕಾರಣಗಳನ್ನು ಅಭಿಲೇಖಿಸಿದ ಹೊರತು ನಾಲ್ಕು ತಿಂಗಳಿಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಕಾರಾವಾಸದಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಜುಲ್ಮಾನೆಗೂ ಬದ್ಧನಾಗಿರತಕ್ಕದ್ದು.

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114. ಹೊರಗೆ ಹೋಗಲು ವ್ಯಕ್ತಿಗೆ ನಿರ್ದೇಶಿಸಲಾದ ಸ್ಥಳವನ್ನು ಅವನು ಪ್ರವೇಶಿಸಿದ್ದಕ್ಕಾಗಿ ದಂಡ - 61ನೆಯ ಪ್ರಕರಣದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಯಾವೊಬ್ಬ ವ್ಯಕ್ತಿಯು, 54, 55, 56 ಅಥವಾ 63ನೆಯ ಪ್ರಕರಣಗಳ ಮೇರಿಗೆ ಅವನಿಗೆ ಕೊಡಲಾದ ನಿರ್ದೇಶನಗಳನ್ನು ಉಲ್ಲಂಘಿಸಿ, ಅವನು ಹೊರಗೆ ಹೋಗಲು ನಿರ್ದೇಶಿಸಲಾದ ಸ್ಥಳವನ್ನು ಪ್ರವೇಶಿಸಿದರೆ, ಅಪರಾಧ ಸಿದ್ಧಪಟ್ಟ ಮೇಲೆ, ಎರಡು ವರುಷಗಳ ಅವಧಿಯವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ, ಆದರೆ ಲಿಖಿತದಲ್ಲಿ ಕಾರಣಗಳನ್ನು ಅಭಿಲೇಖಿಸಿದ ಹೊರತು, ಆರು ತಿಂಗಳುಗಳಿಗೆ ಕಡಿಮೆಯಿಲ್ಲದ ಕಾರಾವಾಸದಿಂದ ದಂಡಿತನಾಗತಕ್ಕದ್ದು ಮತ್ತು ಜುಲ್ಮಾನೆಗೂ ಹೊಣೆಯಾಗತಕ್ಕದ್ದು.

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123. ದ್ರೋಹ ಇತ್ಯಾದಿಗಳನ್ನು ಉಂಟುಮಾಡುವುದಕ್ಕಾಗಿ ದಂಡ.- (1) ಯಾವನೇ ವ್ಯಕ್ತಿಯು, ಭಾರತದಲ್ಲಿ ವಿಧಿಬದ್ಧವಾಗಿ ಸ್ಥಾಪಿತವಾದ ಸರಕಾರದ ಬಗ್ಗೆ ಪೊಲೀಸ್ ಬಲದವರಲ್ಲಿ ಉದ್ದೇಶಪೂರ್ವಕವಾಗಿ ದ್ರೋಹವನ್ನುಂಟುಮಾಡಿದರೆ ಅಥವಾ ಉಂಟುಮಾಡಲು ಯತ್ನಿಸಿದರೆ ಅಥವಾ ಹಾಗೆ ದ್ರೋಹ ಉಂಟುಮಾಡುವ ಸಂಭವವಿರುವುದೆಂದು ತಾನು ತಿಳಿದೂ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು ಮಾಡಿದರೆ, ಅಥವಾ ಯಾವನೇ ಪೊಲೀಸ್ ಬಲದವನು ತನ್ನ ಸೇವೆಯಿಂದ ಪರಾನ್ಮುಖನಾಗುವಂತೆ ಹಿಂತೆಗೆದುಕೊಳ್ಳುವಂತೆ ಅಥವಾ ಶಿಸ್ತುಭಂಗ ಮಾಡುವಂತೆ ಅವನನ್ನು ಪ್ರೇರೇಪಿಸಿದರೆ ಅಥವಾ ಪ್ರೇರೇಪಿಸುವಂತೆ ಯತ್ನಿಸಿದರೆ, ಅಥವಾ ಹಾಗೆ ಪ್ರೇರೇಪಿಸುವ ಸಂಭವವಿರುವುದೆಂದು ತಾನು ತಿಳಿದೂ ಯಾವುದೇ ಕೃತ್ಯವನ್ನು ಮಾಡಿದರೆ, ಆರು ತಿಂಗಳ ಅವಧಿಯ ವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಕಾರಾವಾಸ ಅಥವಾ ಎರಡು ನೂರು ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ ಜುಲ್ಮಾನೆಯಿಂದ ಅಥವಾ ಎರಡರಿಂದಲೂ ದಂಡಿತನಾಗತಕ್ಕದ್ದು.

ವಿವರಣೆ.- ಸರಕಾರದ ಯಾವುದೇ ಕ್ರಮಗಳನ್ನು ವಿಧಿಬದ್ಧ ರೀತಿಯಲ್ಲಿ ಬದಲಾವಣೆ ಮಾಡಿಸುವ ಉದ್ದೇಶದಿಂದ ಆ ಬಗ್ಗೆ ಅಸಮ್ಮತಿಯನ್ನು ಅಥವಾ ಸರಕಾರದ ಆಡಳಿತಾತ್ಮಕ ಅಥವಾ ಇತರ ಕ್ರಮದ ಬಗ್ಗೆ ಅಸಮ್ಮತಿಯನ್ನು ವ್ಯಕ್ತಪಡಿಸುವಿಕೆಗಳು, ದ್ರೋಹವನ್ನುಂಟು ಮಾಡುವ ಅಥವಾ ಉಂಟು ಮಾಡುವ ಉದ್ದೇಶವಿರುವ ಅಥವಾ ಉಂಟುಮಾಡಬಹುದಾಗಿದ್ದ ಹೊರತು, ಈ ಪ್ರಕರಣದ ಮೇರೆಗೆ ಅಪರಾಧವಾಗುವುದಿಲ್ಲ.

(2) ಸದ್ಭಾವನೆಯಿಂದ,-

(ಎ) ಕಾನೂನಿನ ಅಧಿಕೃತವಾದ ಯಾವುದೇ ರೀತಿಯಲ್ಲಿ ತನ್ನ ಸೇವೆಯಿಂದ ಪರಾನ್ಮುಖನಾಗುವಂತೆ ಯಾವನೇ ಪೊಲೀಸ್ ಬಲದವನಿಗೆ ಪ್ರೇರೇಪಿಸುವುದರ ಮೂಲಕ ಅವನ ಕಲ್ಯಾಣವನ್ನು ಅಥವಾ ಹಿತವನ್ನು ಉನ್ನತಿಗೊಳಿಸುವ ಉದ್ದೇಶಕ್ಕಾಗಿ ಮಾಡಿದ; ಅಥವಾ

(ಬಿ) ಪೊಲೀಸ್ ಬಲದವರಿಗಾಗಿಯೇ ಅವರ ಹಿತಸಾಧನೆಯನ್ನು ಮುಂದುವರಿಸಿಕೊಂಡು ಹೋಗುವ ಉದ್ದೇಶದಿಂದ ರಚಿತವಾದ ಯಾವುದೇ ಸಂಘವು ಸರಕಾರದಿಂದ ಅಧಿಕೃತಗೊಳಿಸಲ್ಪಟ್ಟಿದ್ದು ಅಥವಾ ಮನ್ನಣೆ ಪಡೆದಿದ್ದು ಅಂಥ ಸಂಘದ ಮೂಲಕ ಅಥವಾ ಪರವಾಗಿ ಮಾಡಿದ ಮತ್ತು ಮಾಡಿದ ಕೆಲಸವು ಸರ್ಕಾರದ ಒಪ್ಪಿಗೆ ಪಡೆದ ಯಾವುದೇ ನಿಯಮಗಳ ಅಥವಾ ಸಂಘದ ನಿಯಮಾವಳಿಯ ಮೇರೆಗೆ ಮಾಡಿದರೆ, ಯಾವುದೇ ಈ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಅಪರಾಧವೆಂದು ಭಾವಿಸಲ್ಪಡತಕ್ಕದ್ದಲ್ಲ.

(3) ಯಾವ ನ್ಯಾಯಾಲಯವು, ಜಿಲ್ಲಾ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರನ ಪೂರ್ವಮಂಜೂರಿಯನ್ನು ಪಡೆದಿದ್ದು ಅಥವಾ ಅವನಿಂದ ದೂರು ಬಂದಿದ್ದು ಹೊರತು, ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಯಾವ ಅಪರಾಧವನ್ನು ವಿಚಾರಣೆಗೆ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ.

(4) ಮೊದಲನೆಯ ವರ್ಗದ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿನಿಗಿಂತ ಕಡಿಮೆ ದರ್ಜೆಯ ಯಾವ ನ್ಯಾಯಾಲಯವು ಈ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಯಾವುದೇ ಅಪರಾಧವನ್ನು ವಿಚಾರಿಸತಕ್ಕದ್ದಲ್ಲ.

(5) 1898ನೆಯ ಇಸವಿಯ ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆಯ 12ನೆಯ ಅಧ್ಯಾಯದಲ್ಲಿ ಏನೇ ಇದ್ದರೂ, ಈ ಪ್ರಕರಣದ ಮೇರೆಗಿನ ಯಾವ ಅಪರಾಧವೂ ಸಂಕ್ಷಿಪ್ತ ಕ್ರಮದಿಂದ ವಿಚಾರಿಸಲ್ಪಡತಕ್ಕದ್ದಲ್ಲ.

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128. ಇತರ ಅಧಿನಿಯಮಗಳ ಮೇರೆಗಿನ ಅಪರಾಧಗಳ ಸಂಬಂಧದ ಪ್ರಾಸಿಕ್ಯೂಷನ್ನು ಅಬಾಧಿತ.- ಈ ಅಧಿನಿಯಮದಲ್ಲಿರುವುದು ಯಾವುದೂ ಈ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ದಂಡನೀಯವಾದ ಯಾವುದೇ ಅಪರಾಧದ ಬಗ್ಗೆ ಇತರ ಯಾವುದೇ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ಯಾವನೇ ವ್ಯಕ್ತಿಯ ವಿರುದ್ಧ ಪ್ರಾಸಿಕ್ಯೂಷನ್ನು ನಡೆಸಲು ಮತ್ತು ಅವನನ್ನು ದಂಡಿಸಲು ಅಥವಾ ಇತರ ಯಾವುದೇ ಅಧಿನಿಯಮದ ಮೇರೆಗೆ ದಂಡನೀಯವಾಗಿರುವ ಯಾವುದೇ ಪ್ರಾಸಿಕ್ಯೂಷನ್ನು ನಡೆಸಲು ಮತ್ತು ದಂಡಿಸಲು ಪ್ರತಿಬಂಧಿಸುವುದೆಂದು ಅರ್ಥ ಮಾಡತಕ್ಕದ್ದಲ್ಲ.

ಪರಂತು, ಅಂಥ ಎಲ್ಲ ಮೊಕದ್ದಮೆಗಳು 1898ನೆಯ ಇಸವಿಯ ದಂಡ ಪ್ರಕ್ರಿಯಾ ಸಂಹಿತೆಯ 403ನೆಯ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳಿಗೊಳಪಟ್ಟಿರತಕ್ಕದ್ದು.

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176. ಚಾತುರ್ಯದ ಆಟಗಳ ಉಳಿಸುವಿಕೆ.- ಸಂದೇಹ ನಿವಾರಣೆಗಾಗಿ, ಕೇವಲ ಚಾತುರ್ಯದ ಆಟವಾಡುವುದಕ್ಕೆ ಮತ್ತು ಅಂಥ ಚಾತುರ್ಯದ ಆಟದಲ್ಲಿ ಭಾಗವಹಿಸುವ ವ್ಯಕ್ತಿಗಳು ಪಣ ಕಟ್ಟುವುದಕ್ಕೆ 79 ಮತ್ತು 80ನೆಯ ಪ್ರಕರಣದ ಉಪಬಂಧಗಳು ಅನ್ವಯಿಸುವುದಿಲ್ಲವೆಂದು ಈ ಮೂಲಕ ಘೋಷಿಸಲಾಗಿದೆ.

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ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು
ವಿಶೇಷ ರಾಜ್ಯ ಪತ್ರಿಕೆ

ಭಾಗ - ೪ಎ Part - IVA	ಬೆಂಗಳೂರು, ಮಂಗಳವಾರ, ೦೫, ಅಕ್ಟೋಬರ್, ೨೦೨೧(ಆಶ್ವಯುಜ, ೧೩, ಶಕವರ್ಷ, ೧೯೪೩) BENGALURU, TUESDAY, 05, OCTOBER, 2021(ASHWAYUJA, 13, SHAKAVARSHA, 1943)	ನಂ. ೮೧೪ No. 814
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DEPARTMENT OF PARLIAMENTARY AFFAIRS AND LEGISLATION SECRETARIAT

NOTIFICATION

NO: DPAL 38 SHASANA 2021, BENGALURU, DATED:05.10.2021

The Karnataka Police (Amendment) Bill, 2021 ಇದಕ್ಕೆ 2021ರ ಅಕ್ಟೋಬರ್ ತಿಂಗಳ 4ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯಪಾಲರ ಒಪ್ಪಿಗೆ ದೊರೆತಿದ್ದು, ಸಾಮಾನ್ಯ ತಿಳುವಳಿಕೆಗಾಗಿ ಇದನ್ನು 2021ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 28 ಎಂಬುದಾಗಿ ದಿನಾಂಕ: 05.10.2021ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರಿಕೆ (ಭಾಗ IVA) ಯಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

KARNATAKA ACT NO.28 OF 2021

(First Published in the Karnataka Gazette Extra-ordinary on the 5th Day of October 2021)

THE KARNATAKA POLICE (AMENDMENT) ACT, 2021

(Received the assent of the Governor on the 4th day of October, 2021)

An Act further to amend the Karnataka Police Act, 1963.

Whereas it is expedient further to amend the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964), for the purpose hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the Seventy second year of the Republic of India as follows:-

1. Short title and commencement.-(1) This Act may be called the Karnataka Police (Amendment) Act, 2021.

(2) It shall come into force at once.

2. Amendment of Section 2.-In section 2 of the Karnataka Police Act, 1963 (Karnataka Act 04 of 1964) (here in after referred to as the Principal Act) in clause (3),-

(೧)

(a) after the words "Profit or gain" occurring in two places the words "or otherwise" shall be inserted.

(b) in clause (7),

(i) for the words "gaming" does not include a lottery but includes all forms of wagering or betting in connection with any game of chance except wagering or betting on a horse-race run on any race course within or outside the State, when such wagering or betting takes place" the words "gaming means and includes online games, involving all forms of wagering or betting, including in the form of tokens valued in terms of money paid before or after issue of it, or electronic means and virtual currency, electronic transfer of funds in connection with any game of chance, but does not include a lottery or wagering or betting on horse-race run on any race course within or outside the State, when such wagering or betting takes place" shall be substituted.

(ii) in the explanation in item (i) the following shall be inserted at the end, namely:-

"any act or risking money, or otherwise on the unknown result of an event including on a game of skill and any action specified above carried out directly or indirectly by the players playing any game or by any third parties".

(c) for clause (11) the following shall be substituted, namely:-

"(11) 'Instruments of gaming' includes any article used or intended to be used as a subject or means of gaming, including computers, computer system, mobile app or internet or cyber space, virtual platform, computer network, computer resource, any communication device, electronic applications, software and accessory or means of online gaming, any document, register or record or evidence of any gaming in electronic or digital form, the proceeds of any online gaming as or any winning or prizes in money or otherwise distributed or intended to be distributed in respect of any gaming;

Explanation: The words 'computer', 'communication device', 'computer network', 'computer resource', 'computer system', 'cyber café' and 'electronic record' used in this Act shall have the respective meaning assigned to them in the Information Technology Act, 2000 (Central Act 21 of 2000)".

(d) after clause (12) the following shall be inserted, namely:-

"(12A) "Online gaming" means and includes games as defined in clause (7) played online by means of instruments of gaming, computer, computer resource, computer net work, computer system

or by mobile app or internet or any communication device, electronic application, software or on any virtual platform;"

(e) In clause (13), the following shall be inserted at the end, namely:-

"including a recreation club or on virtual platform, mobile app or internet or any communication device, electronic application, software, online gaming and computer resource as defined in Information Technology Act, 2000(Central Act 21 of 2000) or under this Act;"

3. Amendment of Section 78.-In section 78 of the Principal Act, In sub-section (1) in clause (a),-

(a) after the words "enclosure, vehicle, vessel or place" the words and figures "or at cyber café or online gaming involving wagering or betting including computer resource or mobile application or internet or any communication device as defined in the Information Technology Act, 2000 (Central Act 21 of 2000)" shall be inserted.

(i) in clause (vi) after the words "depend on chance or" the words "skill of other" shall be inserted.

(ii) after the clause (vi) the following shall be inserted, namely:-

"(vii) on any act on risking money or otherwise on the unknown result of an event including on a game of skill";
or

(iii) in the hanging para for the words "one year" the words "three years" and for the words "one thousand" the words "one lakh" shall be substituted.

(iv) in the proviso for the words "one month" the words "six months" and for the words "five hundred" the words "ten thousand" shall respectively be substituted;

(b) In sub-section (2),-

(i) after the words "sub section or present" the words "or aids or abets" shall be inserted;

(ii) for the words "one month" the words "six months" and for the words "five hundred" the words "ten thousand" shall be respectively substituted;

(c) In sub-section (3), for the words "three months" the words "one year" and for the words "three hundred" the words "twenty thousand" shall be respectively substituted.

4. Amendment of Section 79.- In section 79 of the Principal Act,-

(i) in the hanging para, for the words "one year" the words "three years" shall be substituted and after the word "fine" the words "up to rupees one lakh" shall be inserted;

(ii) in the proviso,-

- (a) in clause (a) for the words "three months" the words "six months" and for the words "five hundred" the words "ten thousand" shall be respectively substituted;
- (b) in clause (b) for the words "six months" the words "one year" and for the words "five hundred" the words "fifteen thousand" shall be respectively substituted; and
- (c) in clause (c) for the words "nine months" the words "eighteen months" and for the words "one thousand" the words "twenty thousand" shall be respectively substituted.

5. Amendment of Section 80.-In section 80 of the Principal Act,-

(i) for the words "one year" the words "three years" shall be substituted and after the word "fine" the words "upto rupees one lakh" shall be inserted;

(ii) in the proviso,-

- (a) in clause (a) for the words "one month" the words "six months" and for the words "two hundred" the words "ten thousand" shall be respectively substituted;
- (b) in clause (b) for the words "three months" the words "one year" and for the words "two hundred" the words "fifteen thousand" shall be respectively substituted; and
- (c) in clause (c) for the words "six months" the words "eighteen months" and for the words "five hundred" the words "twenty thousand" shall be respectively substituted.

6. Amendment of Section 87.-In section 87 of the Principal Act,-

- (a) after the words "suspected to be gaming" the words "or aiding or abetting such gaming" shall be inserted;
- (b) for the words "three months" the words "six months" and for the words "three hundred" the words "Ten thousand" shall be respectively substituted.

7. Amendment of Section 114.- In section 114 of the Principal Act, after the words "fine" the words "which shall not be less than twenty five thousand but which may extend to rupees one lakh" shall be inserted.

8. Insertion of section 128A.-After section 128 the Principal Act the following shall be inserted, namely:-

"128A.Certain offences to be Cognizable, Non-bailable,-

- (1) All offences under chapter VII except section 87; and all offences under section 90, 108, 113, 114 and 123 under chapter VIII shall be cognizable and non-bailable;
- (2) Offences under section 87 shall be cognizable and bailable ."

9. Amendment of section 176.-In section 176 of the Principal Act, the words “and to wagering by persons taking part in such game of skill” shall be omitted.

By Order and in the name of
the Governor of Karnataka,

G.SRIDHAR
Secretary to Government
Department of Parliamentary
Affairs and Legislation

ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು ಶಾಸನ ರಚನೆ ಸಚಿವಾಲಯ
ಅಧಿಸೂಚನೆ

ಸಂಖ್ಯೆ: ಸಂವ್ಯಶಾಇ 38 ಶಾಸನ 2021, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 05.10.2021.

The Karnataka Official Language Act, 1963 (Karnataka Act 26 of 1963) ರ ಪ್ರಕರಣ 5-ಎ ರ ಅಡಿಯಲ್ಲಿ ರಾಜ್ಯಪಾಲರಿಂದ ಅಧಿಕೃತಗೊಳಿಸಿದ The Karnataka Police (Amendment) Act, 2021 (Karnataka Act No 28 of 2021) ರ ಭಾಷಾಂತರವನ್ನು ಅಧಿಕೃತ ಕನ್ನಡ ಪಠ್ಯವೆಂದು ದಿನಾಂಕ: 05.10.2021 ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ರಾಜ್ಯಪತ್ರಿಕೆ (ಭಾಗ-IVA) ಯಲ್ಲಿ ಪ್ರಕಟಿಸಬೇಕೆಂದು ಆದೇಶಿಸಲಾಗಿದೆ.

2021 ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 28

(2021 ರ ಅಕ್ಟೋಬರ್ ತಿಂಗಳ 5ನೇ ದಿನಾಂಕದಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರದ ವಿಶೇಷ ಸಂಚಿಕೆಯಲ್ಲಿ ಮೊದಲು ಪ್ರಕಟವಾಗಿದೆ)

ಕರ್ನಾಟಕ ಪೊಲೀಸು (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2021

(2021 ರ ಅಕ್ಟೋಬರ್ ತಿಂಗಳ 4ನೇ ದಿನಾಂಕದಂದು ರಾಜ್ಯ ಪಾಲರಿಂದ ಒಪ್ಪಿಗೆಯನ್ನು ಪಡೆಯಲಾಗಿದೆ)

ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ, 1963ನ್ನು ಮತ್ತಷ್ಟು ತಿದ್ದುಪಡಿ ಮಾಡಲು ಒಂದು ಅಧಿನಿಯಮ.

ಇಲ್ಲಿ ಇನ್ನುಮುಂದೆ ಕಂಡು ಬರುವ ಉದ್ದೇಶಗಳಿಗಾಗಿ ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ, 1963ನ್ನು (1964ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 4) ಮತ್ತಷ್ಟು ತಿದ್ದುಪಡಿ ಮಾಡುವುದು ಯುಕ್ತವಾಗಿರುವುದರಿಂದ;

ಇದು, ಭಾರತ ಗಣರಾಜ್ಯದ ಎಪ್ಪತ್ತೆರಡನೇ ವರ್ಷದಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ವಿಧಾನ ಮಂಡಲದಿಂದ ಈ ಮುಂದಿನಂತೆ ಅಧಿನಿಯಮಿತವಾಗಲಿ:-

1. ಸಂಕ್ಷಿಪ್ತ ಹೆಸರು ಮತ್ತು ಪ್ರಾರಂಭ.- (1) ಈ ಅಧಿನಿಯಮವನ್ನು ಕರ್ನಾಟಕ ಪೊಲೀಸು (ತಿದ್ದುಪಡಿ) ಅಧಿನಿಯಮ, 2021 ಎಂದು ಕರೆಯತಕ್ಕದ್ದು.

(2) ಇದು, ಈ ಕೂಡಲೇ ಜಾರಿಗೆ ಬರತಕ್ಕದ್ದು;

2. 2ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಕರ್ನಾಟಕ ಪೊಲೀಸು ಅಧಿನಿಯಮ 1963ರ (1964ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ 04) (ಇದರಲ್ಲಿ ಇನ್ನುಮುಂದೆ ಮೂಲ ಅಧಿನಿಯಮವೆಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿದೆ) 2ನೇ ಪ್ರಕರಣದ (3)ನೇ ಖಂಡದಲ್ಲಿ,-

(ಎ) ಎರಡು ಕಡೆಗಳಲ್ಲಿ ಬರುವ "ಲಾಭ ಅಥವಾ ಸಂಪಾದನೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ಅನ್ಯಥಾ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ಬಿ) 7ನೇ ಖಂಡದಲ್ಲಿ,-

(i) "ಜೂಜಾಟ" ಲಾಟರಿಯನ್ನು ಒಳಗೊಳ್ಳುವುದಿಲ್ಲ ಆದರೆ ರಾಜ್ಯದ ಒಳಗೆ ಅಥವಾ ಹೊರಗೆ ಯಾವುದೇ ರೇಸ್ ಕೋರ್ಸಿನಲ್ಲಿ ಕುದುರೆ ಓಟದ ಪಂದ್ಯದ ಮೇಲೆ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಹೊರತುಪಡಿಸಿ, ಅಂಥ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯು ನಡೆಯುವಾಗಿನ ಜೂಜಾಟದ ಯಾವುದೇ ಪಂದ್ಯದ ಸಂಬಂಧದಲ್ಲಿನ ಎಲ್ಲ ರೀತಿಯ ಬಾಜಿಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಒಳಗೊಳ್ಳುವುದು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಜೂಜಾಟ" ಎಂದರೆ ಆನ್‌ಲೈನ್ ಆಟಗಳು ಹಾಗೂ ಟೋಕನ್ನುಗಳ ರೂಪದಲ್ಲಿದ್ದು, ಇದನ್ನು ನೀಡಿದ ಮೊದಲು ಅಥವಾ ತರುವಾಯ ಹಣ ಪಾವತಿಸುವ ನಿಬಂಧನೆಗಳಲ್ಲಿ ಮೌಲ್ಯ ಹೊಂದಿರುವುದನ್ನು ಒಳಗೊಂಡು ವಿದ್ಯುನ್ಮಾನ ವಿಧಗಳು ಮತ್ತು ವರ್ಚುವಲ್ ಕರೆನ್ಸಿ, ನಿಧಿಗಳ ವಿದ್ಯುನ್ಮಾನ ವರ್ಗಾವಣೆ, ಎಲ್ಲಾ ರೀತಿಯ ಬಾಜಿ ಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಒಳಗೊಳ್ಳುವುದು, ಆದರೆ ಲಾಟರಿಯನ್ನು ಅಥವಾ ರಾಜ್ಯದ ಒಳಗೆ ಅಥವಾ ಹೊರಗೆ ರೇಸ್ ಕೋರ್ಸಿನಲ್ಲಿ ಕುದುರೆ ಓಟದ ಪಂದ್ಯದ ಮೇಲೆ ಅಂಥ ಬಾಜಿಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯು ನಡೆಯುವಾಗಿನ ಪಂದ್ಯಕಟ್ಟುವಿಕೆ ಅಥವಾ ಪಣಕಟ್ಟುವಿಕೆಯನ್ನು ಒಳಗೊಳ್ಳುವುದಿಲ್ಲ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

(ii) ವಿವರಣೆಯ ಬಾಬು (i) ರಲ್ಲಿ "ಅಥವಾ ಹಂಚಿಕೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"ಯಾವುದೇ ಹಣಹಾನಿ ಸಂಭವ ಅಥವಾ ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಅನ್ಯಥಾ ಕೌಶಲ್ಯದ ಪಂದ್ಯವನ್ನೊಳಗೊಂಡ ಫಲಿತಾಂಶ ಗೊತ್ತಿಲ್ಲದ ಪ್ರಸಂಗ ಹಾಗೂ ಯಾವುದೇ ಪಂದ್ಯವನ್ನಾಡುವ ಆಟಗಾರರು ಅಥವಾ ಯಾರೇ ಮೂರನೇ ಪಕ್ಷಕಾರರು ಪ್ರತ್ಯೇಕವಾಗಿ ಅಥವಾ ಪರೋಕ್ಷವಾಗಿ ಕೈಗೊಳ್ಳುವ, ಮೇಲೆ ನಿರ್ದಿಷ್ಟಪಡಿಸಿದ ಯಾವುದೇ ಕಾರ್ಯ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ಸಿ) (11)ನೇ ಖಂಡಕ್ಕೆ ಈ ಮುಂದಿನದನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"(11) 'ಜೂಜಾಡುವಿಕೆಯ ಉಪಕರಣಗಳು' ಎಂಬ ಪದವು ಗಣಕ ಯಂತ್ರಗಳು, ಗಣಕ ಯಂತ್ರ ಜೋಡಣೆ(ಸಿಸ್ಟಂ), ಮೊಬೈಲ್ ಆಪ್ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಸೈಬರ್ ತಾಣ, ವರ್ಚುವಲ್ ವೇದಿಕೆ, ಗಣಕ ಯಂತ್ರ ಜಾಲ, ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ, ಯಾವುದೇ ಸಂವಹನ ಸಾಧನ, ವಿದ್ಯುನ್ಮಾನ ಅನ್ವಯಿಕಗಳು, ತಂತ್ರಾಂಶಗಳನ್ನೊಳಗೊಂಡಂತೆ ಜೂಜಾಡುವಿಕೆಯ ವಸ್ತುವಾಗಿ ಅಥವಾ ಸಾಧನಗಳಾಗಿ ಬಳಸಿದ ಅಥವಾ ಬಳಸಲು ಉದ್ದೇಶಿಸಿದ ಯಾವುದೇ ವಸ್ತು ಮತ್ತು ಯಾವುದೇ ಜೂಜಾಡುವಿಕೆಯ ಉಪಸಾಧನಗಳು ಅಥವಾ ಸಾಧನಗಳು, ವಿದ್ಯುನ್ಮಾನ ಅಥವಾ ಡಿಜಿಟಲ್ ರೂಪದಲ್ಲಿರುವ ಯಾವುದೇ ಜೂಜಾಡುವಿಕೆಯ ಯಾವುದೇ ದಸ್ತಾವೇಜು, ರಿಜಿಸ್ಟರ್ ಅಥವಾ ಅಭಿಲೇಖ ಅಥವಾ ಸಾಕ್ಷ್ಯ ಅಥವಾ ಹಂಚಲು ಉದ್ದೇಶಿಸಲಾದ ಯಾವುದೇ ಲಾಭಗಳು ಅಥವಾ ಹಣದ ರೂಪದ ಅಥವಾ ಹಣ ಅಥವಾ ಬೇರೆ ರೂಪದಲ್ಲಿರುವ ಬಹುಮಾನಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

ವಿವರಣೆ:- ಈ ಅಧಿನಿಯಮದಲ್ಲಿ ಬಳಸಲಾದ "ಗಣಕಯಂತ್ರ" 'ಸಂವಹನ ಸಾಧನ' ಗಣಕಯಂತ್ರ ಜಾಲ, 'ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ', ಗಣಕಯಂತ್ರ ಜೋಡಣೆ(ಸಿಸ್ಟಂ), ' ಸೈಬರ್ ಕೆಫೆ' ಮತ್ತು 'ವಿದ್ಯುನ್ಮಾನ ದಾಖಲೆ' ಈ ಪದಗಳು, ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ (2000ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 21) ಅವುಗಳಿಗೆ ಅನುಕ್ರಮವಾಗಿ ನೀಡಲಾದ ಅರ್ಥವನ್ನೇ ಹೊಂದಿರತಕ್ಕದ್ದು."

(ಡಿ) (12)ನೇ ಖಂಡದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು ಎಂದರೆ:-

"(12ಎ) "ಆನ್ ಲೈನ್ ಜೂಜಾಡುವಿಕೆ" ಎಂದರೆ (7)ನೇ ಖಂಡದಲ್ಲಿ ಪರಿಭಾಷಿಸಿದಂತೆ, ಜೂಜಾಡುವಿಕೆಯ ಉಪಕರಣಗಳ ಸಾಧನಗಳ ಮೂಲಕ ಆನ್‌ಲೈನ್‌ನಲ್ಲಿ ಆಡುವ ಪಂದ್ಯಗಳು ಮತ್ತು ಇದು ಗಣಕಯಂತ್ರ, ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ, ಗಣಕಯಂತ್ರ ಕಾರ್ಯಜಾಲ, ಗಣಕಯಂತ್ರ ಜೋಡಣೆ (ಸಿಸ್ಟಂ) ಅಥವಾ ಮೊಬೈಲ್ ಆಪ್ ಮೂಲಕ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನ, ವಿದ್ಯುನ್ಮಾನ ಅನ್ವಯಿಕೆ, ತಂತ್ರಾಂಶದ ಮೂಲಕ ಅಥವಾ ಯಾವುದೇ ವರ್ಚುವಲ್ ವೇದಿಕೆಯಲ್ಲಿ ಆಡುವ ಪಂದ್ಯಗಳನ್ನು ಒಳಗೊಳ್ಳುತ್ತದೆ.

(ಇ) (13)ನೇ ಖಂಡದ "ಎಂಬುದರಲ್ಲಿ" ಎಂಬ ಪದದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ (2000ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 21) ಪರಿಭಾಷಿಸಿದಂತೆ ಮನರಂಜನಾ ಕ್ಲಬ್ ಅಥವಾ ವರ್ಚುವಲ್ ವೇದಿಕೆಯಲ್ಲಿ, ಮೊಬೈಲ್ ಆಪ್ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನ, ವಿದ್ಯುನ್ಮಾನ ಅನ್ವಯಿಕೆ, ತಂತ್ರಾಂಶ, ಆನ್‌ಲೈನ್ ಜೂಜಾಡುವಿಕೆ ಮತ್ತು ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲವನ್ನು ಒಳಗೊಂಡಂತೆ "

3. 78ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ:- ಮೂಲ ಅಧಿನಿಯಮದ 78ನೇ ಪ್ರಕರಣದ (1)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿನ (ಎ) ಖಂಡದಲ್ಲಿ,-

(ಎ) " ಆವರಣ, ವಾಹನ, ನೌಕೆ ಅಥವಾ ಸ್ಥಳದ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ಮಾಹಿತಿ ತಂತ್ರಜ್ಞಾನ ಅಧಿನಿಯಮ, 2000ರಲ್ಲಿ (2000ರ ಕೇಂದ್ರ ಅಧಿನಿಯಮ 21) ಪರಿಭಾಷಿಸಿದಂತೆ ಗಣಕಯಂತ್ರ ಸಂಪನ್ಮೂಲ ಅಥವಾ ಮೊಬೈಲ್ ಅನ್ವಯಿಕೆ ಅಥವಾ ಅಂತರ್ಜಾಲ ಅಥವಾ ಯಾವುದೇ ಸಂವಹನ ಸಾಧನವನ್ನು ಒಳಗೊಂಡ ಸೈಬರ್ ತಾಣ ಅಥವಾ ಪಂದ್ಯ ಕಟ್ಟುವುದು ಅಥವಾ ಪಣ ಕಟ್ಟುವುದನ್ನು ಒಳಗೊಂಡಿರುವ ಆನ್‌ಲೈನ್ ಜೂಜಾಡುವಿಕೆ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು ಅಂಕಿಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(i) (vi)ನೇ ಖಂಡದಲ್ಲಿ "ಅದೃಷ್ಟವನ್ನು" ಎಂಬ ಪದದ ತರುವಾಯ "ಅಥವಾ ಮತ್ತೊಬ್ಬರ ಕೌಶಲ್ಯವನ್ನು" ಎಂಬ ಪದವನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ii) (vi)ನೇ ಖಂಡದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"(vii) ಹಣಹಾನಿ ಸಂಭವದ ಯಾವುದೇ ಕಾರ್ಯ ಅಥವಾ ಅನ್ಯಥಾ ಕೌಶಲ್ಯ ಪಂದ್ಯವನ್ನು ಒಳಗೊಂಡ ಫಲಿತಾಂಶ ಗೊತ್ತಿಲ್ಲದ ಪ್ರಸಂಗದ ಮೇಲೆ; ಅಥವಾ"

(iii) ಇದರ ಜೋಡಿತ ಖಂಡಿಕೆಯಲ್ಲಿ "ಒಂದು ವರುಷದವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಮೂರು ವರ್ಷಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಹಾಗೂ "ಒಂದು ಸಾವಿರ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ಲಕ್ಷ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

(iv) ಪರಂತುಕದಲ್ಲಿ "ಒಂದು ತಿಂಗಳಿಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳಿಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಬಿ) (2)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ,-

(i) "ಅಲ್ಲಿ ಹಾಜರಿದ್ದರೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ನೆರವು ನೀಡಿದರೆ ಅಥವಾ ದುಪ್ಪೇರೇಪಿಸಿದರೆ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು;

(ii) "ಒಂದು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಸಿ) (3)ನೇ ಉಪಪ್ರಕರಣದಲ್ಲಿ "ಮೂರು ತಿಂಗಳುಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ವರ್ಷದವರೆಗೆ" ಮತ್ತು "ಮೂರು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಇಪ್ಪತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

4. 79ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 79ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-

(i) ಜೋಡಿತ ಖಂಡಿಕೆಯಲ್ಲಿ, "ಒಂದು ವರುಷದವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಮೂರು ವರ್ಷಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು ಮತ್ತು "ಜುಲಾನೆಯು" ಎಂಬ ಪದದ ಮೊದಲು "ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗಿನ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ii) ಪರಂತುಕದಲ್ಲಿ,-

(ಎ) (ಎ) ಖಂಡದಲ್ಲಿ "ಮೂರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಬಿ) (ಬಿ) ಖಂಡದಲ್ಲಿ "ಆರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ವರ್ಷಕ್ಕಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೈದು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ಸಿ) (ಸಿ) ಖಂಡದಲ್ಲಿ "ಒಂಬತ್ತು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೆಂಟು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಒಂದು ಸಾವಿರ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಇಪ್ಪತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

5. 80ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 80ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-

(i) "ಒಂದು ವರುಷದವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಮೂರು ವರ್ಷಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು ಮತ್ತು "ಜುಲಾನೆಯಿಂದ" ಎಂಬ ಪದದ ಮೊದಲು "ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗಿನ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

(ii) ಪರಂತುಕದಲ್ಲಿ,-

(ಎ) (ಎ) ಖಂಡದಲ್ಲಿ "ಒಂದು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಎರಡು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು;

(ಬಿ) (ಬಿ) ಖಂಡದಲ್ಲಿ "ಮೂರು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಒಂದು ವರ್ಷಕ್ಕಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಎರಡು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೈದು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ಸಿ) (ಸಿ) ಖಂಡದಲ್ಲಿ "ಆರು ತಿಂಗಳುಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹದಿನೆಂಟು ತಿಂಗಳಿಗಿಂತ" ಎಂಬ ಪದಗಳನ್ನು ಮತ್ತು "ಐದು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಇಪ್ಪತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಅನುಕ್ರಮವಾಗಿ ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

6. 87ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 87ನೇ ಪ್ರಕರಣದಲ್ಲಿ,-

(ಎ) "ಯುಕ್ತವಾಗಿ ಶಂಕಿಸಲಾದರೆ" ಎಂಬ ಪದಗಳ ತರುವಾಯ "ಅಥವಾ ಅಂಥ ಜೂಜಾಟವಾಡುವುದಕ್ಕೆ ನೆರವಾದರೆ ಅಥವಾ ದುಷ್ಪ್ರೇರೇಪಿಸಿದರೆ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು; ಮತ್ತು

(ಬಿ) "ಮೂರು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಆರು ತಿಂಗಳವರೆಗೆ" ಎಂಬ ಪದಗಳನ್ನು ಹಾಗೂ "ಮೂರು ನೂರು" ಎಂಬ ಪದಗಳ ಬದಲಾಗಿ "ಹತ್ತು ಸಾವಿರ" ಎಂಬ ಪದಗಳನ್ನು ಪ್ರತಿಯೋಜಿಸತಕ್ಕದ್ದು.

7. 114ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 114ನೇ ಪ್ರಕರಣದಲ್ಲಿ "ಜುಲಾನೆಗೂ" ಎಂಬ ಪದದ ಮೊದಲು "ಇಪ್ಪತ್ತೈದು ಸಾವಿರಗಳಿಗೆ ಕಡಿಮೆಯಲ್ಲದ ಆದರೆ ಒಂದು ಲಕ್ಷ ರೂಪಾಯಿಗಳವರೆಗೆ ವಿಸ್ತರಿಸಬಹುದಾದ" ಎಂಬ ಪದಗಳನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು.

8. 128ಎ ಪ್ರಕರಣದ ಸೇರ್ಪಡೆ.- ಮೂಲ ಅಧಿನಿಯಮದ 128ನೇ ಪ್ರಕರಣದ ತರುವಾಯ ಈ ಮುಂದಿನದನ್ನು ಸೇರಿಸತಕ್ಕದ್ದು, ಎಂದರೆ:-

"128ಎ. ಕೆಲವು ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯ ಹಾಗೂ ಜಾಮೀನು ರಹಿತವಾಗಿರುವುದು.-

(1) 87ನೇ ಪ್ರಕರಣವನ್ನು ಹೊರತುಪಡಿಸಿ ಅಧ್ಯಾಯ VIIರ ಅಡಿಯಲ್ಲಿನ ಎಲ್ಲಾ ಅಪರಾಧಗಳು ಮತ್ತು ಅಧ್ಯಾಯ VIIIರ 90, 108, 113, 114 ಹಾಗೂ 123ನೇ ಪ್ರಕರಣಗಳ ಅಡಿಯಲ್ಲಿನ ಎಲ್ಲಾ ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯವಾಗಿರತಕ್ಕದ್ದು ಮತ್ತು ಜಾಮೀನುರಹಿತವಾಗಿರತಕ್ಕದ್ದು;

(2) 87ನೇ ಪ್ರಕರಣದ ಅಡಿಯಲ್ಲಿನ ಅಪರಾಧಗಳು ಸಂಜ್ಞೆಯ ಮತ್ತು ಜಾಮೀನಿಯವಾಗಿರತಕ್ಕದ್ದು.

9. 176ನೇ ಪ್ರಕರಣದ ತಿದ್ದುಪಡಿ.- ಮೂಲ ಅಧಿನಿಯಮದ 176ನೇ ಪ್ರಕರಣದಲ್ಲಿ, "ಮತ್ತು ಅಂಥ ಚಾತುರ್ಯದ ಆಟದಲ್ಲಿ ಭಾಗವಹಿಸುವ ವ್ಯಕ್ತಿಗಳು ಪಣಕಟ್ಟುವುದಕ್ಕೆ" ಎಂಬ ಪದಗಳನ್ನು ಬಿಟ್ಟುಬಿಡತಕ್ಕದ್ದು.

The above translation of **the Karnataka Police (Amendment) Act, 2021 (Karnataka Act 28 of 2021)** shall be authoritative text in Kannada language under section 5-A of the Karnataka Official Language Act, 1963 (Karnataka Act 26 of 1963).

ಧಾವರ್‌ಚಂದ್ ಗೆಹ್ಲೋಟ್
ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರು

ಕರ್ನಾಟಕ ರಾಜ್ಯಪಾಲರ ಆದೇಶಾನುಸಾರ
ಮತ್ತು ಅವರ ಹೆಸರಿನಲ್ಲಿ,

ಜಿ.ಶ್ರೀಧರ್

ಸರ್ಕಾರದ ಕಾರ್ಯದರ್ಶಿ,
ಸಂಸದೀಯ ವ್ಯವಹಾರಗಳು ಮತ್ತು
ಶಾಸನ ರಚನೆ ಇಲಾಖೆ.



Charter for Online Fantasy Sports Platforms (OFSP)

1.1. General Principles

- 1.1.1 This Charter for Online Fantasy Sports Platforms ("Charter") is published and issued by the Federation of Indian Fantasy Sports ("FIFS"). This Charter is applicable to each member of the FIFS ("Member") who is an operator of an online fantasy sports platform ("OFSP") in India. This Charter shall be governed and construed in accordance with the FIFS By-Laws, as amended/reissued from time to time ("By-Laws").
- 1.1.2 In pursuance of its objectives and in an attempt to self-regulate OFSPs within the territory of the Republic of India, FIFS hereby issues this Charter setting out minimum standards and expectations for any entity carrying on the business of operating an OFSP ("OFSP Operators") in India.
- 1.1.3 Provided that all contests on OFSPs operated by any FIFS Members adhere to the General Principles of this Charter in full or are approved in manner set out in this Charter, and subject to such continuing adherence, such OFSP Operator shall be considered an "FIFS Approved Operator". No contest format on an OFSP may be offered by an FIFS Approved Operator unless the same adheres to the Charter or is confirmed by the Governing Council of the FIFS ("Governing Council").
- 1.1.4 In order for an OFSP to be considered for confirmation by the Governing Council, the Operator shall obtain and submit an evaluation and opinion from the Innovation Committee of the FIFS of the proposed contest as a 'game of skill', i.e. a contest in which there is a preponderance of skill over chance in the determination of the winning outcome of the game/contest. Except for format evaluations provided as part of a Member's benefits for a Membership Tier with the FIFS, all costs incurred in obtaining the legal opinion and evaluation referred to above shall be borne by the Member. The Governing Council shall consider the proposed OFSP contest submission and the Innovation Committee's determination and evaluation of the same and determine if the proposed OFSP is approved or rejected as a 'game of skill', and shall notify the Operator of such decision by means of written communication.
- 1.1.5 The acquisition and maintenance of Membership with FIFS shall be subject to the Member ensuring that it only offers and operates contests on its OFSP that adhere to the Charter, which adherence is confirmed by the Innovation Committee, and otherwise adheres to and complies with the provisions of the Charter.

1.2. Organisation

- 1.2.1 Each Member will be duly incorporated in India or have a corporate presence in India and will prominently display its full corporate name, phone/e-mail of head/corporate office and e-mail address for user support and queries on its platform/website.
- 1.2.2 A Member will update and notify the Governing Council and such person that avails the services of a Member ("Member User") of any change in its contact details, as aforesaid.

1.3. Legality

- 1.3.1 All contest formats offered on an OFSP by a Member will be skill predominant. A winning outcome will always reflect the relative knowledge and skill of the user. A winning outcome and every aspect of a fantasy team's performance will always be determined predominantly by the incontrovertible statistical results and elements of players'/athletes' performances and will not be based on subjective elements such as leadership and other qualitative measures.
- 1.3.2 A contest offered on an OFSP by a Member will comprise of a contest where a Member User competes against other contest users as the owner/manager of a fantasy team of real-world athletes in a real-world sports match.
- 1.3.3 A Member will offer its pay-to-play contest format on an OFSP such that Indian users will only compete with other Indian users and, towards this end, shall not process any foreign

payment transactions or accept international credit cards or other foreign currency instruments in respect of user deposits or platform fee and prize pool contributions to such contests.

- 1.3.4 Participation in pay-to-play contest formats in India will be restricted to users who reside only in those states in which the pay-to-play formats of the contests are legal. Pay-to-play formats will not be offered to users located in the states of Assam, Telangana and Orissa and any other state that may be designated by the FIFS Board ("Excluded States"). In the event that a Member wishes to offer its pay-to-play format in Nagaland, Sikkim or any state which requires a license to operate online fantasy sports, the Member will obtain and maintain all necessary licenses before providing the contest in such states.
- 1.3.5 Each Member will ensure that if it comes to its attention that a user from an Excluded State attempts to participate in a pay-to-play format of a OFSP, it will not disburse any prizes to such user and shall be entitled to forfeit the entire amount of the platform fee and prize pool contribution, and freeze and forfeit the amounts in all contest accounts of such user held with the Member.
- 1.3.6 Pay-to-play contest formats on an OFSP will not be offered by a Member to users who are less than eighteen (18) years old.
- 1.3.7 Each Member will ensure that each contest offered in a pay-to-play format on an OFSP relates to a minimum of one (1) complete real-world sports match that has been officially sanctioned by an international, national or state sports federation/association. All Members will ensure that no contest shall be offered in relation to a part or portion of a stand-alone real-world sports match (e.g., an innings or an over of a cricket match, a half of a football match, etc.).
- 1.3.8 Each Member will ensure that the platform fee and prize pool contribution charged to a user for participation in a particular contest is pre-determined and declared to such user before he/she participates in the contest.
- 1.3.9 The prize money for a particular contest of a pay-to-play format on an OFSP will be pre-determined and conspicuously displayed at the time of participation for a particular pay-to-play format on an OFSP. If the amount of such prize money is dynamic, a Member will ensure that participating users affirmatively accept as having read and understood, at the time of entry for a particular contest of a pay-to-play format on an OFSP, the maximum and minimum amounts which may be won by a user and the criteria for determination of the amount of prize money for the particular contest of a pay-to-play format on an OFSP.
- 1.3.10 Members will not offer contests on an OFSP for an amateur, university, college, high-school or other sports match (whether or not such match is officially sanctioned) where the participants are required to be under the age of eighteen (18) years.
- 1.3.11 Members will ensure that the budget, rules, playing conditions, the chances of winning and risks of winning with respect to a particular contest remains equal for all users participating in such contest.
- 1.3.12 In contests on an OFSP, the skill component of such contests is predominantly determined via a manual team selection by users. As such, users will not be offered the opportunity or option to auto-select or auto-fill any part or portion of their fantasy sports teams.
- 1.3.13 All users will be restricted from drafting or editing their fantasy team after the passing of a predetermined and pre-declared deadline. All contests on an OFSP will lock prior to the commencement of the underlying real-world competition to which the contest relates, and users will not be permitted to make any changes to their fantasy team during the course of a match or afterwards, which affects the tabulation of points with respect to such match.
- 1.3.14 A team selection by a user will have to conform to the skill-set based combinations prescribed by a Member's rules and terms and conditions.

- 1.3.15 A contest on an OFSP will require a user to draft a fantasy team composed of at least the number of athletes that would comprise a starting line-up of one (1) team in the real-world sports match; provided always that the minimum number of players in a fantasy team shall be five (5).
- 1.3.16 At any given time, a user will be restricted from selecting more than seventy five percent (75%) of his/her fantasy players that constitute his/her fantasy team or squad from a single real-world team/squad in a single contest. Any fractional amounts shall be rounded down to the nearest whole number.
- 1.3.17 Each Member will ensure that only real-world players and athletes are permitted to be drafted for fantasy sports teams.
- 1.3.18 A winning outcome will not be based on the score, point-spread, or any performances or results or partial results of any single real-world team or any combination of real-world teams.
- 1.3.19 A winning outcome will not be based on the score, point spread or performance of a single athlete in any single real-world sports match.
- 1.3.20 The winning outcome of a contest on an OFSP offered by a Member will not be based on Esports contests or virtual, randomised, simulated or historical sports matches
- 1.3.21 The winning outcome of a contest on an OFSP offered by a Member will not be based on randomised, simulated or historical sports matches.
- 1.3.22 Winners of a contest will receive the pre-determined and announced prize irrespective of the amount of funds received from entrants in that particular contest where the contest has been advertised as unconditional.
- 1.3.23 In case a contest is abandoned for lack of participation or due to cancellation of the real-world match to which the contest relates, the total amount of money paid by each user will be refunded in full without retaining or deducting any fee, unless specifically mentioned otherwise in advance.
- 1.3.24 In the event that a particular contest is dependent on a certain minimum number of users participating, the users will be clearly and unambiguously made aware of the fact that such contest will not take effect unless such pre-determined and specified number of users join that contest.
- 1.3.25 Members will maintain a clear distinction between fantasy sports and sports betting in all of its activities and communications to users and to the public.
- 1.3.26 Members will not use terms related to gambling or betting in the promotion and marketing of their OFSPs and contests thereon nor list its OFSPs and/or contests thereon using search tags such as 'betting', 'gambling', 'wager' or 'sports betting'.
- 1.3.27 Members will not offer gambling services.

1.4. Transparency and Disclosure:

- 1.4.1 Members will draft and publish for general review on its platform/website, the terms and conditions and other policies relating to its OFSP, which will accurately and clearly specify (without limitation) the mechanics and rules of the contest, the terms and conditions of each contest, the points calculation mechanism and the manner of determination of winners, the prizes and distribution of the prizes.
- 1.4.2 All the above documents will be made available on the Members' platform/website and any material changes thereto will be affirmatively communicated to all users in advance.
- 1.4.3 Members will not to their knowledge permit or facilitate the use of scripts that provide a user or a limited set of users with an unfair advantage.
- 1.4.4 Members will make available all authorised scripts to all OFSP users.

1.5. Integrity:

- 1.5.1 Member Personnel will be restricted from playing the pay-to-play format on an OFSP operated by a Member or any other Operator.
- 1.5.2 Member Personnel and their immediate relatives (including their parents, siblings, spouses and children) will not participate in any pay-to-play format on an OFSP, with other users, offered by the Member.
- 1.5.3 Members will be allowed to create official tester accounts to join pay-to-play format on an OFSP operated by a Member's platform or any other Operator, given that these accounts will be clearly designated as such. These test accounts will be registered with FIFS and will not be eligible to win prizes of any kind in the course of participation in any OFSPs.
- 1.5.4 Members will not make any preferential disclosure of confidential information concerning the OFSP or statistical information relevant to a contest on an OFSP to any user.
- 1.5.5 Members will comply with the FIFS Responsible Gaming Policy and any amendments/re-enactments thereto.

1.6. Financial Integrity:

- 1.6.1 Members will maintain separate accounts for (a) operational expenses and (b) prize pool funds and pay-outs to be made to winners. Members will ensure that user funds and payouts will not be at risk if the Member were to cease doing business.
- 1.6.2 The principal amount of funds in the user accounts will not be diverted or used by a Member under any circumstances for any purpose except for transfers to such user's verified and registered bank account with the Member, provided that the Member may deposit such funds with reputed banks in a manner that enables the withdrawal of funds by a user within the time period stipulated by the Member.
- 1.6.3 The account(s) maintained by the Member for prize pool funds, for user account balances and for making payments to winners shall each be non-interest earning accounts.
- 1.6.4 Members will not permit any transfer or transmission funds between user accounts.
- 1.6.5 Each member shall implement controls and preventive measures in accordance with good prudential industry practice or as prescribed by FIFS to detect and prevent the use of its OFSP for money laundering or terror financing, which measures shall be commensurate to the risk identified in its annual risk assessment, and shall conduct an annual assessment of the risks of its OFSP being used for money laundering and terrorist financing.
- 1.6.6 For any single winning amount greater than Rs.10,000 (Rupees Ten Thousand), Members will deduct the appropriate amount of tax deducted at source (TDS) under Section 194B of the Income Tax Act 1961, and other applicable tax legislations and regulations. Members will pay TDS with government authorities and issue TDS certificates in respect of any such tax deductions to users within the stipulated time.
- 1.6.7 Members will pay applicable Goods and Service Tax and Corporate Tax on the platform fees earned in relation to the operation of their OFSP as per applicable laws.
- 1.6.8 Members will maintain records of all transactions related to contests on their respective OFSP, whether such transactions comprise a single transaction or a series of transactions integrally connected to each other for a period of five (5) years from the date of cessation of the transactions between the customer and financial institution(s).
- 1.6.9 In the event that a Member delays in paying/crediting the prizes or payouts to user(s) in contests beyond the declared date of payment, the Member will pay the user interest at the prevailing SBI Fixed Deposit rate + 5% per annum.

1.7. Intellectual Property:

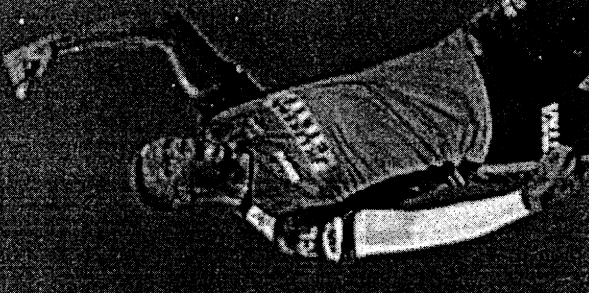
- 1.7.1 Members will not, without obtaining license and authorisation, use any third-party intellectual property rights, including player images, photographs, trademarks or logos on its platform/website as promotion of its OFSP.
- 1.7.2 Members will not, without obtaining license and authorisation, claim any official association or affiliation with any sports governing body, player, team or tournament.
- 1.8. **Amendment:**
- 1.8.1 This Charter may be amended in the manner set out in the By-Laws.

THE



DECCAN HERALD

The Power of Good



SRH all but dash RCB's hopes of top-two finish

Bangalore lose by
four runs in a modest
chase
Page 16

IPL 2021	
MATCH RESULT	
SRH	RCB
141/7 (20)	137/6 (20)
TODAY'S MATCHES	
CSK VS PPKS @ 3.30 PM	
KOR VS RR @ 7.30 PM	

UP violence: SC steps in, hearing today

Supreme Court registers
suo motu case
against Lakhimpur
Kheri incident

ASHISH TRIPATHI
NEW DELHI, DHNS

The Supreme Court has
taken suo motu cogni-
sance of the Lakhim-
pur Kheri violence in Uttar



Congress leaders Phayanka Gandhi and Rahul Gandhi meet
the family of a farmer killed in Lakhimpur Kheri, in

Gaming companies start geo-blocking K'taka users

AKRAM MOHAMMED
BENGALURU, DHNS

Several prominent gaming
apps started geo-blocking
users from Karnataka as the
provisions of the amended
Karnataka Police Act kicked
in on Thursday.

The Act, notified by the
government on Wednesday,
bans online betting and wa-
gging, and has attracted criti-
cism from various quarters
as the provisions are vaguely
defined. The All India Gam-
ing Federation said it will
challenge the law in court as
legitimate online skill gaming
businesses have been hit.

Users trying to access



games on platforms like
MPL, Nazara, Games 24x7 etc
got alerts that the apps were
prohibited in Karnataka.

While some of
the games involve wagering,
there are concerns that partici-
pating in online tournaments
of chess, Sudoku and others
could also be construed as ille-

'No ban per se'

Home Minister Araga
Jannendra said skill
games are not banned
per se. "Only gambling
for various sports and
games are banned," he
told DH, adding that
rules will be framed soon
to address any ambigu-
ties about the law. It will
only curb attempts to
swindle money, he said.

gal due to the vague definition
of 'skill games', 'wagering' and
other terms in the new law.
• Gaming, Page 5

Rain washes away soil around Metro pillars

BBMP survey: 4,43 households refuse to get jabbed

Most from slums,
feared side effects
and loss of earnings

SHEHA RAMESH
BENGALURU, DHNS

Launching a block and
lane-level vaccination
survey covering house-
holds of Bengaluru a few days
ago, the Bruhat Bengaluru
Mahanagara Palike (BBMP)
has discovered that about
10,000 people in more than
4,400 households have re-
fused to get jabbed.

Despite repeated efforts
and innovative techniques
to achieve 100% vaccination,
many people, a majority of
them in slums, have refused
to undergo vaccination for
various reasons. According to
data made available by BBMP,
of the 76,373 households sur-
veyed, as many as 4,437 said

600 daily cases
in Mumbai after
July
For the first time
after July 14, Mumbai o
Wednesday logged mor
than 600 new Covid-19
cases a day ahead of the
scheduled reopening of
temples. On Tuesday, it
financial capital reports
433 cases.

they have not been vaccina-
-There is still a lot of re-
sance, especially in slum
said a BBMP officer from i
Zone who is part of the
vey. "The major hindrance
these areas with people fi
lower-income groups is i
they are afraid of side effe
he said. A few residents c
slammed their doors on
survey staff. People cited n
ing work if they fall ill afte
job for their reluctance.
• Survey, Page 3A

Experts fear Delta could be evolving to beat vax

AKHIL KADIDAL
BENGALURU, DHNS

There may not be any new var-
iants of the novel coronavirus
at the moment, but experts are
worried as evidence building
from breakthrough infec-
tions point to

ages in Karnataka conti
to be AY.4 and AY.12 D
variants. The good new
that vaccinations are lan
keeping these under ch
However, there is now con
that breakthrough infect
being recorded will has
the emerge

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ANNEXURE - P6

Cites 3 docs

The Finance Act, 1996

Article 19(1)(g) in The Constitution Of India 1949

The Public Gambling Act, 1867

Citedby 0 docs

D.Siluvai Venance vs State Rep. By on 25 October, 2019

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Rajasthan High Court**Chandresh Sankhla S/O Jagdish ... vs The State Of Rajasthan on 14 February, 2020****Bench: Indrajit Mahanty, Ashok Kumar Gaur**

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 6653/2019

Chandresh Sankhla S/o Jagdish Singh, Aged About 42 Years, R/o
55/248, Alakhnanda Colony, Vaishali Nagar, Ajmer- 305004

----Petitioner

Versus

1. The State Of Rajasthan, Through The Chief Secretary,
Government Of Rajasthan, State Of Rajasthan,
Government Secretariat, Jaipur-302005
2. The Home Secretary, Government Of Rajasthan, State Of
Rajasthan, Government Secretariat, Jaipur-302005
3. Mr. Bhavit Rajesh Sheth, Whole Time Director, Dream11
Fantasy Private Limited, 1901, A-Wing, Naman Midtown,
Senapati Bapat Marg, Elphinstone - West Mumbai Mumbai
City, Maharashtra- 400013
4. Harsh Anandkumar Jain, Managing Director, Dream11
Fantasy Private Limited, 1901, A-Wing, Naman Midtown,
Senapati Bapat Marg, Elphinstone - West Mumbai Mumbai
City, Maharashtra- 400013

----Respondents

For Petitioner(s) : Mr.Sunil Kumar Singh, Advocate.
For Respondent(s) : Mr.Rajesh Maharshi, Additional
Advocate General with Mr.Udit
Sharma, Advocate for respondents
No.1 & 2.
Mr.Arvind Lakhawat, Mr.Prateek
Kasliwal, Ms.Gauri Jasana, Mr.Prakhar
Sharma, Ms.Arani Mukherjee for
respondents No.3 & 4.

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Judgment

Judgment Reserved on : 10th February, 2020

Date of Pronouncement : 14th February, 2020

By the Court: (Per Hon'ble Gaur, J.)

(2 of 8) [CW-6653/2019] The present Public Interest Litigation (PIL) petition has been filed by the petitioner claiming himself to be a resident of Ajmer City, involved in the business of imparting education by way of coaching to the youth of Ajmer City.

2. The grievance raised in the present petition is in respect of the online game known as "Dream 11" and the said online game is alleged to be betting of cricket team and amounting to gambling. The petitioner has submitted that public in general are cheated in the name of "Dream 11" game and people become culprit of gambling and betting without having the proper knowledge of law. The petitioner has submitted that by permitting "Dream 11" game to be played, the respondents are committing offence of gambling and betting.

3. The prayers made in the Public Interest Litigation petition are quoted hereunder:-

"10.Relief(s) prayed for: In the facts and circumstances enumerated above this Hon'ble Court may be graciously pleased to direct;

10.1 That the suitable orders/directions may be issued to the respondents No.1 & 2 for to stop illegal game of gambling and betting organised by respondents No.3 & 4. 10.2 That the suitable orders/directions may be issued to the respondents No.1 & 2 to book a criminal case(s) against respondents No.3 & 4 for abetting the game of gambling and betting.

10.3 That the suitable orders/directions may be issued to the respondents No.1 & 2 to make necessary arrangements so that such organised crime is not committed in this country by respondents No.3 & 4 in any manner whatsoever."

4. The respondents No.1 & 2 have filed reply to the PIL petition and prayed that the present petition is a frivolous petition which has been filed with bald and vague allegations against the State authorities. The respondents have also pleaded that the (3 of 8) [CW-6653/2019] authorities in the State of Rajasthan are conscious of their statutory duties towards public and any illegal act of gambling and betting, is dealt with, as per the provisions of the Rajasthan Public Gambling Ordinance, 1949 and further as per the duties assigned under the Public Gambling Act, 1867.

5. The respondents have also pleaded that the Punjab and Haryana High Court in the case of Varun Gumber Vs. Union Territory of Chandigarh and Ors. reported in 2017 Cri.L.J. 3827 has considered the similar issue with respect to the game "Dream 11" and it has been found that "Dream 11" game does not involve any commission of offence of gambling and betting and accordingly, the writ petition was dismissed vide order dated 18.04.2017. The respondents have also pleaded that the order of Punjab and Haryana High Court was challenged before the Hon'ble Supreme Court in Special Leave Petition No.27511/2017 and the Hon'ble Supreme Court has dismissed the said Special Leave Petition vide order dated 15.09.2017.

6. The respondents have also pleaded that issue with regard to nature of "Dream 11" game as whether it involves gambling/ betting was also examined by Division Bench of the Bombay High Court in the case of Gurdeep Singh Sachar Vs. Union of India & Ors. [Criminal Public Interest Litigation Stamp No.22 of 2019] and Division Bench of the Bombay High Court vide its judgment dated 30.04.2019 upheld the legality of the "Dream 11" game. The judgment of Division Bench of Bombay High Court dated 30.04.2019 was challenged before the Hon'ble Supreme Court in Special Leave Petition (Criminal) Diary No.35191/2019 (4 of 8) [CW-6653/2019] and the Hon'ble Supreme Court has dismissed the said Special Leave Petition vide order dated 04.10.2019.

7. The respondents have pleaded that as per Section 12 of the Rajasthan Public Gambling Ordinance, 1949, the game involving "mere skill" is exempted from the applicability of the Act/Ordinance and since "Dream 11" game has been held to be a game of skill, no fault can be found by the answering respondents in the activity which is carried out by the private respondents.

8. The respondents No.3 and 4 have also filed reply to the PIL petition and submitted that the petition is wholly frivolous and it does not raise any genuine claim of public concern/injury. The respondents

have pleaded that the petitioner has failed to show as how "Dream 11" game falls within the ambit of gambling/betting.

9. Mr. Sunil Kumar Singh, learned counsel for the petitioner submitted that this Court is required to declare the "Dream 11" game to be involved in gambling and betting and playing such game is a mere chance and not the skill. Counsel further submitted that the State authorities have miserably failed to discharge their statutory obligation of preventing such game which is played by the innocent people and they indulge themselves in gambling and betting.

10. This Court finds that the issue of considering the nature of game played as "Dream 11" has been examined by the Punjab and Haryana High Court in the case of Varun Gumber (supra) and the writ petition was dismissed vide order dated 18.04.2017. The extract of the order dated 18.04.2017, relevant for the present purpose, is reproduced as under:-

(5 of 8) [CW-6653/2019] "In view of the finding rendered by the Hon'ble Supreme Court aforementioned, it leaves no manner of doubt that on the scope and ambit of the term game "mere skill" in the context of the present case, in other words, the Hon'ble Supreme Court has held that :-

"i) the competitions where success depends upon the substantial degree of skill are not gambling; and

ii) despite there being an element of chance, if a game is preponderantly a game of skill it would nevertheless be a game of "mere skill".

It has been found that horse racing like foot racing, boat racing, football and baseball is a game of skill and judgment and not a game of chance. The aforementioned finding squarely applies to the present case. Even from the submissions and contentions of respondent-company and factual position admitted in writ petition, I am of the view that playing of fantasy game by any participant user involves virtual team by him which would certainly requires a considerable skill, judgment and discretion. The participant has to assess the relative worth of each athlete/sportsperson as against all athlete/sportspersons available for selection. He is required to study the rules and regulations of strength of athlete or player and weakness also. The several factors as indicated above submitted by the respondent - company would definitely affect the result of the game. Admittedly, the petitioner himself created a virtual team of a Cricket Match between two countries as indicated in the website by choosing 11 players out of total player, who were to play for two countries collectively and after forming a virtual team of 11 players as per his own selection, knowledge and judgment, which is thoughtful Will, he joined various leagues for the leagues selected by him and after registration which was declared before participating, was not about possibility of winning or losing like horse riding not every better is winner.

The respondent company's website and success in Dream 11's fantasy sports basically arises out of users exercise, superior knowledge, judgment and attention. I am of the further view that the element of skill and predominant influence on the outcome of the Dream11 fantasy than any other incidents are and therefore, I do not have any hesitation in holding the any sports game to constitute the game of "mere skill" and not falling within the activity of gambling for the invocation of 1867 Act and thus, the respondent company is therefore, exempt from the application of provisions, including the penal provisions, in view of Section 18 of 1867 Act. Equally so, before I conclude, I must express that gambling is not a trade and thus, is not protected by Article 19(1)(g) of Constitution of India and thus, the fantasy games of the respondent

-company cannot said to be falling within the gambling activities as the same involves the substantial skills which is nothing but is a business activity with due registration and (6 of 8) [CW-6653/2019] paying the service tax and income tax, thus, they have protection granted by Article 19 (1)(g) of Constitution of India.

Resultantly, the questions noticed above are squarely answered in favour of the respondent - company and no need to issue the direction against the respondents to settle the criminal law into motion.

Accordingly, the writ petition stands dismissed."

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11. This Court further finds that the order passed by the Punjab and Haryana High Court in the case of Varun Gumber (supra) was challenged before the Hon'ble Supreme Court and the Hon'ble Supreme Court vide order dated 15.09.2017 has dismissed the Special Leave Petition.

12. This Court finds that Division Bench of the Bombay High Court in the case of Gurdeep Singh Sachar (supra) has again considered whether the activity of playing "Dream 11" game amounts to gambling/betting and dismissed the petition vide order dated 30.04.2019. The relevant portion of the order dated 30.04.2019 is reproduced hereunder:-

"8. XX XX XX It is evident that the expressions 'betting' or 'gambling' were used interchangeably in Section 65B(15) of the Finance Act, 1994. Again the test applicable was whether it was a game of chance or game of skill. Only if the result of the game/contest is determined merely by chance or accident, any money put on stake with consciousness of risk and hope to gain, would be 'gambling' or 'betting'. There is no merit in the submission that the result of their fantasy game/contest shall be considered as merely by chance or accident notwithstanding involvement of substantial skill. The petitioner claims that the result would depend largely on extraneous factors such as, who amongst the players actually play better in the real game on a particular day, which according to the petitioner would be a matter of chance, howsoever skillful a participant player in the online fantasy game may be. The petitioner has lost sight of the fact that the result of the fantasy game contest on the platform of respondent No.3, is not at all dependent on winning or losing of any particular team in the real world game. Thus, no betting or gambling is involved in their fantasy games. Their result is not dependent upon winning (7 of 8) [CW-6653/2019] or losing of any particular team in real world on any given day. In these circumstances, there is no plausible reason to take a contrary view than that taken by the Hon'ble Punjab and Haryana High court, which judgment has already been upheld by the Hon'ble Supreme Court in the SLP filed against the respondent No.3 itself. Moreover, the said issue is also covered by a judgment of 3 Judge Bench of the Hon'ble Supreme Court, to which detailed reference is made in the order of the Hon'ble Punjab and Haryana High Court. It is thus clear that the activity of the respondent No.3 do not amount to 'gambling' or 'betting' or 'wagering' even if the definition contained in Finance Act, 1994 is taken into consideration.

9. to 16. XX XX XX

17. The authorities have therefore not taken any coercive steps against the respondent No.3, and rightly so. No case for issuing any directions is made out. It is seen that the entire case of the Petitioner is wholly untenable, misconceived and without any merit. It can be seen that success in Dream 11's fantasy sports depends upon user's exercise of skill based on superior knowledge, judgment and attention, and the result thereof is not dependent on the winning or losing of a particular team in the real world game on any particular day. It is undoubtedly a game of skill and not a game of chance. The attempt to reopen the issues decided by the Punjab and Haryana High Court in respect of the same online gaming activities, which are backed by a judgment of the three judges bench of the Apex Court in K. R. Lakshmanan (supra), that too, after dismissal of SLP by the Apex Court is wholly misconceived."

13. The order of Division Bench of Bombay High Court in Gurdeep Singh Sachar (supra) was challenged before the Supreme Court in Special Leave Petition (Criminal) Diary No.35191/2019 and the Hon'ble Supreme Court has dismissed the said Special Leave Petition vide order dated 04.10.2019.

14. This Court further finds that after dismissal of the Special Leave Petition by the Hon'ble Supreme Court, IA No.14605/2020 for clarification/direction was filed and the Hon'ble Supreme Court vide order dated 31.01.2020 dismissed the interlocutory application for clarification. The Apex Court has also observed that scope of review petition which was filed in the Bombay High Court (8 of 8) [CW-6653/2019] was only with respect to GST and not to re-visit the issue as to whether gambling is or is not involved.

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15. This Court finds that the issue of treating the game "Dream 11" as having any element of betting/gambling is no more res integra in view of the pronouncements by the Punjab and Haryana High Court and Bombay High Court and further the SLPs have also been dismissed against the orders of these High Courts.

16. Consequently, this Court finds no merit in the present Public Interest Litigation petition and the same is accordingly dismissed. No costs.

(ASHOK KUMAR GAUR),J (INDRAJIT MAHANTY),CJ Solanki DS, PS Powered by TCPDF
(www.tcpdf.org)



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 20779/2019

Ravindra Singh Chaudhary S/o Shri Gopal Singh Ji Choudhary,
Aged About 33 Years, R/o 83, Purohit Ji Ka Bas, Behind
Geejgarh House, Hawa Sadak, 22 Godam, Jaipur-302006

----Petitioner

Versus



Union Of India, Through Ministry Of Finance, Department
Of Revenue, Government Of India, North Block, New
Delhi-110001 Through Secretary

The State Of Rajasthan, Through Chief Secretary,
Government Of Rajasthan, Government Secretariat,
Jaipur.

Additional Chief Secretary, Home Department,
Government Of Rajasthan, Government Secretariat,
Jaipur.

4. Additional Commissioner Of Central Goods And Service
Tax, Jaipur Zone, Ncr Building, Statue Circle, C Scheme,
Jaipur-302005
5. Dream11 Fantasy Private Limited, Through Its Managing
Director, 1901, A-Wing, Naman Midtown, Senapati Bapat
Marg, Elphinstone-West Mumbai, Mumbai City,
Maharashtra-400013

----Respondents

For Petitioner(s)	: Mr. Punit Singhvi through VC
For Respondent(s)	: Mr. Vikram Nankani, Sr.Adv. with Mr. Arvind Lakhawat through VC Mr. H.V. Nandwana through VC Mr. Karan Bharihok through VC Mr. Siddharth Ranka through VC Mr. R.D. Rastogi, ASG through VC Mr. Rajesh Maharshi, AAG through VC

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL**



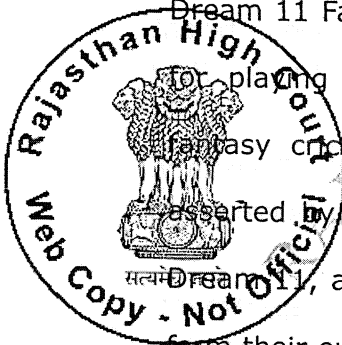
JUDGMENT RESERVED ON :: **01/10/2020**

JUDGMENT PRONOUNCED ON :: **16/10/2020**

BY THE COURT(PER HON'BLE THE CHIEF JUSTICE):

1. This writ petition has been filed in the nature of a Public Interest Litigation, *inter-alia*, alleging that respondent No.5-Dream 11 Fantasy Private Limited provides a platform to its users for playing sports and games on a virtual platform, such as fantasy cricket, football, kabaddi, basketball and hockey. It is asserted by the petitioner that the said virtual platform, namely Dream 11, allow its users to register and play various games, to form their own teams made up of real players for cricket, football, kabaddi and NBA with maximum budget of 100 crores. It is further asserted that users initially have to pay an amount of ₹100/-, out of which 20% is retained by respondent No.5-Dream 11, whereas 80% of the remaining balance is transferred towards the winning amount for the game. It is alleged that the game being played on the aforesaid platform is nothing else but "betting" on the cricket team. It is further alleged that online fantasy sports games are games of chance, thereby constituting illegal act of gambling/ betting and that respondent Nos.1 to 4 are not prohibiting this illegal act.

2. Further, the petitioner prays for action to be taken against the private-respondent No.5 under the Central Goods and Service Tax Act, 2017 (for short, 'the CGST Act') and the Rules made thereunder for evasion of GST. In this respect, it is alleged that the private-respondent No.5 is not paying GST under proper





classification, which should be @ 28% and only pays 18% GST that too on the amount received from a participant and retained by it, which effectively amounts to evading GST on balance 80% amount, which is transferred towards the winning amount for the game. The petitioner referred to Section 65-B(15) of the Finance Act, 1994 for definition of "betting or gambling", Section 2(13) of

the CGST Act for definition of "consideration" and rule 31-A of the Central Goods and Service Tax Rules, 2018 (for short 'the CGST Rules'). The petitioner also referred to Circular No. 27/01/2018-GST dated 04.01.2018 issued in respect of horse racing and on

such basis alleges that GST should have been payable on 100% of the amount received. According to the petitioner, out of every ₹100/- received by the private respondent No.5 from the participants, ₹80/- are set aside in an escrow account for the common price pool and same is distributed amongst the winners and on such sum no GST is paid which, is being paid on the remaining amount retained as Platform Fee i.e. ₹20/-. The petitioner also alleges that even on the said actionable claim amount of ₹80/- kept in the escrow account and distributed amongst the winners, GST should be payable by the private respondent No.5, that too @ 28%. In substance, the present PIL seeks action against the private respondent No.5 – Dream 11 by raising two issues, namely:-

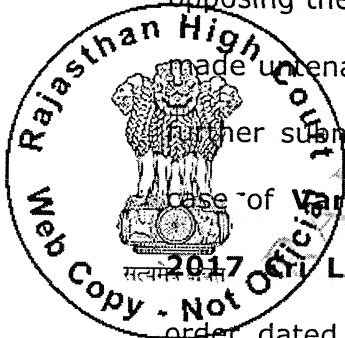
(1) Whether online fantasy sports games offered on Dream 11 platform are "gambling/betting" ?

(2) Whether respondent No.5-Dream 11 is wrongly classifying its virtual online game under the wrong entry for



GST and, therefore, violating Rule 31(A) (3) of the CGST Rules, 2018 in order to evade GST?

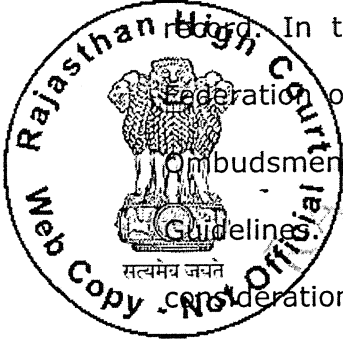
3. Respondent Nos. 2 & 3, namely State of Rajasthan and the Additional Chief Secretary, Home Department, Government of Rajasthan have filed a detailed counter affidavit dated 26.08.2020 opposing the PIL stating therein that the PIL petitioner has merely made untenable allegations without any facts and substance. It is further submitted that the Punjab & Haryana High Court in the case of **Varun Gumber Vs. Union Territory of Chandigarh**, 2017 Cri LJ 3827, vide judgment dated 18.04.2017 and the order dated 15.09.2017 passed by the Hon'ble Supreme Court dismissing the Special Leave Petition against the aforesaid judgment have come to hold that the fantasy games of Dream 11 are games of mere skill and their business has protection under Article 19(1)(g) of the Constitution of India. The counter affidavit submitted by the respondent Nos. 2 and 3, further referred to the detailed judgment of the Bombay High Court dated 30.04.2019 in **Criminal Public Interest Litigation Stamp No. 22/2019 - Gurdeep Singh Sachar Vs. Union of India & Ors., (2019) 75 GST 258 (Bombay)**. The said PIL challenging the activities of respondent No.5 - Dream-11 as gambling and betting as well as the contention regarding alleged GST evasion was dismissed. These respondents have also referred to the earlier judgment of this Court in **D.B. Civil Writ Petition No. 6653/2019 - Chandresh Sankhla Vs State of Rajasthan, reported in 2020 SCC Online Raj 264**, wherein similar contentions alleging online fantasy sports games offered by respondent No.5 as gambling and





betting were rejected and, therefore, it was prayed that the petition filed is in essence to personal gain and popularity and no legitimate case has been made out.

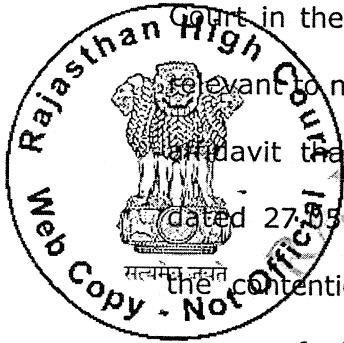
4. Respondent No.5 – Dream-11 has also filed a detailed counter affidavit dated 12.08.2020 opposing the PIL. An additional affidavit came to be submitted by the said respondent, which is on



In the said affidavit, reference has been made to the Federation of Indian Fantasy Sports (FIFS) including its Charter, Ombudsmen Rules, Leadership Team and Self Regulation Guidelines. The aforesaid documents were taken into consideration by the Madurai Bench of the Madras High Court, which was pleased to rely on the aforesaid documents in its order dated 25.10.2019 passed in Criminal O.P. (M.D.) No. 7087/2017. Our attention was drawn towards the SLP (Diary No.) 43346/2019 and 41632/2019 filed by the Union of India impugning the judgment of the Bombay High Court in **Gurdeep Singh Sachar (Supra)** and the orders in this case dated 04.10.2019, 13.12.2019, 31.01.2020 & 06.03.2020 passed by the Hon'ble Supreme Court, 276th Law Commission of India report and show cause on demand notice dated 27.05.2020, issued by the Commissioner of CGST. Reference has also been made to a further detailed judgment dated 18.04.2017 passed by the Punjab & Haryana High Court in the case of **Varun Gumber (Supra)**, which, after considering in detail the online fantasy games offered by platform of Dream 11 and relying upon the judgment of the Hon'ble Supreme Court, has come to hold that fantasy games were games of mere skill and that the business of Dream-11 had



the protection of Article 19 (1) (g) of the Constitution of India and same did not amount to gambling. It was further brought on record that SLP (Diary No.) 27511/2017 filed against the judgment rendered by the Punjab & Haryana High Court came to be dismissed by the Hon'ble Supreme Court vide order dated 15.09.2017. Respondents also relied upon the judgment of this



Court in the case of **Chandresh Sankhla (Supra)**. It would be relevant to note herein that respondent No.5 pointed in its counter affidavit that in the show cause notice-cum - demand notice dated 27.05.2020, issued by the Commissioner of CGST, it was the contention of the Department that the games offered are games of skill by relying upon the judgment of the Hon'ble Supreme Court in the case of **Dr. K.R. Lakshmanan Vs. State of Tamil Nadu, (1996) 2 SCC 226**.

5. Shri R.D. Rastogi, learned Additional Solicitor General appearing on behalf of respondent-Union of India submitted that the present PIL deserves to be dismissed as it was not maintainable contending that the issue of gambling/betting had already been closed by the Hon'ble Supreme Court in its order dated 13.12.2019 and the only issue kept open was regarding GST. He further submitted that issue of GST has already been raised by the Department in its review petition filed before the Bombay High Court, which is currently pending and insofar as the issue of gambling/betting is concerned, the stand taken by the Department in the show cause notice dated 27.05.2020 issued to the Dream-11 and the submissions made by the learned Additional Solicitor General by relying upon the order dated



13.12.2019 passed by the Hon'ble Supreme Court, made it clear that nature of business run by the private respondent No.5 was neither gambling nor betting.

6. All the parties represented through their respective counsels were heard through video conferencing and written submissions were filed by respondent No.5.



It would be relevant at the outset to take into consideration the fact that common definition of "gambling/betting" relied upon by the PIL petitioner as well as by the Union of India in its SLP filed before the Hon'ble Supreme Court is available in Section 65(B) (15) of the Finance Act, 1994 which reads as under:-

"Section 65-B. Interpretations:

(15) Betting or gambling means putting on stake something of value, particularly money, with consciousness of risk and hope of gain on the outcome of a game or a contest, whose result may be determined by chance or accident, or on the likelihood of anything occurring or not occurring."

8. Therefore, it is clear from the above that the test applicable is whether the result of the fantasy game offered by respondent No.5 is determined merely by chance or accident or on the likelihood of anything occurred or not occurred.

9. The Hon'ble Supreme Court has consistently held that the games of skill are distinguishable from gambling and enjoy protection under Article 19(1) (g) of the Constitution of India. Hon'ble Supreme Court in the case of **State of Bombay Vs. R.M.D. Chamarbaugwala & Anr., AIR 1957 SC 699**, also came to hold that competitions which involve substantial skill are not gambling activities and such competitions are business activities



entitled to protection guaranteed by Article 19(1) (g) of the Constitution of India. It has been held in para 23 as under:-

"23. Applying these principles to the present Act, it will not be questioned that competitions in which success depends to a substantial extent on skill and competitions in which it does not so depend, form two distinct and separate categories. The difference between the two classes of competitions is as clear-cut as that between commercial and wagering contracts....."



While deciding the issue pertaining to the fantasy games offered on the platform of respondent No.5, in the case of **Varun Gumber (supra)**, in a reasoned judgment dated 18.04.2017, the Punjab & Haryana High Court analyzed the business model of respondent No.5 in detail and held that the same did not amount to gambling because it was a game of mere skill as opposed to a game of chance. The High Court *inter-alia* noted and favourably considered following important aspect of the fantasy games offered by the respondent No.5 herein:-

"5. What is a fantasy sports game".

b) Any fantasy sports game offered by them is a game which occurs over a pre-determined number of rounds (which may extend from a single match/sporting event to an entire league or series in which participating users select, build and act as managers/selectors of their virtual team"

6. Requirments of material and considerable skills by the user in 'drafting' of a virtual team and 'playing' fantasy sports game:

c) The drafting of a virtual team involves the exercise of considerable skill as the user must first assess the relative worth of each athlete/sportsperson as against all athletes/sportspersons available for selection. The user has to study the rules and make evaluations of the athlete's strengths and weaknesses based on these rules.



d) Further, a user's virtual team cannot be entirely or substantially consisting of athletes from a single real-world team. In the case of fantasy cricket and fantasy football games, the Dream-11 rules stipulate that not more than 7 of the 11 athletes in the virtual team may be from a single real-world team.. ...

f) Therefore, users engaged in participating in Dream-11's fantasy sports read and understand the rules of the game published by Dream-11, and make their assessment of athletes and the selection of athletes in their virtual team on the basis of the anticipated statistics of their selection; for example, in the fantasy cricket game, a user needs to evaluate, in the case of a batsman, ...

g) Furthermore, users have to select one player from amongst their virtual team selection as a 'captain' and another player as the 'vice-captain' ...

gg) In the course of such selection of teams and making decisions on drafting of players and designated captains/vice-captains, the user must also overcome team biases and prejudices while selecting athletes.."

11. The High Court of Punjab & Haryana not only considered various submissions made by the respondent No.5 herein, but also referred and relied in great details on the judgment of the Hon'ble Supreme Court in **Dr. K.R. Lakshmanan (supra)**, while holding as under:

"19.....Even from the submissions and contentions of respondent-company and factual position admitted in writ petition, I am of the view that playing of fantasy game by any particular user involves virtual team by him which would certainly requires a considerable skill, judgment and discretion. The participant has to assess the relative worth of each athlete/sportsperson as against all athletes/sportspersons available for selection. He is required to study the rules and regulations of strength of athlete or player and weakness also. The several factors as indicated above submitted by the respondent-company would definitely affect the result of the game...."



20. The respondent company's website and success in Dream-11's fantasy sports basically arise out of users exercise, superior knowledge, judgment and attention. I am of the further view that the element of skill and pre-dominant influence on the outcome of the Dream-11's fantasy than any other incidents are and therefore, I do not have any hesitation in holding that any sports game to constitute the game of "mere skill" and not falling within the activity of gambling for the invocation of 1867 Act and thus, the respondent-company, is, therefore, exempt from the application of provisions, including the penal provisions, in view of Section 18 of 1867 Act. Equally so, before I conclude, I must express that gambling is not a trade and thus, is not protected by Article 19(1)(g) of Constitution of India and thus, the fantasy games of the respondent-company cannot said to be falling within the gambling activities as the same involves substantial skills which is nothing but is a business activity with due registration and paying the service tax and income tax, thus, they have protection granted by Article 19(1) (g) of Constitution of India."



It can be safely deduced from these findings that the result of the fantasy games offered by respondent No.5 is not determined merely by chance or accident, but the skill of the participant determine the result of the game having predominant influence on the outcome of the fantasy game. Whether any particular team in the real world match wins or loses, is also immaterial as the selection of virtual team by the participant involves choosing players from both the teams playing in the real world. It is also clear that offering the fantasy games of Dream-11 involving substantial skills is a business activity and not wagering having protection granted by Article 19(1)(g) of the Constitution. The SLP filed by said Varun Gumber against the above judgment was dismissed by the Hon'ble Supreme Court vide its order dated 15.09.2017. The Union of India has neither filed SLP against the



said judgment dated 18.04.2017 of the Punjab & Haryana High Court nor filed any review of the order dated 15.09.2017 and have thus, accepted the findings contained therein. We are, therefore, of the view that the issue whether the fantasy games played on the platform of respondent No.5 are or are not gambling/betting activities was thus closed and decided in favour of respondent

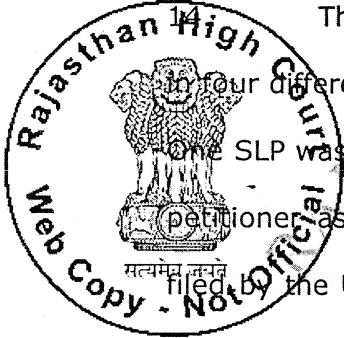


It is not in dispute that out of every ₹100/- received by respondent No.5 from each of the participant in a fantasy game contest, approximately ₹80/- are set aside in an escrow account, which is payable on completion of fantasy game contest towards prize amongst the winning participants. Since this actionable claim of ₹80/- is distributed amongst the winners, while only the remaining amount is retained as Platform Fee, this actionable claim is enforceable in law and is not part of a wagering contract.

13. In a PIL filed against respondent No.5 before the Bombay High Court in **Gurdeep Singh Sachar (supra)**, both the issues, as raised in the instant PIL, were raised and by a detailed judgment dated 30.04.2019, the Bombay High Court was pleased to dismiss the said PIL holding that the online fantasy cricket of respondent No.5 was a game of mere skill, as distinguished from a game of chance. The Dream-11 fantasy game does not involve risking money or playing stakes on the result of a game or an event, hence, the same did not amount to gambling/betting. The Bombay High Court also held that respondent No.5 is correctly paying 18% GST by classifying its services under entry 998439 and is not liable to pay GST @ 28% as applicable to 'online



gambling services' under entry 999692 and that Rule 31-A(3) of the CGST Rules, 2018 was not applicable as the said actionable claim as per Schedule III and Section 7(2) of the Act, are not considered as 'supply of goods' or 'supply of services' and, therefore, the authorities have rightly not taken steps against Dream-11.



The decision of the Bombay High Court was challenged in four different SLPs. Three SLPs were filed by the parties therein. One SLP was also filed by said Varun Gumber. The SLP filed by PIL petitioner as well as by Varun Gumber were dismissed. In SLP filed by the Union of India, the Hon'ble Supreme Court dismissed the SLP on 13.12.2019, but limited to the gambling/betting issue and permitted the Union of India to file review so far as GST aspect was concerned. The review petition is pending before the Bombay High Court. The SLP filed by the State of Maharashtra which was listed later on 06.03.2020 is pending, wherein the judgment of the Bombay High Court is stayed. In the meanwhile, said Shri Gurdeep Singh Sachar also filed an application seeking clarification of the order dated 13.12.2019. The said application was also dismissed by the Hon'ble Supreme Court after hearing the parties vide order dated 31.01.2020 holding as follows:-

"It is reiterated that in accordance with our Order dated 13.12.2019, the only scope of the review filed in the Bombay High Court is with respect to GST and not to revisit the issue as to whether gambling is or not involved".

15. The present PIL re-agitates the above two issues and according to the learned Additional Solicitor General, it is not maintainable.



16. Another PIL in the case of **Chandresh Sankhla (supra)** was filed before this Court raising the very same allegations of gambling/betting against respondent No.5, which was dismissed vide judgment dated 14.02.2020 after considering in detail the above judgments of the High Courts of Bombay and Punjab & Haryana as well as the order of the Hon'ble Supreme

Court dismissing the challenge to them holding as under:-



"15. This Court finds that the issue of treating the game 'Dream 11' as having any element of betting/gambling is no more res integra in view of the pronouncements by the Punjab & Haryana High Court and Bombay High Court and further SLPs have also been dismissed by orders of these High Courts.

16. Consequently, this Court finds no merit in the present Public Interest Litigation petition and the same is accordingly dismissed".

17. The judgment of this Court in the case of **Chandresh Sankhla (supra)** has been referred in the judgment dated 24.07.2020 passed by the Madurai Bench of the Madras High Court in **Criminal O.P. (MD) No.6568/2020- D. Siluvai Venance Vs. State**, wherein the Madras High Court has also distinguished the case of fantasy sports games of Dream-11 from online gaming in general in para 37 thereof.

18. The Law Commission Report No.276, in paragraph 3.13 has opined that fantasy games such as "fantasy football" falls within "gaming", as distinguished from "betting".

19. The Commissioner of CGST, Mumbai has now issued a show cause notice dated 25.07.2020 to respondent No.5 raising certain protective demand of service tax, which is not the subject matter of the present PIL and would be dealt with by the authorities in accordance with law. However, in paragraphs 9.3



and 10 of the said show cause notice, the GST Department has categorically taken a stand by relying on the judgment of the Hon'ble Supreme Court in **Dr. K.R. Lakshmanan(supra)** that the online fantasy game of respondent No.5 is a game of skill. This stand taken by the GST Department is despite referring in paragraph 13.6(i) & (ii) of the show cause notice to the order dated 06.03.2020 of the Hon'ble Supreme Court in pending SLP.



The submissions fairly advanced by the learned Additional Solicitor General appearing on behalf of respondent-Union of India are also to the effect that the issue of gambling/betting has already been finally decided by the Hon'ble Supreme Court vide order dated 13.12.2019, whereby the only issue kept open is regarding GST, which is pending consideration in the review petition before the Bombay High Court. Therefore, it is clear that even as per the stand of the Union of India and their GST Department, the business of respondent No.5 is not gambling/betting, however the issue of payment of GST is pending consideration.

20. We have also considered the submission of the respondent No.5 that the online fantasy games of respondent No.5 are not operating in total regulatory vacuum and on affidavit it has been submitted that they are subject to self-regulation by the industry body known as "Federation of Indian Fantasy Sports" (FIFS) founded in 2017, of which respondent No.5 is a member. The FIFS is a Section 8 Company incorporated under the Companies Act, 2013 for the purpose of self-regulation and promotion of best practices in online fantasy sports services and contests offered in India, which has issued a Charter for Online



Fantasy Sports Platforms, which *inter-alia* imposes the following conditions:-

"1.3.6 Pay-to-play contest formats on an OFSP will not be offered by a Member to users who are less than eighteen (18) years of age.

.....

1.3.12 In contests on an OFSP, the skill component of such contests is predominantly determined via a manual team selection by users. As such, users will not be offered the opportunity or option to auto-select or auto-fill any part or portion of their fantasy sports teams.

1.3.13 All users will be restricted from drafting or editing their fantasy team after the passing of a pre-determined and pre-declared deadline. All contests on an OFSP will lock prior to the commencement of the underlying real-world competition to which the contest relates, and users will not be permitted to make any changes to their fantasy team during the course of a match or afterwards, which affects the tabulation of points with respect to such match.

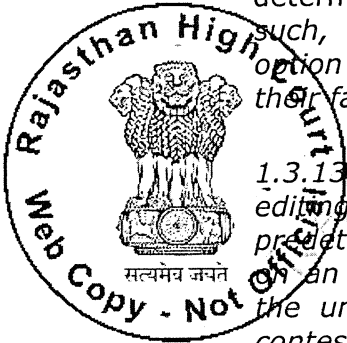
1.3.14 A team selection by a user will have to conform to the skill-set based combinations prescribed by a Member's rules and terms and conditions.

1.3.15 A contest on an OFSP will require a user to draft a fantasy team composed of at least the number of athletes that would comprise a starting line-up of one (1) team in the real-world sports match; provided always that the minimum number of players in a fantasy team shall be five (5).

1.3.16 At any given time, a user will be restricted from selecting more than seventy five percent (75%) of his/her fantasy players that constitute his/her fantasy team or squad from a single real-world team/squad in a single contest. Any fractional amounts shall be rounded down to the nearest whole number.

1.3.17 Each Member will ensure that only real-world players and athletes are permitted to be drafted for fantasy sports teams.

1.3.18 A winning outcome will not be based on the score, point-spread, or any performances or





results or partial results of any single real-world team or any combination of real-world teams.

1.3.19 A winning outcome will not be based on the score, point spread or performance of a single athlete in any single real-world sports match,.

1.3.20 The winning outcome of a contest on an OFSP offered by a Member will not be based on Esports contests or virtual, randomised, simulated or historical sports matches.



10.27 *Members will not offer gambling services"*

The rules and regulations contained in the said Charter are to ensure that the games run by its members are games of skill and are not in the form of any gambling/betting. The FIFS has also framed Ombudsman Rules, which mandate the Ombudsman to be a retired Judge of the Hon'ble Supreme Court or of a State High Court, to ensure that any disputes or grievances of the members of public who participate in the online fantasy games are redressed promptly and in a fair and transparent manner. Presently, Hon'ble Mr. Justice A.K. Sikri (retired) is the Ombudsman. FIFS has a representative structure with some of the most credible and distinguished board members including former Director-General of Police, former Secretary, Sports Authority of India, and former Secretary, BCCI. Further, a bare perusal of the leadership team of FIFS shows that it has eminent persons from the industry as well as ex-members of regulatory bodies, who are tasked with ensuring compliance with the applicable laws and the aforesaid Charter. FIFS presently has over 35 of the largest fantasy sports companies as members, who cater to 99% of the fantasy sports users in India. The fantasy sports industry is regarded as the next sunshine industry of India which is growing



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exponentially and already contributing thousands of crores to the Government exchequer. They also contain safeguards to ensure that persons below 18 years of age are not allowed to participate and that the public is not being misled or cheated and that there is transparency in financial matters, prizes etc. The FIFS has also issued Self-Regulation Guidelines on Advertising Online Gaming by



adopting IMAI Guidelines to ensure that the advertisements are fair, transparent and not misleading. The guidelines prohibit advertisements by members suggesting any gambling/betting activities and there is a penalty clause as well for violation. Being FIFS member, respondent No.5 can offer only such game which provides an opportunity to the participant which is akin to a real-life selector and includes critical elements such as:-

- (a) *fantasy game offered shall relate to a minimum of one complete real-life upcoming sports match;*
- (b) *the user needs to select at least the same number of athletes in his virtual team as in real life match (e.g. 11 players in Cricket/Football and 7 players in Kabaddi) from the competing teams in real life match; and*
- (c) *fantasy game must not allow any changes in the virtual team after the real-life match commences.*

Any variation in the said approved formats, such as shorter versions than the complete real-life match or allowing lesser players than the real-life match to be selected in a Fantasy Sport will not emulate a real life selector, and are not even permitted by FIFS. We are of the view that since respondent No.5 being a



Member of FIFS has also submitted its regulations and charter of FIFS, no public interest element survives for the online gaming formats offered by them. Our findings are for the format of online fantasy games offered by Dream-11 being compliant with the Charter of FIFS, and may not be applicable if the stipulations contained in the Charter of FIFS are not followed in letter and



We also agree with the submission of respondent No.5 that the fantasy sports formats like that of Dream-11 are globally recognized as a great tool for fan engagement, as they provide a platform to sports lovers to engage with their favorite sports along with their friends and family. This legitimate business activity having protection under Article 19(1)(g) of the Constitution contributes to Government Revenue not only vide GST and income tax payments, but also by contributing in increased viewership and higher sports fan engagement, thereby simultaneously promoting even the real world games.

23. Certain submissions made in the response to the present PIL and the FIFS Charter have not been considered in the earlier judgments on the issue. We, therefore, have dealt with the same in some detail and in view of the same, even if all earlier judgments of different High Courts are ignored, we are of the independent view, particularly based on the Charter of FIFS, of which Dream-11 is a Member, that a participant of online fantasy sports platforms offered by the Dream-11 App, who enrolls in an online fantasy sport game and puts monetary stakes therein, performs a role similar to that of a real life team



manager/selector, which requires use of substantial knowledge, strategy, skill, and adroitness against other participants. A participant is actually playing an online sport and not gambling, betting or wagering on the outcome of any game or an event inasmuch as the result achieved by a player of online fantasy sports on completion of the corresponding real life match, is

wholly independent of the final result or outcome of such real life match / game / event.

Accordingly, the first issue as to whether the online fantasy sports games offered on Dream-11 platform are gambling/betting is decided against the PIL petitioner. Since the result of fantasy game depends on skill of participant and not sheer chance, and winning or losing of virtual team created by the participant is also independent of outcome of the game or event in the real world, we hold that the format of online fantasy game offered by respondent No.5 is a game of mere skill and their business has protection under Article 19(1)(g) of the Constitution of India, as repeatedly held by various Courts and affirmed by the Hon'ble Supreme Court.

25. Insofar as the second issue as to whether Dream-11 is wrongly classifying its virtual online games under wrong entry for GST and is also violating Rule 31A (3) of CGST Rules, 2018 to evade GST is concerned, respondent No.5 has submitted that we may consider the findings contained in paragraphs 7 to 16 of the judgment of the Bombay High Court in the case of **Gurdeep Singh Sachar (Supra)** as the arguments advanced on their behalf. However, in light of the above findings on the issue of





gambling/betting, we deem it appropriate to leave the said second issue for the GST authorities to consider in accordance with law.

26. We are of the considered view that PIL has been filed without any real public interest, without disclosing the relevant facts and without proper research. Various judgments in respect of respondent No.5 itself have not even been referred in this PIL. The

PIL is misconceived.

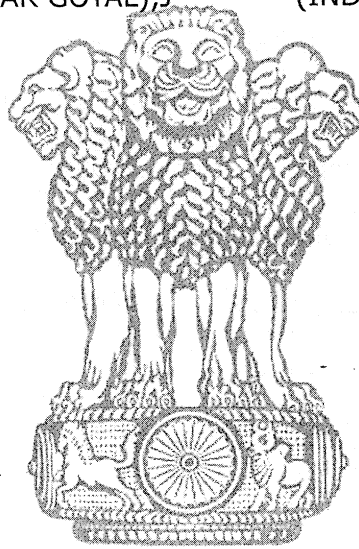
Consequently, we find no merit in the instant PIL petition and the same is accordingly dismissed with costs.



(MAHENDAR KUMAR GOYAL),J

(INDRAJIT MAHANTY),CJ

KAMLESH KUMAR /



सत्यमेव जयते



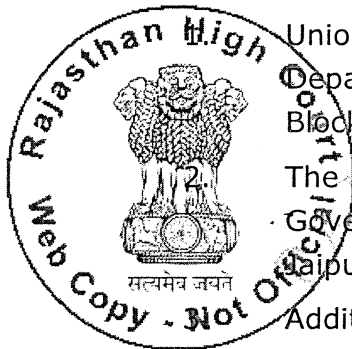
**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No. 11122/2020

Mohan Lal Nama W/o Late Shri Murlidhar Nama, Aged About 77 Years, Resident Of C-1, Shanti Path, Tilak Nagar, Jaipur Rajasthan

----Petitioner

Versus



Union Of India, Through Secretary, Ministry Of Finance, Department Of Revenue, Government Of India, North Block, New Dlehi - 110001

The State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan, Government Secretariat, Jaipur

Additional Chief Secretary, Home Department, Government Of Rajasthan, Government Secretariat, Jaipur

4. Additional Commissioner Of Central Goods And Services Tax, Jaipur Zone, Ncr Building, Statue Circle, 'c' Scheme, Jaipur 302005
5. Dream11 Fantasy Private Limited, Through Its Managing Director, 1901, A-Wing, Naman Midtown, Senapati Bapat Marg, Elphinstone - West Mumbai, Mumbai City, Maharashtra - 400013

----Respondents

For Petitioner(s)	:	Mr. Vimal Chand Chaudhary, through Whatsapp Call
For Respondent(s)	:	Mr. H.V Nandwana, through VC

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SATISH KUMAR SHARMA**

Order

22/10/2020

Heard the learned counsel for the respective parties.



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This petition has been filed seeking the following relief(s):-

"I. A writ of prohibition be issued against the respondent No. 1-4, for prohibiting the gamble organized by the respondent No. 5 under the garb of online platform fantasy game dream 11.

II. To declare the Fantasy Game "dream 11" organized by respondent No. 5 as illegal under the provisions of the Public Gambling Act, 1867.

III. To issue suitable orders/directions to the respondents No. 1 & 4 to charge the tax on the whole transaction deposited by the participants.

IV. To issue suitable orders/directions to the respondents No. 1 & 4 to charge the tax on the levy of GST @ 28% instead of 18%.

V. To issue suitable orders/directions to the respondents No. 1 & 4 to impose heavy penalty against the respondent No. 5 for evasion of GST.

VI. To issue suitable orders/directions to the respondent No. 1 & 4 to initiate criminal proceedings against the respondents. NO. 5.

Any other relief which the Hon'ble Court may deem fit and proper may kindly be passed in favour of the petitioner".

All these prayers were considered and decided by this Court in D.B Civil Writ No. 20779/2019 (Ravindra Singh Chaudhary Vs. Union of India and Ors.) and the same was dismissed by order dated 16.10.2020.

Accordingly, the present matter is covered by the aforesaid judgment and the petition stands dismissed in terms of the judgment passed by this Court in the case of Ravindra Singh Chaudhary (supra).

(SATISH KUMAR SHARMA),J

(INDRAJIT MAHANTY),CJ

B.M Gandhi/Pravesh/8

CWP No.7559 of 2017

{1}

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.7559 of 2017

Date of decision:18.04.2017

Shri Varun Gumber

... Petitioner

Vs.

Union Territory of Chandigarh and others ... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. M.S.Virk, Advocate
for the petitioner.

Mr. G.S.Bedi, Advocate
for the caveator(s).

Mr. Suvir Sehgal, Advocate
for the respondent - U.T.

AMIT RAWAL J. (Oral)

In the instant petition directions for setting criminal law into motion against Respondent Company are sought, by an Advocate residing in the jurisdiction of this Court, claiming himself to be a victim of such alleged illegal gambling activities of the Respondent Company carried out by them through their website <https://fantasycricket.dream11.com.in> which according to the petitioner renders them liable for criminal prosecution and punishment under the penal provisions of Public Gambling Act, 1867.

The petitioner tried to persuade me for issuing directions for investigations or initiating criminal prosecution against the Respondent Company. The learned Counsel appearing for the Respondent Company

opposed grant of any relief in the instant petition. All parties were heard. I have carefully perused by records.

It is contention of the petitioner that-

On 09.03.2017, he registered himself on the said website by using his email id. after being satisfied with the claim of the Respondent Company on their website that their operations were legitimate not amounting to gambling under the Public Gambling Act, 1867.

On 10.03.2017, the petitioner transferred by his credit card an amount of ₹50,000/- in his own account opened on the said website for participating in the various leagues created on the said website.

The petitioner created a virtual team for the cricket match between Ireland and Afghanistan as illustrated and instructed on the said website, by himself choosing 11 players, out of total players, who were to play for Ireland and Afghanistan collectively.

After forming a virtual team of 11 players as per his own selection, the Petitioner joined various leagues and from the available deposit of ₹50,000/- he used ₹24,000/- approx. for playing in the leagues. The petitioner submits that at the end of the match, he lost ₹24,000/-, the entire money, which he had betted on his virtual team while playing in the various leagues.

Again, on 11.03.2017 the petitioner created a virtual team this time for the football match being played between Manchester City and

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similar fashion, and ended up losing the said amount of ₹ 26,000/-.

Thus, he was ultimately left with a balance of only ₹3 out of ₹50,000/- in a short span of 2 days.

It is claim of the petitioner that only after losing the money in the above manner, he realized by the nature of the activities offered on the said website that they were not based on any skill, but were purely a game of chance and thus they clearly amount to gambling prohibited under the Public Gambling Act, 1867.

The petitioner submits that it is falsely claimed that the activities are skill-based games.

The Petitioner, before filing the writ petition, had given a legal notice, dated 14.03.2017 to the Respondent Company for suo-moto blocking of their website, to stop the illegal gambling activities and to refund of the amount paid by the petitioner.

A detailed response denying all the allegations in the said notice, had been given by the Respondent Company, who are on caveat, which has also been placed on record before the Court. Respondent Company had claimed in their response to the Notice that their activities do not amount to 'gambling' punishable under the provisions of Public Gambling Act, 1867.

The petitioner however submits that the said response is devoid of any merits and is misleading. From the peculiar facts, a clear case of

The learned Counsel for the Respondent Company submits that to the legal notice issued by the petitioner, detailed reply explaining therein following broad points-

Introduction of Dream11:

a) Dream11 is one of the world's leading platforms for online fantasy sports games and offer fantasy cricket, fantasy kabaddi and fantasy football games being offered by them since about 2012 in partnership with reputed websites and social media platforms, with a wide user base. Dream 11 is a company that is duly incorporated having Certificate of Incorporation issued to them by the Registrar of Companies, Ministry of Commerce, Govt. of India. A Service Tax registration is issued to them by the Central Excise Department, Ministry of granted a PAN no. by the Income Tax Authorities, with whom they are being assessed since more than 5 years. These Statutory Authorities have not found anything amiss in their business model of providing services. They not only remit service tax and income tax as applicable to them, but also deduct and remit applicable withholding tax on user winnings to the competent authority. Their partners include reputed financial institutions, payment gateway service providers, websites and social media portals, website/hosting services providers and other service providers, which engagement reflects their standing and reputation.

What is a fantasy sports game:

occurs over a predetermined number of rounds (which may extend from a single match / sporting event to an entire league or series) in which participating users select, build and act as managers of their virtual teams (constituted of real players or teams) that compete against virtual teams of other users, with results tabulated on the basis of statistics, scores, achievements and results generated by the real individual sportspersons or teams in certain designated professional sporting events. The winner of such fantasy sports game is the participant whose virtual team accumulates the most number of points across the round(s) of the game.

Requirement of material and considerable skills by the user in 'drafting' of a virtual team and 'playing' fantasy sports game:

- c) The drafting of a virtual team involves the exercise of considerable skill as the user must first assess the relative worth of each athlete / sportsperson as against all athlete / sportspersons available for selection. The user has to study the rules and make evaluations of the athlete's strengths and weaknesses based on these rules.
- d) Further, a user's virtual team cannot be entirely or substantially consists of athletes from a single real-world team. In the case of fantasy cricket and fantasy football games, the Dream11 rules stipulate that not more than 7 of the 11 athletes in the virtual team may be from a single real world team. This stipulation ensures that the user has to exercise greater skill in acquainting himself with the athletes of both participating

circumstance resembling the act of betting on the performance of a single team to win the match/league.

e) As per the mechanism for the election of a virtual team in Dream11's fantasy sports game, each virtual player available for drafting into a virtual team is attributed a value in credit points and each user's virtual team is prescribed a maximum budget in points. Dream 11 specifies the price of drafting a virtual player based on the player's relative value and ability. Thus, any selection decision by a user in drafting a virtual team must also consider the opportunity cost of selecting a particular athletes in such user's virtual team does not exceed the prescribed budget in credit points.

f) Therefore, users engaged in participating in Dream11's fantasy sports games read and understand the rules of the game published by Dream11, and make their assessment of athletes and the selection of athletes in their virtual team on the basis of the anticipated statistics of their selection; for example, in the fantasy cricket game, a user needs to evaluate, in the case of a batsman, the anticipated statistics for multiple categories such as batting average, total runs, number of half-centuries and centuries (which attract additional points), strike rate, number of catches and stumpings (for a wicket keeper), and in the current or previous series), economy rate, five wicket hauls. Such evaluation by the user is based on a wealth of statistics from past matches from which to evaluate future

stadia and against particular opponents, and other material causative factors that will have a bearing on the athlete's performance. Users must also follow the news to acquaint themselves with selection decisions as they are permitted to change their team up to sixty minutes prior to the commencement of a match, before the squads are announced at the toss.

g) Furthermore, users have to select one player from amongst their virtual team selection as a 'captain' and another player as the 'vice-captain', with the points accumulated by the designated captain doubled, and the points accumulated by the designated 'vice-captain' multiplied by 1.5, and added to the overall points-tally of such user's virtual team. Therefore, selecting the right captain and vice-captain are critical to the success of the virtual team, with a good captain or vice-captain in the Dream11 fantasy points and not one who displays good leadership skills, and which assessment requires the user to follow the sport closely and to evaluate the potential of a player in light of the scoring metrics of the fantasy sports game.

f) In the course of such selection of teams and making decisions on drafting of players and designated captains/vice-captains, the user must also overcome team biases and prejudices while selecting athletes. For example, the user must avoid overrating athletes that play for his favorite team and underrating other athletes because they play for a disfavored team. The user must develop a strategy to create a team that is balanced in manner

g) The online fantasy sports games offered by them through the Platform require material and considerable skills in terms of 'drafting' and 'playing' which are the determinative factors in the results of the game and winning outcomes thereby.

Element of skill predominant requiring exercise of superior knowledge, judgment, attention and adroitness:

h) Once a virtual team is drafted, the user must interact with the game on a regular basis by monitoring the scores accumulated by the athletes drafted by him, as well as the general performance of teams, surveying other athletes for substitution and making substitutions where he deems fit but only during the given time-frame.

i) The success in Dream11's fantasy sports games arises out of a user's exercise of superior knowledge, judgment, attention and adroitness in understanding the Dream 11 rules, acquainting himself with the past performance, physical state and form of athletes available for selection across multiple categories, assessing the relative worth of an athlete and the anticipated statistics arising out of the athlete's performance in the underlying real-world event and devising an overall strategy in selecting and playing the Dream11 game. Therefore, the element of skill has a much greater and predominant influence on the outcome of the Dream11 fantasy sports game than any incidental chance.

j) As is the case with any game of skill, greater experience and

insight into strategies for success and a better understanding of the game's dynamics and operational constraints, and in itself heightens and attunes the element and exhibition of skill on the user's part and thereby has an material influence on generating a successful winning outcome in favour of the user. It is in recognition of the material influence that training and experience in the Dream11 fantasy sports games has on user success that Dream11 offers free-to-play variants of its fantasy sports games to users and thereby offers users an opportunity test their skills against other participating users, familiarize themselves with the Dream11 rules and points attribution methodology, understand and gain experience in participating in the Dream11 game and devise their participation strategy on the basis of such training and experience, at no cost or charge to users.

Training to exercise knowledge, judgment and skill:

k) Alongside providing users with the opportunity to participate in free-to-play fantasy sports games, Dream11 also provides users with How-to-Play and Frequently Asked Questions pages and operates the Guru section wherein it offers match previews and tips on team selection and do's and don'ts to assist users, particularly new users, in familiarizing themselves with the Dream11 fantasy sports games and rules, to address common queries that a user may have in respect o the Service and to enable users in employing their skill and judgment to ensure competitive participation in Dream11's fantasy sports games. In Frequently-Asked-Questions page they

Fantasy Cricket game by visiting the Dream11 'Help' section, and further encourage them to participate in 'practice games' offered by Dream11 through the Platform, which are free-to-play. Through these measures Dream11 actively supports its users in their endeavour to train themselves and exercise their knowledge, judgment and skill to the best of their abilities in the course of participation in any fantasy sports games offered by Dream11 or any other service provider.

Attribution of points:

- l) The points are attributed in a transparent and verifiable manner to the virtual analogues of real world athletes on the basis of the statistical elements of the real world athlete's performance in the real-world sports event.
- m) In the cricket fantasy sports game, points are attributed to the virtual analogue on the basis of, amongst others, the real-worlds player's selection in the starting eleven of the real-world team, number of runs scored, wickets taken, catches taken, stumpings/run-outs caused, batting strike rate and bowling economy rate with additional bonus points for boundaries hit, maiden overs bowled and similar other laudable performance events.

Principle reason for failure of petitioner to achieve success in Dream11's fantasy sports games:

- n) The failure of the petitioner to achieve success in Dream11's

employ adequate skill, knowledge and assessment of participating players to maximize his potential points accumulation. His losses in the Dream11 games in which he participated were directly attributable to his failure to exhibit superior skill in comparison with other participants in the game and leagues.

Cancellation policy:

o) In Dream11's cancellation policy, as set out in the Dream11 Terms and conditions, Dream11 refunds the entire entry-fees and administrative fees and administrative fees paid by a user in case of an "Abandonment" or "Cancellation" of the sports event in respect of which the fantasy sports game is offered. This policy is exemplified in the transaction history of the petitioner's account with Dream11, where all amounts paid by the petitioner towards participation in fantasy cricket games offered in relation to the South African Domestic T20 cricket match between the Dolphins and Warriors were refunded and credited back into his user account on the abandonment of the cricket match.

p) On the above basis, the Respondent Company refuted the claim of the Petitioner that the fantasy sports games offered by Dream11 constitute gambling.

Mandatory agreement and acceptance of contractual terms and conditions by user:

q) With respect to the fantasy sports games offered by Dream11

Platform, Dream11 has published a detailed set of terms and conditions to govern the user's account and interaction with the Platform and the services offered by Dream11 on the Platform. A user's affirmative acceptance and agreement to abide by the Terms and Conditions of the Dream11 site is a pre-condition for the user's registration of an account with Dream11. Reference to document E of this response the terms and conditions of Dream11 service and a screenshot of the registration page containing the affirmative acceptance click-box clicked on and affirmatively accepted and agreed to the Terms and Conditions as aforesaid. Thus we state and record that Dream11 is transparent and open its in interaction with its users, and clearly defines and contractually documents the terms of its service provision through the Platform and thus your claim in the notice that you have been deceived in any way by Dream11 is false and without basis.

Administrative Fees / charges, and distribution from price money pool:

r) Dream11 is engaged in operating the Platform and offering users the opportunity to participate in fantasy sports games on such Platform, and limits its fees and charges for such participation to an administrative fee. Each fantasy sports game offered on the Dream11 Platform comprises of a game in which participating users are engaged in competing against other participating users for the cumulative price money pool available to such participating users from the amounts paid by each of them after excluding the aforesaid administrative fees. The invoices issues

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game and is, upon announcement of the results of the fantasy sports game, distributed in a transparent and objective manner on the basis of the final points-tally of participating users in the fantasy sports game.

Fair-Play and healthy competition:

s) Dream11 actively encourages its users to engage in Fair-Play and healthy competition amongst users and undertakes a number of steps to maintain the

To maintain user services in the platform

Mr.G.S.Bedi, further pointed out that as per the judicial precedents, the Hon'ble Supreme Court in **K.R.Lakshmanan vs. State of Tamil Nadu AIR 1996 SC 1153**, such type of game requires training, adroitness and experience which have dominant influence in the mind for winning the outcome of game.

I am of the view that preliminary issues involved in the case is whether provisional prevention of the Public Gambling Act, 1867 (hereinafter referred to as "1867 Act") are applicable or not; or any direction to set the case in motion are granted. For the sake of brevity, provisions of Sections 11 and 12 of 1867 Act, read as under:-

"11.Witnesses indemnified.-Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act

the opinion of the Magistrate make true and faithful discovery, to the best of his knowledge, of all things as to which he shall be so examined, shall thereupon receive from the said Magistrate a certificate in writing to that effect, and shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming.

12. Act not to apply to certain games – Nothing in the foregoing provisions of this Act contained shall be held to apply to any game of mere skill wherever played.”

The aforementioned Act, has been extended to the State of Punjab, Haryana and Union Territory by way of the Public Gambling (Punjab Amendment) Act 1929 and Section 18 inserted for applicability to the State of Punjab which provides exemption of games of mere skill - “nothing in this Act contained shall apply to any game of mere skill wherever played.” Thus, I am of the considered opinion that the games are not covered by the term of game “mere skill”. It may not be necessary to look into the provisions of 1867 Act, much less these provisions would not have any application. The expression games of skill has already been debated upon in K.R.Lakshmanan's case (supra) as aforementioned provisions of 1867 Act are pari materia to the provisions of Section 11 of the Madras Gaming Act, 1930 and the skill constitutes a game in which primarily the success depends upon the superior knowledge, training,

expression "mere skill" would mean substantial degree or preponderance of skill. By taking into the aforementioned expression into consideration, it was held that the "horse racing" is not gambling and is a game of skill. The relevant paragraphs 9 and 17 to 23 of the judgment reads as under:-

"9. On the same day when this Court decided Chamarbaugwala's case, the same four-Judge Bench presided over by S.R. Das, Chief Justice, delivered judgment in another case between the same parties titled R.M.D. Chamarbaugwala & Anr. vs. Union of India & Anr. AIR 1957 SC 628. The validity of some of the provisions of the Prize Competitions Act (42 of 1955) was challenged before this Court by way of petitions under Article 32 of the Constitution. Venkatarama Ayyar J. speaking for the Court noticed the contentions of the learned counsel for the parties in the following words:-

"Now, the contention of Mr. Palkhiwala, who addressed the main argument in support of the petitions, is that prize competition as defined in S. 2 (d) would include not only competitions in which success depends on chance but also those in which it would depend to a substantial degree on skill; that even if the provisions could be regarded as reasonable restrictions as regards competitions

success depended to a substantial extent on skill, and that as the impugned law constituted a single insertable enactment, it must fail in its entirety in respect of both classes of competitions. Mr Seervai who appeared for the respondent, disputes the correctness of these contentions. He argues that 'prize competition' as defined in S.2 (d) of the Act, properly construed, means and includes only competitions in which success does not depend to any substantial degree on skill and are essentially gambling in their character; that gambling activities are not trade or business within the meaning of that expression in Art. 19(1) (g), and that accordingly the petitioners are not entitled to invoke the protection of Art. 19(6); and that even if the definition of 'prize competition' in S.2(d) is wide enough to include competitions in which success depends to a substantial degree on skill and Ss. 4 and 5 of the Act and Br. 11 and 12 are to be struck down in respect of such competitions as unreasonable restrictions not protected by Art. 19 (6), that would not affect the validity of the

its application to such competitions."

The learned Judge thereafter observed as under:-

"We must hold that as regards gambling competitions, the petitioners before us cannot seek the protection of Art. 19(1) (g)... (5) As regards competitions which involve substantial skill however, different considerations arise. They are business activities, the protection of which is guaranteed by Art. 19(1) (g)..."

Finally, Venkatarama Ayyr, J. speaking for the Court held as under:-

"(23) Applying these principles to the present Act, it will not be questioned that competitions in which success depends to a substantial extent on skill and competitions in which it does not so depend, form two distinct and separate categories. The difference between the two classes of competitions is as clear-cut as that between commercial and wagering contracts. On the facts there might be difficulty in deciding whether a given competition falls within one category or not; but when its true character is determined, it must fall either under the one or the

legislative practice of both the United Kingdom and this country, and the Courts have, time and again, pointed out the characteristic features which differentiate them. And if we are now to ask ourselves the question would Parliament have enacted the law in question if it had known that it would fail as regards competitions involving skill, there can be no doubt, having regard to the history of the legislation, as to what our answer would be. The conclusion is therefore inescapable that the impugned provisions, assuming that they apply by virtue of the definition in S.2(d) to all kinds of competitions, are severable in their application to competitions in which success does not depend to any substantial extent on skill."

This Court, therefore, in the two Chamarbaugwala-cases, has held that gambling is not trade and as such is not protected by Article 19(1)(g) of the Constitution. It has further been authoritatively held that the competitions which involve substantial skill are not gambling activities. Such competitions are business activities, the protection of which is

question whether horse-racing is a game of chance or a game involving substantial skill."

17. We may now take-up the second question for consideration. Section 49 of the Police Act and Section 11 of the Gaming Act specifically provide that the penal provisions of the two Acts shall not apply to the games of "mere skill wherever played". The expression "game of mere skill" has been interpreted by this Court to mean "mainly and preponderantly a game of skill". In State of Andhra Pradesh vs. K. Satyanarayana & Ors. (1968) 2 SCR 387, the question before this Court was whether the game of Rummy was a game of mere skill or a game of chance. The said question was to be answered on the interpretation of Section 14 of the Hyderabad Gambling Act (2 of 1305 F) which was *pari materia* to Section 49 of the Police Act and Section 11 of the Gaming Act. This Court referred to the proceedings before the courts below in the following words:

"The learned Magistrate who tried the case was of the opinion that the offence was proved, because of the presumption since it was not successfully repelled on behalf of the present respondents. In the order making the reference the learned Sessions

Act shall apply to any game of mere skill wherever played and he was of opinion on the authority of two cases decided by the Madras High Court and one of the Andhra High Court that the game of Rummy was a game of skill and therefore the Act did not apply to the case."

This Court held the game of Rummy to be a game of mere skill on the following reasoning:

"We are also not satisfied that the protection of s.14 is not available in this case. The game of Rummy is not a game entirely of chance like the 'three- card' game mentioned in the Madras case to which we were referred. The 'three card' game which goes under different names such as 'flush', 'brag' etc. is a game of pure chance. Rummy, on the other hand requires certain amount of skill because the fall of the cards has to be memorised and the building up of Rummy requires considerable skill in holding and discarding cards. We cannot, therefore, say that the game of Rummy is a game of entire chance. It is mainly and preponderantly a game of skill. The chance in Rummy is of the same character as the

there is an element of chance, because the distribution of the cards is not according to any set pattern but is dependent upon how the cards find their place in the shuffled pack. From this also it cannot be said that Rummy is a game of chance and there is no skill involved in it."

18. *The judgments of this Court in the two Chamarbaugwala cases and in the Satyanarayana case clearly lay-down that (i) the competitions where success depends on substantial degree of skill are not 'gambling' and (ii) despite there being an element of chance if a game is preponderantly a game of skill it would nevertheless be a game of "mere skill". We, therefore, hold that the expression "mere skill" would mean substantial degree or preponderance of skill.*

19. *The crucial question to be determined is whether a horse-race run on the turf of the club is a game of 'chance' or a game of "mere skill". The relevant pleadings before the High Court in the writ petition were as under:*

"Racing is really a test of equine speed and stamina. The horses are trained to run and their form is constantly watched by experts... As stated earlier, racing is not a game of chance. Experts on

decisions, that the result of a horse race on which bets are placed is not based on pure chance. A considerable degree of skill goes into the operation. It starts from the breeding and training of the race horse on which much talent, time and money are expended by trained persons, jockeys have also to be specially trained and equipped. The horses themselves are not necessarily consistent in fitness, which is the reason why horses are exercised openly and watched carefully by representatives of the Press and their observations widely published. Thus, the inherent capacity of the animal, the capability of the jockey, the form and fitness of the horse, the weights carried and the distance of the race at the time of the race are all objective facts capable of assessment by race goers. Thus the prediction of the result of the race is not like drawing 2 aces in a game of poker. Rather, it is the result of much knowledge, study and observation..... Horse racing has been universally recognised as a sport. Horsemanship involves considerable skill, technique and knowledge and jockeys have to be

dependent on mere chance or accident but is determined by numerous factors, such as the pedigree of the animal, the training given to it as well as the rider, its current form, the nature of the race, etc. Horse racing has been held judicially to be a game of skill unlike pure games of chance like Roulette or a Lottery."

The above quoted averments have not been specifically denied in the counter affidavit filed before the High Court.

20. *The new Encyclopaedia Britannica 15th Edition, Volume 5 at page 105, while defining the expression "gambling" refers to horse racing as under:-*

"Betting on horse racing or athletic contests involves the assessment of a contestant's physical capacity and the use of other evaluative skills."

21. *Volume 6 of the Encyclopaedia at page 68 onwards deals with the subject of horse-racing. Thoroughbred horses with pedigree are selected and trained for races. Horse-racing is a systematic sport where a participant is supposed to have full knowledge about the horse, jockey, trainer, owner, turf and the composition of the race. It would be useful to quote an extract from the Encyclopaedia:-*

Standardbreds with the horse pulling a conveyance with a driver. These two kinds of racing are called racing on the flat and harness racing. Some races on the flat involve jumping....."

"Knowledge of the first horse race is probably lost in prehistory. Both four- hitch chariot and mounted (bareback) races were held in the Olympic Games of 700-40 BC. Other history of organized racing is not very firmly established. Presumably, organized racing began in such countries as China, Persia, Arabia, and other countries of the Middle East and of North Africa, where horsemanship early became highly developed. Thence came too the Arabian, Barb, and Turk horses that contributed to the earliest European racing. Such horses became familiar to Europeans during the Crusades (11th to 13th centuries) from which they brought those horses back....."

"Eligibility rules were developed based on the age, sex, birthplace, and previous performance of horses and the qualifications of riders. Races were created in which owners were the riders (gentlemen riders);

had not won more than a certain amount were entered....." "All horse racing on the flat except quarter- horse racing involves Thoroughbred (q.v) horses. Thoroughbreds evolved from a mixture of Arab, Turk and Barb horses with native English stock Private studbooks existed from the early 17th century, but they were not invariably reliable. In 1791 Whether by published An Introduction to a General Stud Book, the pedigrees being based on earlier Racing Calendars and Sales papers. After a few years of revision, it was updated annually. All Thoroughbreds are said to descend from three "Oriental" stallions (the Darley Arabian, the Godolphin Barb, and the Byerly Turk, all brought to Great Britain, 1690-1730) and from 43 "royal" mares (those imported by Charles II). The predominance of English racing and hence of the General Stud Book from 1791 provided a standard....." "A race horse achieves peak ability at age five, but the classic age of three years and the escalating size of purses, breeding fees, and sale prices made for fewer races with horses beyond the

breeding thoroughbreds has been, as expressed by an old cliché: breed the best to the best and hope for the best. Performance of progeny is the most reliable guide to what is best for breeding purposes, of course but in the case of horses untried at stud, their own racing ability, pedigree, and physical conformation are the only available yardsticks. Emphasis is on racing ability, especially in evaluating potential stallions."

22. *Horse racing is an organized institution. Apart from a sport, it has become a huge public entertainment business. According to The New Encyclopaedia Britannica the occasion of certain races are recorded as public holidays. Derby day at Epsom where the public is admitted on two parts of the grounds at no fee has drawn as many as 5,00,000 spectators. Attendance at horse races in many countries is the highest or among the highest of all sports. The horses which participate in the races are a class by themselves. They have a history of their own. The breed of the horse is an important factor. The experts select the horses who are to be inducted into the racing profession. The selected horses are given extensive training by professional trainers. Breed, upbringing, training and the past*

experts in horse riding and are extensively trained in various aspects of horse-racing. They are supposed to know the horse they are riding and the turf on which the horse is to run.

23. *Judicial pronouncements on the subject are primarily of American Courts. In People of Monroe 85 ALR 605, it was held that the pari-mutuel betting on the result of horses races, did not violate a provision of the State Constitution prohibiting lotteries. The Court observed as under:*

"The winning horse is not determined by chance alone, but the condition, speed, and endurance of the horse, aided by the skill and management of the rider or driver, enter into the result... In our opinion the parimutuel system does not come within the constitutional inhibition as to lotteries.... In horse racing the horses are subject to human guidance, management, and urging to put forth their best efforts to win'."

In view of the finding rendered by the Hon'ble Supreme Court aforementioned, it leaves no manner of doubt that on the scope and ambit of the term game "mere skill" in the context of the present case, in other words, the Hon'ble Supreme Court has held that :-

"i) the competitions where success depends upon the

preponderantly a game of skill it would nevertheless be a game of "mere skill".

It has been found that horse racing like foot racing, boat racing, football and baseball is a game of skill and judgment and not a game of chance. The aforementioned finding squarely applies to the present case. Even from the submissions and contentions of respondent-company and factual position admitted in writ petition, I am of the view that playing of fantasy game by any participant user involves virtual team by him which would certainly requires a considerable skill, judgment and discretion. The participant has to assess the relative worth of each athlete/sportsperson as against all athlete/sportspersons available for selection. He is required to study the rules and regulations of strength of athlete or player and weakness also. The several factors as indicated above submitted by the respondent – company would definitely affect the result of the game. Admittedly, the petitioner himself created a virtual team of a Cricket Match between two countries as indicated in the website by choosing 11 players out of total player, who were to play for two countries collectively and after forming a virtual team of 11 players as per his own selection, knowledge and judgment, which is thoughtful Will, he joined various leagues for the leagues selected by him and after registration which was declared before participating, was not about possibility of winning or losing like horse riding not every better is winner.

judgment and attention. I am of the further view that the element of skill and predominant influence on the outcome of the Dream11 fantasy than any other incidents are and therefore, I do not have any hesitation in holding the any sports game to constitute the game of "mere skill" and not falling within the activity of gambling for the invocation of 1867 Act and thus, the respondent company is therefore, exempt from the application of provisions, including the penal provisions, in view of Section 18 of 1867 Act. Equally so, before I conclude, I must express that gambling is not a trade and thus, is not protected by Article 19(1)(g) of Constitution of India and thus, the fantasy games of the respondent -company cannot said to be falling within the gambling activities as the same involves the substantial skills which is nothing but is a business activity with due registration and paying the service tax and income tax, thus, they have protection granted by Article 19 (1)(g) of Constitution of India.

Resultantly, the questions noticed above are squarely answered in favour of the respondent – company and no need to issue the direction against the respondents to settle the criminal law into motion.

Accordingly, the writ petition stands dismissed.

(AMIT RAWAL)
JUDGE

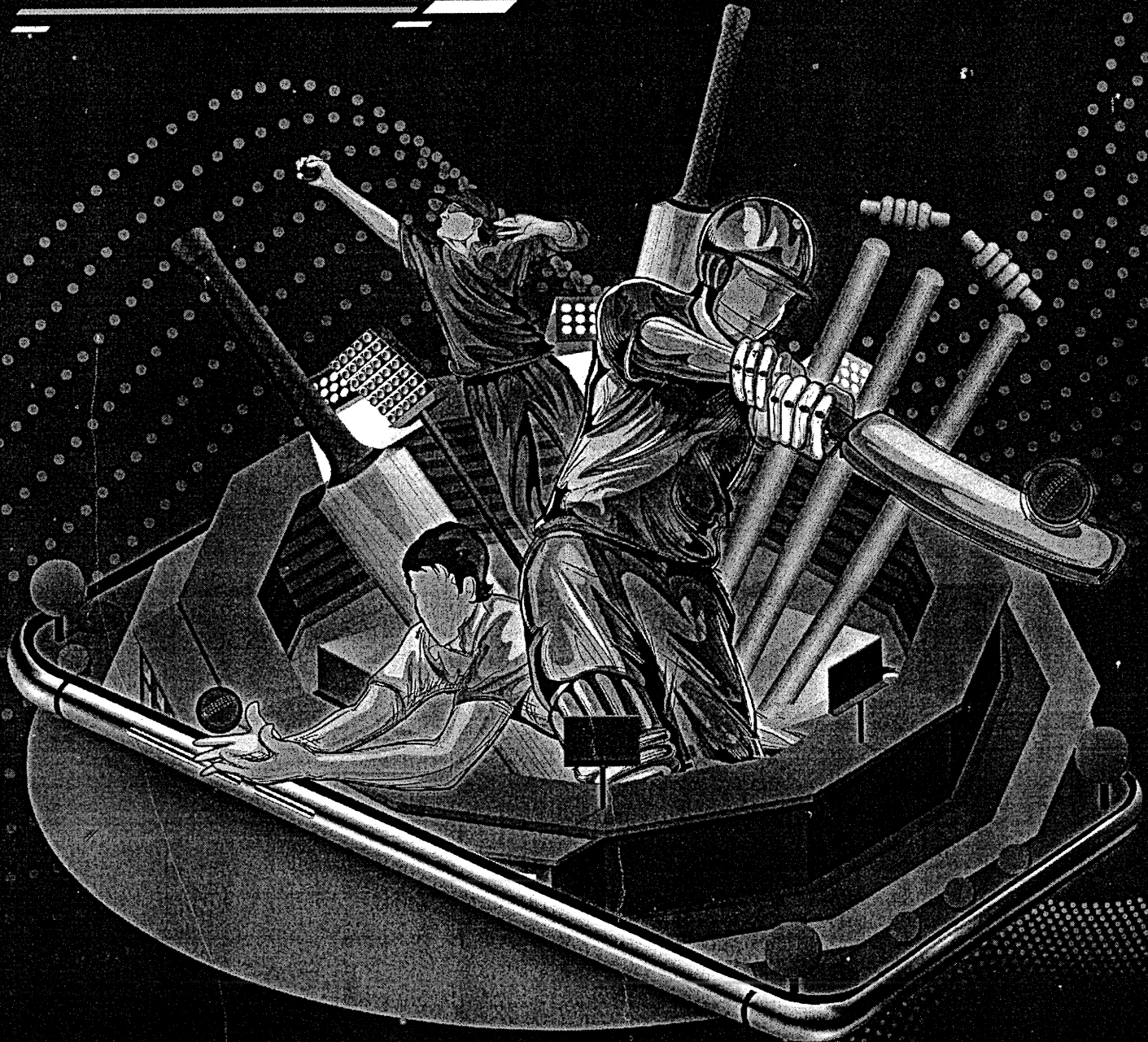
April 18, 2017
savita



NITI Aayog

GUIDING PRINCIPLES FOR THE UNIFORM NATIONAL-LEVEL REGULATION OF ONLINE FANTASY SPORTS PLATFORMS IN INDIA

Draft for Discussion



Foreword

The Government of India constantly endeavors to leverage technology and innovation towards maximizing country's potential & economic growth. With a targeted, outcome-based approach and government's support, emerging technologies are already causing largescale shift across several sectors driving innovation, entrepreneurship, and job creation. One such sector that has witnessed noticeable growth in recent years is Fantasy Sports.

In a recent market report¹, it was noted that the number of users participating in online fantasy sports in India has grown at a compounded annual growth rate (CAGR) of 212%, from 2 million users in June 2016 to 90 million users in December 2019. Further, the report estimates that the fantasy sports industry has the potential to attract Foreign Direct Investment of more than INR 10,000 crore over the next few years as well as generate 1.5 billion online transactions by 2023. A rapidly surging demand, a large market of sports fans and a complementing pool of software development talent makes India the ideal candidate to become a global hub for this fast-growing industry.

Recognizing this opportunity and in sync with NITI Aayog's mandate to identify potential of disruption in changing industrial landscape, a position paper has been prepared to address Fantasy Sports market. The motivation behind this paper, put together by the Frontier Technology Vertical at NITI Aayog, is to identify the landscape and potential for India to be the global leader in the Fantasy Sports sector. The discussion paper, incorporating a position paper and draft guiding principles, has been prepared after deliberations with experts from industry as well as the legal fraternity.

Pursuant to incorporation of the feedback received, we now seek comments on the draft guiding principles, from the larger stakeholder community on or before 18th January 2021, on email at adviserdma-niti@gov.in.

The content of the draft document is solely for the purposes of discussion with stakeholders on the proposed subject and does not necessarily reflect the views of NITI Aayog. The document was prepared based on extensive stakeholder consultations. The information contained herein is neither exhaustive nor final and is subject to change.

Finally, I would like to acknowledge the valuable contribution of Desh Gaurav Sekhri (Officer on Special Duty, NITI Aayog) in putting together this discussion paper for stakeholder review.



Anna Roy
Adviser (Data Management & Analysis)
NITI Aayog

¹ The Business of Fantasy Sports (July 2020), KPMG India

Executive Summary

Online Fantasy Sports Platforms

The Hon'ble Prime Minister of India, in his MannKiBaat address aired on August 30, 2020, recognised the vast potential of the Indian gaming industry, applauding the contributions of Indian innovators and application developers. The recent AatmaNirbhar App Challenge also recognised gaming as a category in which development of indigenous applications are to be encouraged and celebrated.

Leading the gaming industry's growth within India are Online Fantasy Sports Platforms (OFSPs) that offer fantasy sports contests. With a large market of Indian sports fans and availability of digital infrastructure and engineering talent in India, the OFSP industry can be an engine for growth, employment and innovation in fantasy sports across the world, and also become a global hub for fantasy sports.

Until being overtaken by India recently, the United States of America (US) had the largest online fantasy sports market by user base, with industry reports attesting to daily fantasy sports contests in the US generating USD 2.91 billion in revenue and valuing the market at USD 7.22 billion as of 2017.

KPMG India in its report: The Business of Fantasy Sports (July 2020), noted that the number of users participating in online fantasy sports in India has grown at a compounded annual growth rate of 212%, increasing to 90 million users in December 2019, from 2 million users in June 2016. The fantasy sports industry is estimated to have the potential to generate approximately 1.5 billion transactions by 2023 as well as the potential to attract FDI of more than INR 10,000 crore over the next few years.

A PricewaterhouseCoopers India's report has noted that the fantasy sports industry has the potential to generate an additional 5000+ direct and 7000+ indirect jobs in the next 2-3 years. It also estimates that the fantasy sports industry has the potential to contribute GST revenue of INR 3,000 crore to INR 3,500 crore over the next 5 years, with income tax on winnings and corporate tax paid by OFSP operators expected to contribute between INR 7,000 crore to INR 10,000 crore over the next 5 years.

While OFSPs operate through online media on a pan-India basis, their regulation proceeds under varied State-wise regulatory regimes. This could impact fantasy sports users' interests of transparency, OFSP operator integrity, and fairness may vary from state-to-state. There are instances also of unscrupulous operators who lure users with games of questionable legality in the guise of fantasy sports.

NITI Aayog has initiated this discussion to examine the fantasy sports industry structure and consider evolving guiding principles that can help the industry to grow by adhering to guidelines which are consistent and based on well-recognised principles.

Content**Guiding Principles for the Uniform National-level Regulation
of Online Fantasy Sports Platforms in India**

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• US Fantasy Sports Industry and Regulation	01
• Industry Potential	02
• Barriers to Industry Growth and Innovation in India	04
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GUIDING PRINCIPLES FOR THE UNIFORM NATIONAL-LEVEL REGULATION OF ONLINE FANTASY SPORTS PLATFORMS IN INDIA

Introduction

The Hon'ble Prime Minister of India, in his MannKiBaat address aired on August 30, 2020, recognised the vast potential of the Indian gaming industry, applauding the contributions of Indian innovators and application developers. The recent AatmaNirbhar App Challenge also recognised gaming as a category in which development of indigenous applications are encouraged and celebrated.

At the forefront of the gaming industry's growth within India are Online Fantasy Sports Platforms (OFSPs) that offer fantasy sports contests. In such contests, sports fans get the opportunity to engage actively with the sport of their choice and draft and compete with their virtual teams containing counterparts of real-life players from upcoming matches, score points based on such players' on-field performance and compete with other fans. The OFSP industry has a symbiotic relationship with sports, enabling fan engagement and interaction and increasing interest in a wide variety of sports events.

It has been observed that with increasing connectivity and access to the internet and online services, fantasy sports contests have gained in popularity and participation among sports fans across India. Fantasy sports provide an opportunity for sports fans to showcase their sports knowledge and be actively involved with the sports they follow.

With a large market of Indian sports fans and availability of digital infrastructure and engineering talent in India, India can be an engine for growth and innovation in fantasy sports across the world and become a global hub for fantasy sports and increase its influence in international sports development and commerce.

It is therefore perceived that fantasy sports benefit a number of stakeholders while also generating direct and indirect employment opportunities, driving investment, innovation in technology, entertainment and sports development. Considering its potential contribution to the Indian economy, and India's emergence as a hub for OFSPs, the fantasy sports industry has the potential to be a significant driver of economic and technological growth in India.

There is, therefore, an emergent need for this sector to be recognised and supported, to enable sustainable growth in a structured, governance-led manner.

US Fantasy Sports Industry and Regulation

Until being overtaken by India recently, the United States of America (US) had the largest online fantasy sports market by user base, with industry reports attesting to daily fantasy sports contests in the US generating USD 2.91 billion in revenue and valuing the market at USD 7.22 billion as of 2017².

Offline fantasy sports have enjoyed participation in the US since the 1950s, with organised fantasy sports leagues for American football and baseball emerging in the 1960s³. Fantasy sports moved online from 1995 onwards, starting with the operationalisation of OFSPs offering fantasy hockey contests⁴, and thereafter fantasy baseball, with internet groups such as Yahoo.com entering the space in 1999⁵. In 1998, a number of OFSPs in the US, such as CDM Fantasy Sports, Sportsline and Prime Sports Interactive came together to establish the Fantasy Sports Trade Association, now known as the Fantasy Sports and Gaming Association (FSGA), an industry body intended to represent the fantasy sports industry, secure its growth within the US, and support legal game-formats of fantasy sports games⁶.

In recognition of the skills involved in participation in fantasy sports, legislative action aimed at prohibiting internet gambling in the form of the Unlawful Internet Gambling Enforcement Act (UIGEA) created a safe-harbour for online fantasy sports⁷. This safe-harbour was premised on the standard of predominance of skill over chance, reflected as a condition in the safe-harbour that the winning outcome of fantasy sports games must reflect the relative knowledge and skill of the participants, among other associated requirements⁸.

With the benefit of the legislative safe-harbour and self-regulation through FSGA's charter for members, the OFSP industry in the US and Canada saw its user base grow from 18 million in 2006 to 59.3 million in 2017 as per the FSGA's records⁹. The FSGA has assisted with such growth by providing a platform for interaction and engagement amongst OFSPs through its events and conferences, engaging with State legislators in their regulatory initiatives for the fantasy sports industry, and engaging with OFSP operators to ensure lawful participation and protection of consumer rights¹⁰.

Industry Potential

KPMG India in its report: The Business of Fantasy Sports (July 2020), noted that the number of users participating in online fantasy sports in India has grown at a compounded annual growth rate of 212%, from 2 million users in June 2016 to 90 million users in December 2019. The number of OFSP companies has also exponentially risen from around 10 in 2016 to more than 140 in 2019.

As per the report, this growth in users has translated into the tripling of the growth of revenues of the online fantasy sports industry, i.e., from around INR 920 crore in the financial year 2018-2019 to INR 2470 crore in the financial year 2019-2020.

² Press Release: Fantasy Sports Now a \$7 Billion Industry, available at <https://thefsga.org/press-release-fantasy-sports-now-a-7-billion-industry/>

³ Richard Tacon & Stephen Vainker (2017) Fantasy sport: a systematic review and new research directions, *European Sport Management Quarterly*, 17:5, 558-589, DOI: 10.1080/16184742.2017.1347192

⁴ Janet Eagleson, The History of Fantasy Hockey, at <https://www.rotowire.com/hockey/advice/history.php>

⁵ Tim Marcin, How fantasy sports football exploded online and kept Yahoo relevant, at <https://mashable.com/article/fantasy-football-yahoo/>

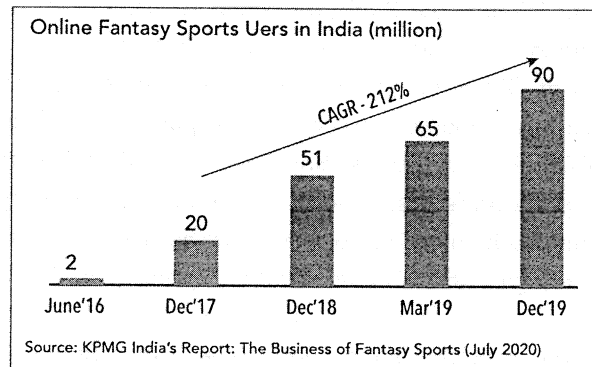
⁶ Fantasy Sports & Gaming Association, History, at <https://thefsga.org/history/>

⁷ 31 U.S. Code § 5362

⁸ "All winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals (athletes in the case of sports events) in multiple real-world sporting or other events." 31 U.S. Code § 5362 (1)(E)(ix)(II).

⁹ Fantasy Sports & Gaming Association, Industry Demographics, at <https://thefsga.org/industry-demographics/>

¹⁰ Fantasy Sports & Gaming Association, at <https://thefsga.org/>



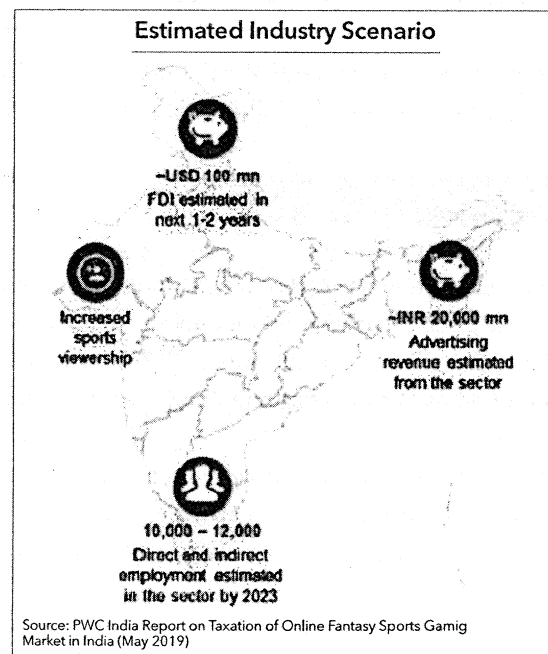
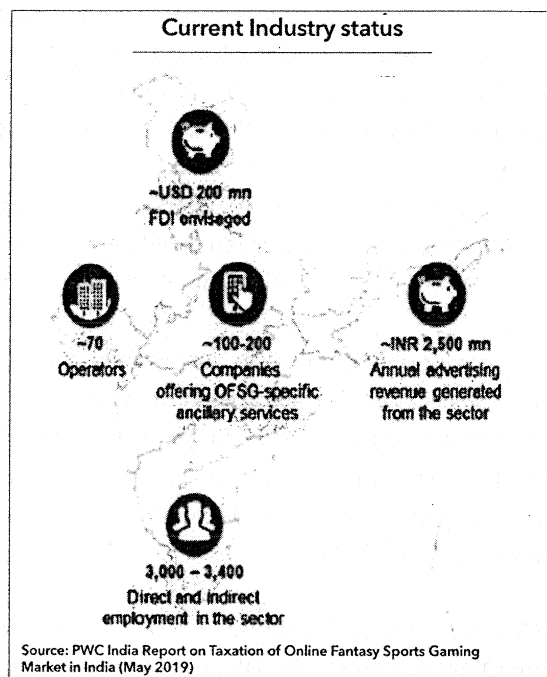
PricewaterhouseCoopers India's report: *Federation of Sports Gaming – Report on Taxation of Online Fantasy Sports Gaming Market in India* (May 2019), noted that the fantasy sports industry has generated over 3000-3400 jobs directly and indirectly through 100-200 ancillary companies that provide research, tutoring, and analytics services to fantasy sports users and coach them to draft their teams. The fantasy sports industry has the potential to generate an additional 5000+ direct and 7000+ indirect jobs in the next 2-3 years.

The PWC India Report also notes that the OFSP industry has generated more than INR 250 crore of revenue for the advertising industry and estimates this figure to rise to INR 2000 crore over the next few years.

According to the KPMG India Report, the fantasy sports industry is estimated to have paid GST to the tune of INR 166 crore, which is estimated to increase to INR 445 crore. The PWC India Report estimates that the fantasy sports industry has the potential to contribute GST revenue of INR 3,000 crore to INR 3,500 crore over the next 5 years.

Additionally, income tax on winnings and corporate tax paid by OFSP operators is expected to contribute significant revenue to the exchequer, with the combined industry contribution estimated to be between INR 7,000 crore and INR 10,000 crore over the next 5 years.

As noted in the PWC India Report, the fantasy sports industry has received around INR 1,000 crore in foreign direct investment (FDI). As per publicly available reports, the OFSP industry in India has seen investment from venture capital and private equity funds such as Kalaari Capital, Tiger Global Management, Think Investments, Kae Capital, Multiples Alternate Asset Management, and Steadview Capital Management and technology and gaming conglomerates such as Nazara Technologies and



Delta Corp. The industry estimates that the fantasy sports industry has the potential to attract FDI of more than INR 10,000 crore over the next few years.

As per industry estimates, the fantasy sports industry has the potential to generate 1.5 billion online transactions by 2023.

Barriers to Industry Growth and Innovation in India

As noted by the Sports Law and Policy Centre (SLPC) in its Report: *Games of Skill in India - A proposal for reform (March 2017) (SLPC Report)*, there is no objectively definable test or regulatory guideline or administrative forum to assess and determine if a game will be characterised as a game of skill or game of chance. This determination relied entirely upon a dispute arising and being adjudicated on by the judiciary, with an adverse holding leading to potential criminal consequences for the operator. This state of affairs places the onus on the operator to ensure that a game format offered is a game of skill, without having the benefit of any bright-lines, objective measures or administrative fora to approach to evaluate and conclusively determine this. Such lack of rule clarity and the attendant risks were found by the SLPC Report to have a chilling effect on innovation and product development within the fantasy sports industry.

Additionally, Companies operating OFSPs are required to engage with State regulators who advocate State-specific regulations. Differential State regulations may lead to variation and uncertainty, raising the compliance burden on OFSPs and adversely impacting their ease of doing business and their ability to innovate and scale, and consequently adversely affect their growth potential. This has the potential to negatively impact returns on investment, reducing the ability of the industry to attract foreign direct investment, generate employment opportunities and contribute revenue to the public exchequer.

Despite such impediments, the fantasy sports industry has displayed growth and resilience, but remains at a nascent stage of development, with significant potential for innovation, growth and broader economic and social impact. Accountability, transparency and a ready-to-enforce platform for comprehensive governance is crucial for this sector to expand sustainably and benefit the economy and citizens of India optimally.

Barriers to Ensuring Uniform National-Level Consumer Protection in India *

While OFSPs operate through online media on a pan-India basis, their regulation proceeds under varied State-wise regulatory regimes. This means that fantasy sports users' interests of transparency, OFSP operator integrity, and fairness may vary from state-to-state, resulting in an inconsistent experience and the risk of forum/jurisdiction shopping. This may even deprive sports fans in some states of their right to engage actively on these OFSPs.

With an OFSP operator located in one State and participating users on such OFSP located in multiple States, differential regulation also results in consumers having differential rights and remedies against OFSP operators, adding complexity and ambiguity to operators' compliance burdens and causing anxiety in dispute resolution.

With the absence of regulation and lack of policy clarity, there is an imperative need for uniform operating standards, based on sound principles and best global practices, and the monitoring of adherence to these principles and practices to protect fantasy sports users' interests.

Industry Recognition and Support

Thus far, certain formats of fantasy sports formats have received judicial recognition in various High Courts and with the Hon'ble Supreme Court of India also having endorsed certain of these judgments. However, fantasy sports contests do not have independent legal recognition, having to shelter under an undefined exception to the state gambling and public order laws.

Formal recognition of the fantasy sports industry and providing for principle-led governance would enable Indian OFSP operators to focus on innovation and achieve scale and expand their operations in a clear and principle-based regulatory environment, achieving the mission of the AatmaNirbhar Bharat Initiative and the Prime Minister's vision of Indian-made and developed applications flourishing and succeeding in India and outside India as well.

Further, independent and cost-effective grievance redressal mechanisms within the fantasy sports industry must be considered. These can meet the twin objectives of (i) providing accessible and uniform dispute resolution to consumers and (ii) not repeatedly exposing compliant OFSP operators to repeated legality challenges that come from consumer disputes reaching the courts.

It is worthwhile to add that with the recognition of fantasy sports as a game of skill, it is equally imperative to secure the industry and the users of OFSPs from unscrupulous operators who lure users with games of questionable legality in the guise of fantasy sports, and thereby tarnish the image and potential of the industry as well as the consumer's trust and expectation that the outcome of a fantasy sports contest will be determined by the superior exhibition of skill relative to participating users.

As part of its call for reforms in support of the above, the SLPC Report suggested the institution of clear guidelines and the creation of a centrally administered and nationally available safe-harbour for games of skill adhering to these guidelines.

The NITI Aayog agrees with this suggestion and believes that a principle-based policy implementation for the fantasy sports industry may in fact be necessary to promote growth and innovation while securing consumer interest. Such an approach could help ensure that the fantasy sports industry operates in a manner that continues to benefit and protect the interests of consumers while maintaining an environment that is supportive of innovative operators that follow good governance practices and protocols on responsible conduct with their users.

Next Steps

In furtherance of the aforesaid, the NITI Aayog organised a consultation on September 14, 2020 involving the participation of eminent persons from the industry and the legal fraternity to discuss and deliberate on the impediments to growth for the industry and the measures that may be considered to best support the industry with a focus on compliance with the rule of law, good governance, fostering

innovation and growth, and allowing the benefit of market forces to help India become a global leader for OFSPs.

The consultation also considered the need for consumer protection and the public interest in the institution of a grievance redressal mechanism that addressed consumer disputes in an adequate, efficient, and affordable manner.

The participants in the consultation unanimously agreed and achieved consensus on the following principles and recommendations:

- There is a public interest in the fantasy sports industry receiving Government recognition as an industry and having its own identity. This identity is distinct from other games of skill and legally differentiated from betting and gambling.
- The extant legal ambiguity and differential treatment faced by fantasy sports games across the Indian States must be addressed through the creation of a uniform national-level safe-harbour for fantasy sports games. This safe-harbour must provide for defined parameters and mechanisms to define and determinate fantasy sports game formats that are games of skill.
- Principle-based guidelines that are agreed and issued must be recognised by relevant national and state-level institutions and organisations. This will enable the implementation of a single national policy on fantasy sports and bring clarity to regulators, operators and consumers alike.
- The Government must consider a light-touch regulatory framework for the fantasy sports industry given the dynamic and technical nature of the activities. This approach will be facilitative of market-creation and market-growth. Self-regulation must also be the preferred mode of governance to ensure ongoing transparency, consumer protection, and accountability.
- A single self-regulatory organisation for the fantasy sports industry should be recognised by the Government. Such self-regulatory body should be a single- purpose fantasy sports industry body and have membership of OFSP operators who, in aggregate, have as their registered users at least 66% of the registered fantasy sports users in India.
- The governance of the self-regulatory organisation should be undertaken by an independent oversight board comprising of reputed persons with experience in governance, law and administration, who may be elected or appointed by members of the self-regulatory organisation for fixed terms.
- The independent oversight board should be responsible for the implementation of the uniform guidelines and principles and ensuring OFSPs' continued adherence and compliance therewith, including through periodic review of member operations.
- All OFSPs that are members of the self-regulatory organisation should enjoy the benefit of the safe- harbour exemption, subject to their adherence with the norms and procedures laid down.

- The self-regulatory organisation should establish an independent grievance redressal mechanism to handle consumer/user complaints against OFSPs as well as any disputes that arise between or relating to OFSPs.
- While always deferring to the wisdom of the Hon'ble Supreme Court of India in all respects, the creation of a cogent and effectively implemented uniform framework has the potential to support the judicial determinations, reduce the burden on the courts and concurrently achieve the objectives of public interest and consumer protection.

Pursuant to the deliberations at the consultation and in furtherance of the recommendations received, NITI Aayog has taken the initiative to compile a list of guiding principles for the fantasy sports industry, which are listed in Annexure 1 hereto. These guiding principles may be treated as a uniform "regulatory sandbox" and may be recalibrated based on ongoing innovations and developments in the sector.

Annexure 1**[Draft] Guiding Principles for Online Fantasy Sports Platforms in India**

The following guiding principles, to be implemented and overseen by the recognised self-regulatory organisation for the fantasy sports industry, may be considered for supporting the fantasy sports sector in a structured manner:

1. OFSP operators should remain in compliance with all applicable laws, regulations and rules in force in India.
2. All formats of fantasy sports contests offered by OFSPs should remain skill- predominant. In case an OFSP operator wishes to offer a pay-to-play variant of contest that varies from the fantasy sports format judicially determined to constitute a game of skill, it should first obtain approval from an independent evaluation committee, constituted by the recognised self-regulatory organisation, that will undertake statistical and legal evaluation of such format to ascertain and confirm that such format is skill-predominant in determining the winning outcome. Such independent evaluation committee shall have the power to set rules or recommend changes to formats that will be binding on OFSPs. OFSP operators will be required to keep statistical data to track player/user performance on their platforms and submit the same to the self-regulatory organisation periodically to demonstrate that the formats deployed by the operator are skill predominant.
3. Pay-to-play formats of fantasy sports contests should not be offered by an OFSP operator to users who are less than 18 years old. All necessary safeguards to protect minors must be instituted.
4. A fantasy sports contest should generally relate to and emulate an entire real world officially sanctioned sports contest as closely as possible and not infuse elements of chance that are not present in the real-world contest, provided that this requirement may be waived by the independent evaluation committee in cases it deems fit.
5. The terms of participation in fantasy sports contests should be fair and transparent, and all users should be offered the same pre-declared rules, platform, opportunities and prizes as the other users they compete against and should be provided a grievance redressal mechanism for the redressal of their complaints.
6. OFSP operators should not offer or advertise gambling services or games of chance on their OFSPs and should put in place industry standard policies and measures to prohibit and prevent use of their OFSP for illegal purposes.
7. Advertising and promotion of fantasy sports contests, including any endorsement or participant comments used by the operator for advertisements or promotions, (a) should be fair and truthful, (b) should remain in compliance with the existing advertising standard of the Advertising Standards Council of India and any other relevant body, (c) should neither represent or imply that winnings in a contest are 'assured' or 'guaranteed' nor project fantasy

sports as anything other than an amusement and fan engagement activity, and (d) should not represent that the participation in fantasy sports is a source of sustenance, a means of earning a livelihood, a lottery, a jackpot or an investment opportunity. In the same spirit, vigilance should be exercised over claims made by third parties involved with training or offering other services to users and organizing promotional events relating to fantasy sports contests.

8. The self-regulatory organisation should send a communication to all the States requesting them to consider granting to OFSPs immunity from criminal prosecution or sanction in respect of such formats of fantasy sports contests that are compliant with these guiding principles.



सत्यमेव जयते

NITI Aayog

Supreme Court - Daily Orders

Varun Gumber vs Union Territory on 15 September, 2017

ITEM NO.43

COURT NO.12

SECTION IV-E

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Diary No(s). 27511/2017

(Arising out of impugned final judgment and order dated 18-04-2017
in CWP No. 7559/2017 passed by the High Court Of Punjab & Haryana
At Chandigarh)

VARUN GUMBER

Petitioner(s)

VERSUS

UNION TERRITORY, CHANDIGARH & ORS.

Respondent(s)

(IA No.84407/2017-CONDONATION OF DELAY IN FILING and IA
No.84413/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 15-09-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s)

Anzu. K. Varkey, AOR

For Respondent(s)

Ms. Amrreeta Swaarup, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

The Special Leave Petition is dismissed.

(R. NATARAJAN) (SAROJ KUMARI GAUR) COURT MASTER COURT MASTER Signature Not
Verified Digitally signed by R.NATARAJAN Date: 2017.09.16 12:50:08 IST Reason:



भारत सरकार
Government of India



Download Date: 28/11/2019



साहिल नलवाया
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Issue Date: 30/10/2019

3307 1711 5112

VID : 9149 7809 8835 6350

मेरा आधार, मेरी पहचान



भारतीय विशिष्ट पहचान प्राधिकरण
Unique Identification Authority of India

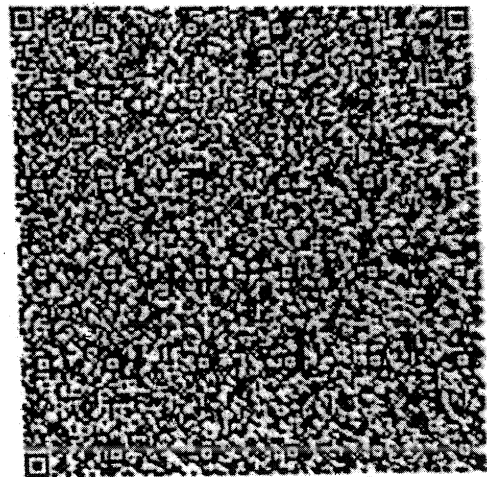


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Secretary Bar Council
Date : 01.11.2019

S. J. Jodhpur

Chairman Bar Council

