

W.P.(MD)No.15231 of 2020

N.KIRUBAKARAN, J.
AND
B.PUGALENDHI, J.

ORDER

(Order of the Court was made by **N.KIRUBAKARAN,J.**)

This Writ Petition has been filed before this Court seeking for issuance of a Writ of Mandamus to direct the official respondents to take appropriate action to ban Online Rummy hosted by the seventh respondent and others. It is disheartening to note that several precious lives have been lost due to the Online Gambling.

2. One of us (The Honourable Mr.Justice B.PUGALENDHI) while disposing of CrI.O.P.(MD)No.6568 of 2020, by order dated 24.07.2020 went into detail as to how this Online Gambling in the name of online games is causing loss of lives and insisted the necessity to regulate the programmes on par with the Telangana State Government, wherein the Online Gambling has been banned by virtue of the Telangana Gaming Act (Amended Act, 2017), which prohibits all forms of gambling for money.

3. The Telangana Government further moved a Bill to amend the Telangana Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land-Grabbers Act, 1986, by including “Gaming Offender”, who commits or abets the commission of offences punishable under the Telangana Gaming Act, 1974. Paragraph Nos.37 to 40 of the said order in Crl.O.P.(MD) No.6568 of 2020 are extracted hereunder:

*“37. It is to be noted at this juncture that except the decisions in **Varun Gumber's** case [High Court of Punjab and Haryana]; **Gurdeep Singh Sachar's** case [Bombay High Court]; and **Chandresh Sankhla's** case [High Court of Rajasthan] which dealt with the fantasy sport - Dream11, none of the precedents referred supra deal with online gaming. The decisions discussed supra are in respect of recreational clubs and not specifically refer about any virtual area, like, Internet. Neither the Public Gaming Act, 1867, nor the Tamil Nadu Gaming Act, 1930, specifically speaks about such virtual area, as the advent of such online games are very recent. In fact, the Hon'ble Supreme Court, while dealing with an appeal, has held that the issue pertaining to online rummy has not arisen at all, till date.*

38. India has a rich heritage with a diverse range of sports / games. Sports is not only an important source of

entertainment, but also imparts value of hard work, discipline and co-operation. To regulate the physical sports / games, we are having a legislative set up, but having such a set up to deal with the emerging online games / virtual games is the need of the hour. A comprehensive regulatory framework by a regulatory body is necessary to regulate the online sports and to curb any illegal activities as well. In fact, such regulation of online sports would encourage investment in the sector, which could lead to technological advancements as well as generation of revenue and employment.

39. We should not loose sight of the fact that nowadays, almost in all the social media, youngsters are being attracted, to play such online games, by alluring with prize money. Gaming sites are also partaking a slice on the winning hand, as of a virtual gambling house. In fact, these online games lure the unemployed youth that they can earn money by playing these games.

40. Saint Thiruvalluvar in 934th and 939th couplet of Thirukkural described the evils of gambling as follows:

சிறுமை பலசெய்து சீரழிக்கும் சூதின்

வறுமை தருவதொன்று இல்.

... 934

which means—

“There is nothing else that brings poverty like gambling which causes many a misery and destroys one's

reputation.”

உடைசெல்வம் ஊண்ஓளி கல்விஎன்று ஜிந்தும்

அடையாவாம் ஆயம் கொளின். ... 939

which means-

“Gambling would preclude the Five Rathnas, viz., Reputation, Education, Wealth, Food and Cloth, from reaching the person.”

4. In Paragraph No.51 of the order passed in CrI.O.P.(MD) No.6568 of 2020, this Court insisted the necessity for having a separate legislation with regard to the prohibition of Online Gaming. Paragraph No.51 of the said order is extracted hereunder:

“51. Therefore, this Court hopes and trusts that this Government shall take note of the present alarming situation and pass suitable legislation, thereby, regulating and controlling such online gaming through license, of course, keeping in mind the law of the land as well as the judicial precedents in this regard. This Court is not against the virtual games, but, the anguish of this Court is that there should be a regulatory body to monitor and regulate the legal gaming activities, be it in the real world or the virtual world. Needless to say that if the Government intends to pass a legislation in this regard, all the stakeholders should be put in notice and their views should be ascertained.”

Though the above order has been passed in July 2020, nothing has been done so far and several precious lives of youths in this State are lost.

5.It is also brought to the notice of this Court by Mr.A.Kannan, learned Counsel appearing on behalf of the writ petitioner that apart from the State of Telangana, the States of Assam, Odisha and Andhra Pradesh also enacted laws to ban Online Rummy games or to regulate such games.

6. A similar issue was raised before the Gujarat High Court and the First Bench of Gujarat High Court in R/Writ Petition (PIL) No.146 of 2020, by order dated 29.09.2020, directed the State of Gujarat to deal with the Online Games involving gambling appropriately. Paragraph No.18 of the said order is extracted hereunder:

“18. Our final order is as under:

(I) We direct the State of Gujarat to consider this writ application as a representation. If the online games involve gambling and if they are being played in the State of Gujarat, then it is expected of the State to deal with the same appropriately as gaming is a subject matter of List II of the Schedule VII of the Constitution of India.

(II) If any website is operating in the State of Gujarat or is engaged in any gambling games, the State

shall deal with the same in accordance with law, rules, regulations and the policy, as may be applicable.

(III) The State shall also examine whether such games result in money-laundering or violation of laws relating to foreign exchange as well.

(IV) We expect the State Government to promptly look into the aforesaid issues and take an appropriate decision in accordance with law in larger public interest before it is too late.”

7. This Court takes judicial notice of the media reports on the number of persons died due to Online Gambling. Several youths, involve in Online Gambling, lost money and were unable to pay the debts which have been raised for Online Gambling and on account of that have also taken extreme step of committing suicide. therefore, they committed suicide. It is reported Rs.25,000 Crores is involved in the Online Gambling and wide publicity is being given to this killer gambling roping in celebrities which is one of the reasons for popularity of the games.

8. Mr.K.R.Laxman, learned Central Government Standing Counsel takes notice for the respondents 1 and 2.

9. Mr.Jayasingh, learned Counsel takes notice for the fourth

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respondent.

10. Mr.P.S.Raman, learned Senior Counsel for M/s Sasidhar Sivakumar takes notice for the seventh respondent.

11. Considering the seriousness of the issue involved in this writ petition, this Court *suo motu* impleads “the Chief Executive Office (TORF), the Online Rummy Federation of India, 011/A, Keval Tower, B.J.Patel Road, Malad-West, Mumbai-400064, Maharashtra” as eighth respondent. The Registry is directed to carry out necessary amendments in the cause title.

12. Mr.P.S.Raman, learned Senior Counsel for M/s Sasidhar Sivakumar also takes notice for the newly impleaded eighth respondent.

13. Mr.Sricharan Rengarajan, learned Additional Advocate General assisted by Mr.M.Muthugeethaiyan, learned Special Government Pleader takes notice for the respondents 3, 5 and 6 and he would submit on instructions that the Government is seriously considering the issue and he would report the steps taken in ten days time.

14. This Court hopes that appropriate, adequate and immediate

measures including bringing a legislation to prohibit or regulate Online Gambling would be taken by the Government before the next hearing in order to ensure that no precious life hereinafter will be lost.

15. Call on **18.11.2020 at 02.15p.m.**

Index : Yes/No [N.K.K.J.] [B.P.J.]
Internet : Yes/No 03.11.2020

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Note: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

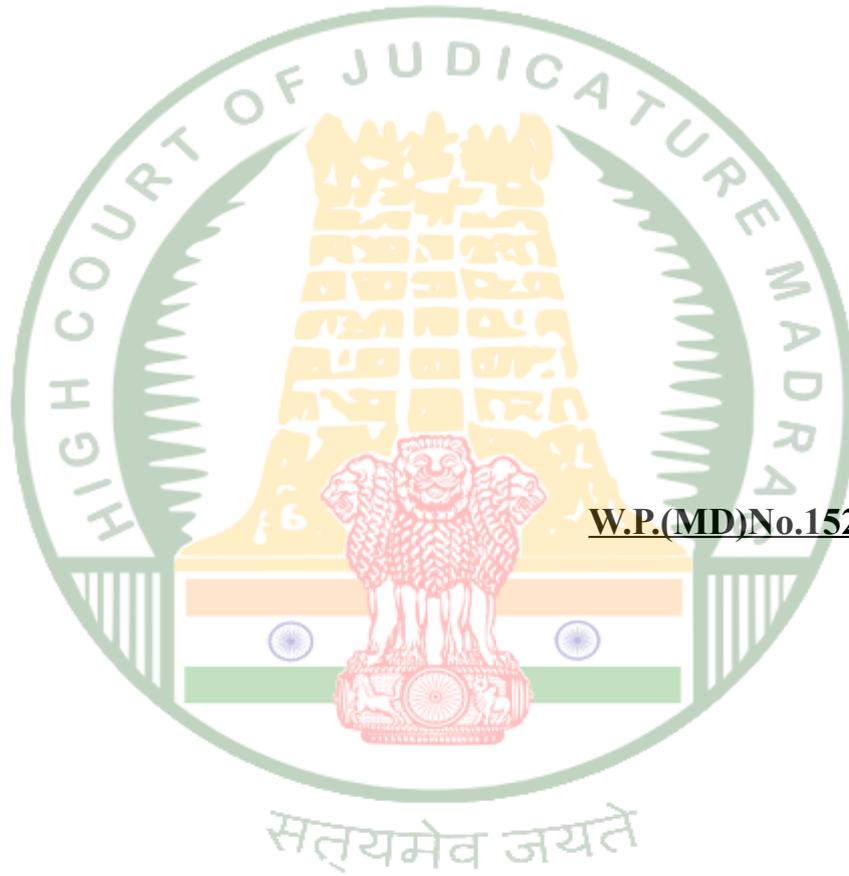
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