

IAGR, INDIA: PROMISED LAND OF GAMING BUT UNSTABLE AND FRAGMENTED

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In Copenhagen a focus on the "India case", which is one of the most interesting markets, especially for online, but still unstable and full of contradictions.

Copenhagen - With a population of 1.3 billion, divided into 29 states and 7 territories of the Union, **India is today one of the gaming markets** with the greatest potential ever. At the same time, it is also a testing ground for other regulatory techniques and different approaches to the sector. To the point of being proposed today 18 September as a **case study at the Iagr Conference, currently being held in Copenhagen.**

To illustrate the situation of gaming in India is the **lawyer Ranjana Adhikari, of the Media Entertainment & Gaming Practice**, which highlights how following the impulse provided by the issuance of the so-called 'Digital India' under the current government of Narendra Modi, there are today about 350 million smartphone users and it is expected that this share will reach 470 million users by 2021.

"The online gaming industry in India has a market value estimated at around \$ 290 million in 2016 and is expected to grow to \$ 1 billion by 2021. It should also be noted that around 60 percent of the players who use the mobile channel in India are under 24 and that about 60 percent of the market in India is generated in rural areas where Internet penetration is constantly increasing, day after day".

VIGENT PROHIBITIONS - The State has set the stakes around which the gaming industry is structured. "In particular, among the main prohibitions provided for by the state laws, is that of owning, maintaining, occupying or taking care of and managing a gambling house on the territory; lend or provide money for gambling to people attending such gambling houses.

But it is also forbidden to gamble on any public road, place or road artery, print, publish, sell, distribute or in any way disclose anything intended to help or facilitate gambling. In addition to being banned, in some cases, even gambling itself: but this does not apply to all states, only some as Orissa, in which every form of gambling is prohibited. In other states such as Telangana it is forbidden to offer online games to win while in Nagaland there is the prohibition to offer online skill games without a license. While in the state of Sikkim it is necessary to have a local license in order to offer online games. Most of the state amendments contain an exemption for "pure skill" games, which have been interpreted by the Supreme Court as those games in which the ability is predominant".

DIFFICULTIES FOR INDUSTRY -The fragmentation of regulation that characterizes the Indian market generates an instability with which the insiders must be confronted every day. In particular, among the critical factors highlighted by Adhikari, there is: "the absence of a centralized licensing regime for online gaming operators. Moreover, political changes - very dynamic and controversial at the state level - lead to different approaches by each individual state. It must also be considered that the offer of online skill games is still difficult to exercise, despite the clear exceptions provided by the law: the state of Telangana is a classic example in which things are in complete disorder. Finally,

OPERATORS INVOK A STABLE LAW -The instability situation therefore represents the greatest criticality for local operators. For this reason, industry representatives have submitted requests to the Legal Commission of India, through the drafting of a White Paper dedicated to the gaming market, which calls for the introduction of a centralized unified online licensing regime. suggests a phased approach to licensing that includes a first phase in which to include skill games, including bets on horse racing and sports betting, and a second phase to include - or possibly extend the scope - the games of luck. The document also contains suggestions on restrictions on foreign investment and foreign technology and on the creation of a

THE ADVANTAGES OF SELF-REGULATION - According to Adhikari, the self-regulation of the gaming industry is a reasonable goal and has various advantages. According to the lawyer, meanwhile, "The gaming industry would not be the first to regulate itself in India, with success stories such as the Indian Broadcasting Foundation and the Advertising Standards Council of India". Among the reasons why we should think about this discipline: "Laws in India are criminal and compliance with a self-regulation code helps the trader to support his intent in good faith. Furthermore, this development would bring stability and clarity to policy in the absence of specific regulation and could bring a balance between regulation and innovation when a new discipline is introduced".