

THE BLURRED LINES BETWEEN GAMING AND GAMBLING

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Being careful with language is a part of the job description for two professions in particular: law and journalism. And when the interests of these two professions — and the appropriate vocabulary to describe those interests — are in conflict, things get tricky.

Recently, at least three people from an industry called me to share information about their advocacy efforts with the government. This industry represents a range of online apps or platforms where users can risk their money to win or, as is the case often, lose what they put in. The games include casino staples such as poker and rummy. These are called online gambling apps in parts of the world.

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While the Constitution gives States the power to regulate “betting and gambling,” platforms have repeatedly and successfully made the case that games such as rummy and poker are ‘games of skill’ and therefore don’t fall into either category.

It is true that platforms carry financial risks, which they themselves have disclosed. And skilful players too can miscalculate and lose huge amounts of money. Yet, calling these apps ‘online gambling’ spells trouble. This is because courts have held that playing games such as poker and rummy requires and rewards application of mind and doesn’t constitute gambling. Who are journalists, then, to say otherwise? The industry prefers the term ‘real money gaming’ or RMG.

Today, States and journalists are scrutinising this industry. A spate of suicides has highlighted the financial and other harms that addiction to such games can cause. Tamil Nadu has attempted to define and restrict these platforms by enacting a law to restrict ‘online gaming.’ This is a far wider category than even the RMG term adopted by the industry and risks conflating video games that entail different risks, and mostly without staking money, with speculative apps which can dictate personal fortunes. The first effort at prohibition, under the AIADMK-led administration, was struck down by the Madras High Court. The DMK-led government asked Retired Justice K. Chandru to lead a committee to examine the issue last year. The committee’s report included insights from schoolteachers, which suggested that it was not just RMG apps that were the government’s focus.

Last August, the Home Department held a consultation. I asked whether stakeholder submissions could be disclosed in public interest. But the submissions were not made public, despite many Right to Information requests seeking copies.

When the Union government put out a draft of a far more liberal approach of regulating this industry, the Minister of State for Electronics and Information Technology told reporters that “any game that allows or permits wagering on its outcome is effectively a no-go area.” But the draft he unveiled simply spelt out safeguards for such platforms. And the draft called them ‘online gaming providers’, as did an amendment to the Allocation of Business Rules made shortly beforehand to allow the IT Ministry to regulate this space.

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The obfuscation and the blurred lines ultimately end up confusing readers. So, what do we do? To lump in real money games with video games is a journalistically fraught exercise. In my writing, I have used phrases like “games that allow players to stake real money” and “wagering platforms” when referring to games such as rummy and poker. It’s not as unambiguous as “online gambling,” but it gets the message across.

As the online gaming amendment approaches notification, and amendments to it to include other forms of non-wagering video games get formulated, it will be more important to report on what exactly the real money gaming industry is, and what it is not. That is a prerogative for policy clarity as well as a necessity for readers, so that they understand concerns and rulemaking around RMGs.

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