

THE SPORTS (ONLINE GAMING AND PREVENTION OF FRAUD)  
BILL, 2018

By

DR. SHASHI THAROOR, M.P.

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**Bill No. 259 of 2018**

THE SPORTS (ONLINE GAMING AND PREVENTION OF FRAUD)  
BILL, 2018

By

DR. SHASHI THAROOR, M.P.

A

BILL

*to establish an effective regime to maintain the integrity of Sports in India by preventing and penalizing Sports Fraud, regulation of Online Sports Gaming; and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5       **1.** (1) This Act may be called the Sports (Online Gaming and Prevention of Fraud) Act, 2018.

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

Short title,  
extent and  
commencement.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

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

(a) "appropriate authority" means a person or organization designated as such by the Central Government;

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(b) "bet" with all its grammatical variations means any money or a valuable security or a thing staked by a person on behalf of himself or through an agent or any person procured or employed, acting for or on his behalf, to be lost or won on the happening or determination of an unascertained thing, event or contingency of or in relation to a game or sport and shall include acceptance of a bet;

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(c) "Commission" means the Online Sports Gaming Commission constituted under section 13;

(d) "domestic sporting event" means any domestic, national or international sporting event or segment thereof, sanctioned or recognized by a National Sports Federation or a State Sports Federation, held or to be held in India;

15

(e) "inside information" means any information not in the public domain and includes information—

(i) not already published or is a matter of record, about a sporting event including information concerning the condition of the field of play or strategy or any injury or any other factor affecting the sporting event, and

20

(ii) specifically, within the knowledge of a member by virtue of his position, participation or any other form of involvement in the sporting event;

(f) "international sporting event" means any international sporting event recognized by a National Sports Federation or by an International Sports Federation, held outside India in which the Indian team or a member from India participates;

25

(g) "International Sport Federation" means a federation recognised by the International Olympic Committee in respect of an Olympic sport or any federation which regulates a non-Olympic sport at the international level;

(h) "license" means a license granted by the Commission under the provisions of the Act for the purpose of facilitating online sports gaming;

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(i) "licensee" means any person who has been granted a license to install and operate Online Gaming Server, and any other activity to facilitate Online Sports Gaming';

(j) "member" means a participant of the National or State or domestic sports team or sporting event and includes support personnel, umpires, match officials and any other person deriving commercial benefit from the team or event;

35

(k) "National Sports Federation" means an autonomous body which regulates a sport at the national level and recognized by the Central Government, and includes any body designated by the Central Government as a National Sports Federation for the purposes of the Act;

(l) "Online Gaming Server" means any main frame computer or set of computers, installed or maintained by the Licensee, that accepts, processes, stores and validates transactions arising out of Online Sports Gaming, and which manages, monitors and controls the entire system of Online Sports Gaming;

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(m) "Online Gaming Website" means the internet domain registration or URL address of the Licensee through which Online Sports Gaming is conducted;

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(n) "Online Sports Gaming" means games involving the prediction of the results of a sporting event and placing a bet on the outcome, in part or in whole, of such sporting event, by means of a telecommunication device;

(o) "prescribed" means prescribed by rules made under this Act;

(p) "Sports Fraud" has the meaning assigned to it in section 3;

(q) "sporting event" means any domestic sporting event or international sporting event;

5 (r) "State Sports Federation" means an autonomous body which regulates a sport at the State level and recognized by National Sports Federation in relation to such sport or recognized by the State Government; and

(s) "sport personnel" means any manager, coach, trainer, selector, team official, agent, doctor, therapist or any other, person employed by, representing or otherwise  
10 affiliated to a playing or touring team or squad that is chosen to represent a National Sports Federation or a State Sports Federation or its affiliates in a sporting event.

CHAPTER II

PREVENTION OF SPORTS FRAUD

3. (1) A person is said to commit the offence of Sports Fraud in relation to a domestic  
15 sporting event if—

Offence of Sports Fraud.

(i) a Member accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do an act—

20 (a) to manipulate sports result, including the simulation or pre-determined sequence of events or manipulation of outcomes within any act or period of play based on an agreement, irrespective of whether the outcome is actually altered or not, or

(b) to cause an irregular alteration of the field of play or the result of a sporting event including its incidental events, or

25 (c) to deliberately misapply the rules of the sport;

(ii) a member being in possession of inside information, discloses such information to any person before or during a sporting event, for any gratification, other than legal remuneration, for himself or for any other person, as a motive or reward for doing such act;

30 (iii) a person provides, or attempts to provide, or facilitates the provision of any gratification, other than legal remuneration, as described under clauses (i) and (ii);

(iv) a person omits to perform the duty imposed on him under section 4;

(v) a participant of a domestic sporting event, or any other person on his or her behalf, wilfully misrepresents the age or any other qualifications of the participant, as  
35 required for such event.

(2) A person is said to commit the offence of Sports Fraud in relation to an international sporting event, if—

40 (i) a member, who is a citizen of India, accepts or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do an act—

45 (a) to manipulate sports result, including the simulation of pre-agreed sequence of events or manipulation of outcomes within any act or period of play based on an agreement, irrespective of whether the outcome is actually altered or not; or

(b) to cause an irregular alteration of the field of play or the result of a sporting event including its incidental events; or

(c) to deliberately misapply the rules of the sport;

(ii) a member, who is a citizen of India, being in possession of inside information, discloses such information to any person before or during any sporting event, for any gratification, other than legal remuneration, for himself or for any other person, as a motive or reward for doing such act;

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(iii) a member accepts or attempts to accept or obtains or agrees to accept or attempts to obtain from any person, for himself or for any other person, any gratification, other than legal remuneration, to engage in any acts described in sub-clauses (a) to (c) of clause (i) or clause (ii), within the territory of India;

(iv) a person, who is a citizen of India, provides, or attempts to provide, or facilitates the provision of any gratification, other than legal remuneration, as described in clauses (i), (ii) and (iii);

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(v) a person who provides, or attempts to provide, or facilitates the provision of any gratification, other than legal remuneration, as described in clauses (i), (ii) and (iii) within the territory of India;

15

(vi) a person, who is a citizen of India, omits to perform the duty imposed on him under section 4;

(vii) a participant of an international sporting event, who is a citizen of India, or any person on his or her behalf, wilfully misrepresents the age or any other qualifications of the participant, as required for such event;

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Provided that any sporting event recognized or sanctioned by the Board of Control for Cricket in India, held in India and outside India, shall be deemed to be a domestic sporting event and an international sporting event, respectively, for the purposes of this act.

*Explanation I.*—For the purpose of this section, the expression "gratification" shall have the same meaning as is assigned to it in section 7 of The Prevention of Corruption Act, 1988.

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*Explanation II.*—For the purpose of this section, the expression "sports result" includes the margin of victory or loss.

Duty to Inform.

**4.** Whoever gets any information as to the commission of any of the acts referred to in clauses (i), (ii), (iii) and (v) of sub-section (1) of section 3, and in clauses (i), (ii), (iii), (iv), (v) and (vii) of sub-section (2) of section 3, shall forthwith or within such time as may be prescribed, give the information regarding the same to the appropriate Authority or to the police as the case may be, or to the team management or the National Sports Federation, in writing:

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Provided that the team management or National Sports Federation, shall inform the appropriate authority or the police, as the case may be, within three working days of receiving such information:

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Provided further that for the purpose of this act, the Board of Control for Cricket in India shall be deemed to be the National Sports Federation for the sport of cricket:

Provided also that for purpose of this act, the Indian Olympic Association shall be deemed to be the National Sports Federation for an olympic sport.

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Investigation of Sports Fraud.

**5. (1)** Every Sports Fraud in relation to a domestic sporting event shall be investigated by any officer in charge of a police station, having jurisdiction over the local area within the limits of which such offence is said to have been committed, in accordance with provisions of the Code of Criminal Procedure, 1973

(2) Every Sports Fraud in relation to an international sporting event shall be investigated by the appropriate authority.

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(3) The appropriate authority shall, for the purposes of this Act, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—

(a) discovery and inspection;

5 (b) enforcing the attendance of any person, including any officer of a reporting entity and examining him on oath;

(c) compelling the production of records;

(d) receiving evidence on affidavits;

(e) issuing commissions for examination of witnesses and documents; and

10 (f) any other matter which may be prescribed.

**6.** Whoever commits the offence of Sports Fraud shall be punishable—

(a) where such Sports Fraud relates to clauses (i), (ii), (iii) of sub-section (1) of section 3 or clauses (i), (ii), (iii), (iv), (v), (vii) of sub-section (2) of section, with imprisonment for a term which may extend to five years and with fine of ten lakhs or five times the economic benefits derived by the person from sporting fraud, whichever is greater;

Punishment  
for Sporting  
Fraud in  
Relation to a  
Sporting  
Event.

(b) where such sports fraud relates to clauses (iv) of sub-section (1) of section 3 or clauses (vi) of sub-section (2) of section 3, with imprisonment for a term of not exceeding three years and with fine of rupees five lakhs or three times the economic benefits derived by the person from sporting fraud, whichever is greater;

(c) where such Sports Fraud relates to clauses (v) of sub section (1) of section 3 or clause (vii) section (2) of section 3, with imprisonment for a term not exceeding one year and with fine of rupees two lakhs or three times the economic benefits derived by the persons through such misrepresentation, whichever is greater;

25 **7.** A person who abets the commission of the offence of sporting fraud shall be punishable with the same punishment as provided for the offence.

Abetment of  
Sports Fraud.

*Explanation*—For the purpose of this section, the expression "abets" shall have the same meaning as is assigned to the expression "abetment of a thing" in section 107 of the Indian Penal Code, 1860.

30 **8.** (1) Where any offence punishable under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall to be proceeded against and punished accordingly:

Offences by  
companies.

35 Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence punishable under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation*—For the purposes of this section,—

45 (a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Cognizance of offences.

**9. (1)** No court shall take cognizance of an offence under this Chapter except on—

(a) a complaint filed by a person from a National Sports Federation in-charge of implementing its anti-corruption code or rule in such manner as may be prescribed;

(b) a complaint filed by a person after giving notice of not less than sixty days, in such manner as may be prescribed, to the appropriate authority or to the police, as the case may be, of the alleged offence and of his intention to make a complaint to the court; 5

(c) a report of a police officer on completion of investigation under Section 173 of The Code of Criminal Procedure, 1973;

(d) a report filed by the appropriate authority on completion of investigation. 10

(2) No court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try any offence punishable under this Act.

Cognizable and non-bailable offences.

**10.** All offences under this Chapter shall be cognizable and non-bailable.

### CHAPTER III

#### REGULATION OF ONLINE SPORTS BETTING

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The Online Sports Gaming Commission.

**11. (1)** The Central Government shall constitute a Commission, to be known as the Online Sports Gaming Commission, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.

(2) The Commission shall consist of a Chairperson, Vice Chairperson and five members to be nominated by the Central Government, with at least one expert from the field of law, one expert in the field of cyber technology and one person with experience in law enforcement. 20

(3) the Central Government shall provide the Commission with a Secretary and such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(4) The salaries and allowances payable to, and the other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed by the Central Government. 25

Composition of the Online Sports Gaming Commission.

**12. (1)** The Chairperson and every member of the Commission shall hold office for a period of three years from the date such person assumes office.

(2) The Chairperson or a member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or as the case may be, of the member at any time. 30

(3) The Central Government shall remove a person from the office of Chairperson, Vice Chairperson or a member referred to in sub-section (2) if that person—

(a) becomes an undischarged insolvent; 35

(b) is convicted and sentenced to imprisonment;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of discharging his functions;

(e) has in the opinion of the Central Government, so abused his position as a member, so as to render a person's continuance in office detrimental to public interest. 40

Functions of the Commission.

**13.** The Commission shall,—

(a) oversight of the functioning of Online Gaming Websites;

(b) tracking illegal Online Sports Gaming;



(c) tracking suspicious betting patterns of persons including, Licensees;

(d) co-ordinating with State and Central law enforcement agencies to curb illegal Online Sports Gaming;

5 (e) make periodical or special reports to the Central Government on any matter pertaining to Online Sports Gaming;

(f) suggest appropriate measures to control or curb illegal Online Sports Gaming;

(g) to issue, suspend and revoke Licenses and to determine fees for License applications and License renewals;

(h) any other matter referred to it by the Central Government.

10 **14.** (1) No person shall engage in Online Sports Gaming except through an Online Gaming Website.

Ambit of Online Sports Gaming.

(2) No person shall operate an Online Gaming Server or an Online Gaming Website without a License granted under this Act.

15 (3) Any person who operates an Online Gaming Server or an Online Gaming Website without a License granted under this Act, shall be punishable with imprisonment for a term of not exceeding three years and with fine as may be prescribed.

(4) Any person who engages in Online Sports Gaming except through an Online Gaming Website shall be punishable with imprisonment for a terms of not exceeding one year and with fine as may be prescribed:

20 Provided that nothing in this section shall cover any person providing backend services in India, including hosting and maintenance services, for any international betting website based outside India.

25 *Explanation.*—For the purposes of this Act, the expression "Online Sports Gaming" shall not include any form of wagering, betting, gaming or gambling in relation to events which are not in relation to a sporting event.

**15.** (1) Any person desiring to obtain a License shall make an application in writing to the Commission, in such form and manner as may be prescribed.

License for an Online Gaming Server or an Online Gaming Website.

30 (2) On receipt of the such application the Commission may, after making such inquiry as it considers necessary, by order in writing, either grant the License or refuse to grant the License, assigning reasons for its decision.

**16.** (1) A License, unless it is cancelled or surrendered, shall remain in force for such period, not exceeding five years, as may be specified in it.

Cancellation or Surrender of the License.

(2) A Licensee may surrender the License through a notice in writing to the Commission.

35 (3) The cancellation, surrender, or expiry of a License shall not affect any liability for anything done or omitted to be done before the date on which it ceases to have effect.

**17.** An applicant for the License shall pay to the Commission such amount as may be prescribed as application fee for the grant of the License.

Fee for the License.

**18.** The License shall not be capable of being assigned in any form or in any manner.

Non-assignment of the License.

40 **19.** The Commission may, on application made to it, renew the License granted under this Act, on payment of the fee prescribed for renewal of a License or refuse to renew any such License after assigning the reasons for refusal in written order.

Renewal of the License.

Suspension or Cancellation of the License.	<p><b>20.</b> (1) The Commission may, at any time, after giving the Licensee a reasonable opportunity of being heard, suspend or cancel the License on any one or more of the following grounds, namely:</p> <p style="padding-left: 40px;">(i) That there has been a breach of any of the conditions subject to which the License was granted.</p> <p style="padding-left: 40px;">(ii) That the Licensee has contravened any of the provisions of this Act or rules made thereunder.</p> <p>(2) Whenever a License is suspended or cancelled, the Commission shall record the reasons for such suspension or cancellation and furnish a copy thereof to the person whose License has been cancelled or suspended.</p> <p>(3) If the Licensee is found to have breached any of the conditions of the License, then the Licensee be punished with such fine as may be prescribed.</p>	5
Maintenance of accounts relating to Online Sports Gaming by the Licensee.	<p><b>21.</b> The Licensee shall maintain accounts relating to Online Sports Gaming in such manner and submit it to the Commission as may be prescribed.</p>	
Conditions of the License.	<p><b>22.</b> (1) If any person, other than the Licensee while engaging in Online Sports Gaming through Online Gaming Website, commits a breach of any of the conditions of the License as exhibited or of the rules to be observed in playing such games, such person shall be punished with fine as may be prescribed.</p> <p>(2) The Licensee shall exhibit on the approved website, the conditions subject to which the License was granted, and all rules governing the conduct of Online Sports Gaming.</p>	15
Request by the Commission for investigation.	<p><b>23.</b> (1) The Commission may request the police to investigate any acts of violations of the sections under this Chapter.</p> <p>(2) It shall be lawful for any police officer, not below the rank of Deputy Superintendent of Police, to search premises and to seize materials in accordance with the provisions of the Code of Criminal Procedure, 1973.</p>	20
Cognizable and bailable offences.	<p><b>24.</b> All offences under this chapter shall be cognizable and bailable.</p>	
Foreign Direct Investment in Online Sports Gaming.	<p><b>25.</b> The Central Government may, by notification permit Foreign Direct Investment including technological collaboration in licensed Online Sports Gaming, subject to any conditions or restrictions as may be prescribed.</p>	
Rule-making powers of the commission.	<p><b>26.</b> (1) The Commission may, in consultation with the Central Government, make rules for carrying out purposes of Chapter III of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, the Commission may provide rules for all or any of the following matters, namely—</p> <p style="padding-left: 40px;">(i) The form and manner of making an application for a License, the fees to be paid for its grant or renewal, and the conditions subject to which it may be granted;</p> <p style="padding-left: 40px;">(ii) The manner of keeping accounts relating to Online Sports Gaming, the form in which and the intervals at which they shall be submitted to the Commission;</p> <p style="padding-left: 40px;">(iii) The restrictions or conditions with regard to the age or other conditions of the persons who may be employed for Online Sports Gaming or may be permitted to play such games online or otherwise take part in the organization or exhibition of such games;</p>	30
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(iv) The restrictions or conditions with regard to the admission of participants and the fees, if any, to be charged for their admission;

(v) The type of notices to be exhibited and the manner in which they are to be exhibited on the Online Gaming Website;

5 (vi) The restrictions or conditions with regard to providing credit facilities by the Licensee to participants of Online Sports Gaming and the prohibition or regulation of participation by proxy in Online Sports Gaming;

(vii) The fine to be paid by persons for violating provisions under Chapter III of the Act; and

10 (viii) Any other matter which is required to be or may be prescribed.

#### CHAPTER IV

##### MISCELLANEOUS

15 **27.** The provisions of this Act, shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency.

Overriding effect.

20 **28.** If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty.

Power to remove any difficulty.

**29. (1)** The Central Government may, by notification published in the Official Gazette make rules to carry out the provisions of this Chapter;

Laying period for Rules made under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

25 (a) the time within which a person shall inform the appropriate authority or the police as the case may be, or team management or National Sports Federation;

(b) manner in which the complaint is to be made under clause (a) of sub-section (1) of section 9;

30 (c) manner in which the complaint is to be made under clause (b) of sub-section (1) of section 9;

(d) any other matter which is required to be, or may be, prescribed.

35 (3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously  
40 done under that rule or regulation.

## STATEMENT OF OBJECTS AND REASONS

India has a rich heritage with a diverse range of sports. Sports is not only an important source of entertainment, but it also imparts values of hard-work, discipline and of co-operation. It encourages social cohesion, and is an important catalyst in bringing societies together. Sports contributes to national integration and is a significant component of a country's soft power. The proliferation of sports also helps in creating employment, and enables people to make a living using their mental and physical skills and talents.

The integrity of sports is essential to preserve its beneficial aspects. Sports integrity is increasingly under threat due to unabated acts of sports fraud and corruption. The existing legal framework has failed to address the specific problem of sports fraud, and prosecutions involving allegations of manipulation of sports have collapsed due to statutory lacunas. Therefore, legislative measures are required to act as a bulwark against any attempt to manipulate a sporting event, and to stringently penalize any person involved in sports fraud. The failure to report any information regarding the attempts to commit sports fraud must also be penalized, as such as omissions facilitate criminal activities. The legal mandate against sports fraud should also be applicable to citizens of India participating international sporting events, even though it may be held outside the territory of India.

Sports is a major source of commerce and revenue for many entities, especially in the field of betting or gaming in connection with sporting events. Studies estimate that the market for online gaming in India will rise to \$1 billion by 2021. The increasing commercial nature of sports, increases the possibility of vested interests manipulating sporting events in order to accrue financial gains. A complete prohibition on betting on sports has not been a successful approach in many jurisdictions, rather it has driven the market further into the black economy. The law must adopt a regulatory approach and establish a regulatory framework, to effectively demarcate the lines of permissible conduct in the field of betting or gaming in connection with a sporting event.

Betting and gambling are State Subjects however, the Parliament of India has the legislative competence to enact a law to govern online betting and gambling in light of its powers under Entry 31 of List 1 of the Seventh Schedule to the Constitution, as explained in the 276th Report of the Law Commission of India. The need of the hour is a comprehensive regulatory framework, overseen by a competent regulatory body, to check the flow of black money in online sports gaming, and to curb any illegal activities in connection with it. Apart from the check on criminal activities, the regulation of online sports gaming may encourage investment in the sector, which in turn can lead to technological advancements as well as revenue and employment generation.

Hence, this Bill.

NEW DELHI;  
*November 20, 2018*

SHASHI THAROOR

#### FINANCIAL MEMORANDUM

Clause 11 of this Bill provides for establishment of the Online Sports Gaming Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about one hundred crore per annum from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved.

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 11, 25 and 28 of the Bill empower the Central Government and the Online Sports Gaming Commission, respectively to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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**BILL**

to establish an effective regime to maintain the integrity of Sports in India by preventing and penalizing Sports Fraud, regulation of Online Sports Gaming; and for matters connected therewith or incidental thereto.

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*(Dr. Shashi Tharoor, M.P.)*