THE UTTARAKHAND PREVENTION OF PUBLIC GAMBLING ACT, 2026: CONSTITUTIONAL VALIDITY, CRIMINAL JUSTICE REFORMS, AND THE EMERGING REGULATORY FRAMEWORK FOR GAMBLING IN INDIA

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ABSTRACT

The regulation of gambling in India has undergone a significant transformation from the colonial framework established under the Public Gambling Act, 1867 to contemporary State-specific legislation addressing organized crime, digital betting, and technology-driven gambling activities. The enactment of the Uttarakhand Prevention of Public Gambling Act, 2026 marks an important legislative development by introducing stricter penalties, broader enforcement powers, and a comprehensive legal framework aimed at combating illegal gambling and organized betting syndicates. Unlike the colonial legislation, which primarily targeted common gaming houses, the new enactment seeks to address emerging challenges arising from online betting, organized gambling networks, and modern financial technologies.

This article critically examines the constitutional validity and legislative competence of the Uttarakhand Prevention of Public Gambling Act, 2026 within the framework of the Constitution of India. It analyses the constitutional allocation of legislative powers under Articles 245 and 246 read with Entry 34 of List II of the Seventh Schedule, evaluates the legislation in light of Articles 14, 19(1)(g), 21, and 300A, and examines the judicial distinction between games of skill and games of chance developed through landmark decisions of the Supreme Court. The article further compares the 2026 legislation with the Public Gambling Act, 1867 and analyses its implications for criminal justice administration in the digital era. It argues that although the legislation represents a progressive attempt to modernize gambling regulation, its long-term effectiveness depends upon constitutionally compliant implementation, technological preparedness, and a balanced regulatory approach capable of addressing organized gambling without undermining fundamental rights.

Keywords: Gambling, Betting, Public Gambling Act, Uttarakhand Prevention of Public Gambling Act, 2026, Constitutional Law, Criminal Justice, Games of Skill, Online Gambling, Organized Crime.

I. INTRODUCTION

Gambling has occupied a unique position in legal systems across the world because it involves competing considerations of individual liberty, public morality, economic regulation, and criminal justice. While some jurisdictions recognize gambling as a legitimate commercial activity subject to licensing and regulation, others regard it as a social evil warranting stringent criminal sanctions. Consequently, gambling law has evolved differently across legal systems depending upon constitutional values, cultural traditions, economic policy, and the perceived social consequences of gambling activities.

In India, gambling has historically been viewed as an activity capable of affecting public morality and social order. References to gambling are found in ancient Indian texts such as the Rig Veda, the Mahabharata, and Kautilya's Arthashastra, indicating that gambling has long been recognized as both a recreational activity and a potential source of social disruption. Ancient Indian legal thought generally discouraged excessive gambling while acknowledging the need for State regulation rather than complete prohibition. Kautilya, for instance, advocated State supervision over gambling houses to prevent fraud and maintain public order, demonstrating that gambling regulation has historically been viewed as an aspect of governance rather than merely an issue of personal morality.

The modern statutory regulation of gambling in India, originated during the colonial period with the enactment of the Public Gambling Act, 1867. Enacted primarily to suppress common gaming houses and maintain public order, the legislation reflected nineteenth-century policing priorities rather than a comprehensive regulatory philosophy. Although the Act remained applicable in many States for more than one and a half centuries, its provisions proved increasingly inadequate in addressing contemporary forms of gambling. The growth of online betting platforms, fantasy sports, cryptocurrency transactions, encrypted payment systems, and organized betting syndicates exposed the limitations of legislation drafted for a vastly different technological and social environment.

Recognizing these challenges, several States have undertaken legislative reforms within their constitutional competence under Entry 34 of List II (State List) of the Seventh Schedule. The Uttarakhand Prevention of Public Gambling Act, 2026 represents one of the most significant of these reforms. The legislation seeks to replace the colonial legal framework with a modern statutory regime that strengthens law enforcement, enhances punishments, targets organized gambling syndicates, and equips investigating agencies with broader powers to combat gambling-related offences. The Act also reflects the growing concern of State governments regarding the links between gambling, financial crime, cyber offences, and organized criminal activity.

The enactment of the Act, raises several constitutional questions. Although betting and gambling fall within the legislative competence of the States, criminal legislation must nevertheless comply with the guarantees contained in Part III of the Constitution. Enhanced police powers, stricter punishments, search and seizure provisions, and confiscation mechanisms inevitably require examination in light of Articles 14, 19(1)(g), 21, and 300A of the Constitution. Furthermore, judicial decisions distinguishing games of skill from games of chance continue to shape the constitutional boundaries of gambling regulation and influence the legality of emerging forms of online gaming.

Against this backdrop, this article examines the constitutional validity and criminal justice implications of the Uttarakhand Prevention of Public Gambling Act, 2026. It analyses the historical evolution of gambling regulation in India, the constitutional basis of State legislative competence, the judicial development of gambling jurisprudence, and the principal features of the new legislation. The study further evaluates the extent to which the Act addresses contemporary challenges posed by organized gambling while remaining consistent with constitutional principles governing equality, liberty, procedural fairness, and the rule of law.

II. HISTORICAL EVOLUTION OF GAMBLING LAWS IN INDIA

The legal regulation of gambling in India has evolved through a complex interaction of religious philosophy, political governance, colonial administration, constitutional federalism, and technological advancement. Unlike many criminal offences that emerged primarily through statutory intervention, gambling has been a recurring feature of Indian society for centuries, compelling successive governments to balance individual recreation with concerns relating to morality, public order, economic exploitation, and organized crime. The enactment of the Uttarakhand Prevention of Public Gambling Act, 2026 is best understood as part of this continuing evolution rather than as an isolated legislative reform.

The earliest references to gambling are found in the Rig Veda, particularly in the Dyuta Sukta (Rig Veda, Mandala X, Hymn 34), which vividly portrays the destructive consequences of gambling addiction. The hymn narrates the plight of a gambler who loses his wealth, family, and social standing, thereby conveying an early recognition of the adverse social and economic effects of compulsive gambling. Although the Vedic texts did not prescribe a comprehensive legal framework for regulating gambling, they acknowledged its capacity to undermine individual welfare and social stability. The moral concerns expressed in the Dyuta Sukta continue to resonate in contemporary legislative debates concerning gambling addiction, indebtedness, and financial exploitation.

The Mahabharata further illustrates the profound consequences of gambling through the celebrated game of dice between Yudhishthira and Shakuni. The episode culminated in the loss of the Pandavas' kingdom, personal liberty, and honor, ultimately leading to the Kurukshetra War. While the narrative is primarily ethical and philosophical rather than legal, it demonstrates an enduring concern that gambling may facilitate deception, impair rational decision-making, and generate conflicts extending far beyond the individual participants. The story has consequently influenced Indian legal and social attitudes towards gambling by portraying it as an activity capable of threatening both private interests and public order.

Ancient Indian political thought adopted a more pragmatic approach towards gambling regulation. Kautilya's Arthashastra did not advocate absolute prohibition but instead recognized gambling as an activity requiring State supervision. Kautilya recommended licensing gambling houses, appointing public officials to supervise gaming activities, preventing fraudulent practices, and collecting revenue through regulated gambling establishments. This approach reflected a sophisticated understanding that complete prohibition often proves ineffective and that controlled regulation may better serve public administration. Modern regulatory systems adopted in several jurisdictions similarly combine licensing, supervision, taxation, and criminal sanctions, illustrating the continuing relevance of Kautilya's administrative philosophy.

The legal position changed substantially during British rule. Following the consolidation of colonial administration after the Revolt of 1857, gambling houses came to be viewed as centers of criminality, public disorder, and moral degradation. These concerns culminated in the enactment of the Public Gambling Act, 1867, which became the principal legislation governing gambling in British India. The Act criminalized the keeping of common gaming houses, authorized police officers to conduct searches and arrests, and prescribed relatively modest penalties for offenders. Although progressive for its time, the legislation reflected the realities of nineteenth-century society, where gambling was largely confined to physical premises and conventional forms of betting. It neither anticipated digital technologies nor contemplated organized gambling syndicates operating across multiple jurisdictions.

The constitutional transformation brought about by the Constitution of India, 1950 fundamentally altered the legal basis of gambling regulation. The Constitution placed "Betting and Gambling" under Entry 34 of List II (State List) of the Seventh Schedule, thereby conferring exclusive legislative competence upon State Legislatures. This federal arrangement enabled individual States to formulate gambling policies suited to local conditions. Consequently, while several States continued to apply the Public Gambling Act, 1867 with minor modifications, others enacted specialized legislation governing casinos, horse racing, lotteries, or online gaming. The result has been a diverse regulatory landscape characterized by significant variations in gambling policy across India.

The rapid expansion of digital technology has, however, exposed the limitations of the colonial legal framework. Online casinos, sports betting applications, fantasy sports platforms, cryptocurrency-based wagering, and cross-border gambling websites have fundamentally transformed the gambling ecosystem. Contemporary gambling frequently operates through encrypted communication platforms, anonymous digital wallets, offshore servers, and sophisticated financial networks, making investigation and prosecution considerably more complex than under the traditional model contemplated by the Public Gambling Act, 1867. Moreover, illegal gambling has increasingly become associated with organized crime, money laundering, tax evasion, cyber fraud, and financial exploitation, thereby necessitating stronger regulatory intervention.

Judicial developments have also significantly influenced the evolution of gambling law. The Supreme Court has consistently distinguished games of skill from games of chance, holding that activities in which skill predominates do not ordinarily constitute gambling. This distinction has assumed increasing importance in the context of fantasy sports, online poker, horse racing, and other emerging forms of digital gaming. At the same time, advances in technology have blurred traditional legal categories, making it increasingly difficult to determine whether particular online activities constitute lawful skill-based competitions or prohibited gambling.

It is within this historical and constitutional context that the Uttarakhand Prevention of Public Gambling Act, 2026 assumes significance. By replacing the colonial Public Gambling Act, 1867 with a modern statutory framework, the legislation seeks to address organized betting syndicates, strengthen investigative powers, enhance criminal penalties, and respond to contemporary forms of gambling facilitated by digital technologies. The Act represents not merely a legislative amendment but a broader shift in Indian criminal justice policy from regulating traditional gambling houses to combating technologically sophisticated and organized gambling networks. Nevertheless, as with every criminal statute enacted in a constitutional democracy, the legislation must be evaluated not only in terms of its effectiveness but also in light of constitutional guarantees relating to equality, liberty, procedural fairness, and proportionality.

The historical development of gambling regulation in India thus reveals a gradual transition from moral condemnation to administrative regulation, from colonial policing to constitutional governance, and finally towards a modern legal framework addressing digital crime and organized betting. The next part of this article examines whether the constitutional distribution of legislative powers authorizes the State of Uttarakhand to enact the Prevention of Public Gambling Act, 2026 and analyses the constitutional principles governing State competence in this field.

III. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

The constitutional validity of the Uttarakhand Prevention of Public Gambling Act, 2026 must be examined within the broader framework of the Constitution of India, which distributes legislative powers between Parliament and the State Legislatures while simultaneously subjecting every law to the discipline of Fundamental Rights. Unlike the colonial era, where legislative supremacy prevailed, post-Constitutional legislation is tested on two distinct parameters: first, whether the legislature possessed the constitutional competence to enact the law, and second, whether the law conforms to the guarantees contained in Part III of the Constitution. Accordingly, the constitutional sustainability of the Uttarakhand legislation depends not only upon the State's legislative competence under the Seventh Schedule but also upon its consistency with Articles 14, 19, 21 and other constitutional principles developed through judicial interpretation.

A. Legislative Competence under Articles 245 and 246

The legislative authority of the State of Uttarakhand originates from Articles 245 and 246 of the Constitution of India. Article 245 empowers Parliament to legislate for the whole or any part of the territory of India, while a State Legislature may enact laws for the whole or any part of the State. Article 246 further distributes legislative powers by allocating subjects among the Union List, State List and Concurrent List contained in the Seventh Schedule.

The constitutional basis of the Uttarakhand Prevention of Public Gambling Act, 2026 is found in Entry 34 of List II (State List), which expressly confers legislative competence upon State Legislatures with respect to "Betting and gambling." The inclusion of gambling within the State List reflects the constitutional understanding that gambling is closely connected with public order, morality, policing, and local administration. Consequently, the regulation of gambling has historically remained within the legislative autonomy of individual States rather than being governed through a uniform national policy.

The Supreme Court has consistently emphasized that constitutional entries must receive a broad and liberal interpretation rather than a narrow or technical construction. In Union of India v. H.S. Dhillon, [1]the Court observed that legislative entries should be interpreted in a manner that enables the legislature to exercise its constitutional powers effectively. Applying this principle, Entry 34 cannot be confined merely to traditional gambling houses but extends to every legislative measure whose dominant purpose is the regulation or prevention of betting and gambling, including technologically evolved forms of gambling conducted through digital platforms.

Accordingly, the enactment of the Uttarakhand Prevention of Public Gambling Act, 2026 falls squarely within the legislative competence of the State Legislature.

B. Doctrine of Pith and Substance

Constitutional disputes frequently arise where legislation appears to overlap with subjects assigned to another legislature. Indian constitutional law resolves such disputes through the Doctrine of Pith and Substance, which requires courts to determine the true nature and

[1] (1972) 2 SCC 779

dominant object of legislation rather than focusing upon incidental encroachments into another legislative field.

The doctrine was authoritatively recognized by the Privy Council in Prafulla Kumar Mukherjee v. Bank of Commerce, Khulna, [2]and subsequently adopted by the Supreme Court in State of Bombay v. F.N. Balsara, [3]According to this doctrine, legislation remains constitutionally valid if its essential character falls within the legislative competence of the enacting legislature, even though it may incidentally affect matters assigned to another legislative field.

The principal object of the Uttarakhand Prevention of Public Gambling Act, 2026 is the prevention of gambling and betting activities. Although enforcement of the Act may involve digital evidence, electronic records, banking transactions, or cyber investigations, these aspects remain ancillary to its primary purpose. Consequently, the legislation continues to fall within Entry 34 of List II and cannot be invalidated merely because modern gambling increasingly utilizes digital technologies.

C. Equality Before Law under Article 14

Every criminal statute must satisfy the constitutional guarantee of equality contained in Article 14, which prohibits arbitrary State action and mandates equal protection of the laws. The modern interpretation of Article 14 extends beyond formal equality and incorporates the broader principle that arbitrariness is antithetical to equality.

In E.P. Royappa v. State of Tamil Nadu, [4]the Supreme Court observed that equality and arbitrariness are sworn enemies and that arbitrary State action necessarily violates Article 14. This principle was further strengthened in Maneka Gandhi v. Union of India, [5]where the Court integrated Articles 14, 19 and 21 into a unified constitutional framework requiring fairness, reasonableness, and non-arbitrariness in every State action.

The Uttarakhand legislation classifies offenders according to the gravity of their conduct by distinguishing between persons merely participating in gambling, individuals managing gambling houses, and organized gambling syndicates. Such classification appears

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[2] AIR 1947 PC 60
[3] AIR 1951 SC 318
[4] (1974) 4 SCC 3
[5] (1978) 1 SCC 248

constitutionally sustainable because it bears a rational nexus with the legislative objective of combating organized gambling and protecting public order. Nevertheless, the exercise of investigative powers under the Act must remain free from arbitrary discrimination. Search, seizure, arrest, and confiscation should be guided by objective statutory standards and judicial oversight to ensure compliance with Article 14.

D. Freedom of Trade under Article 19(1)(g)

An important constitutional issue concerns whether gambling constitutes a protected trade or business under Article 19(1)(g) of the Constitution. The Supreme Court has consistently answered this question in the negative.

In State of Bombay v. R.M.D. Chamarbaugwala, [6]a Constitution Bench held that gambling is res extra commercium, meaning an activity outside the sphere of legitimate commerce. The Court reasoned that gambling does not contribute to productive economic activity and has historically been regarded as harmful to public welfare. Consequently, gambling does not enjoy the constitutional protection ordinarily available to lawful trades and businesses under Article 19(1)(g).

The doctrine of res extra commercium has subsequently provided the constitutional justification for stringent regulation of gambling across India. Restrictions imposed by the Uttarakhand Prevention of Public Gambling Act, 2026 upon gambling activities cannot ordinarily be challenged merely on the ground that they interfere with the freedom of trade. However, this principle does not extend to activities that the judiciary has recognized as predominantly involving skill rather than chance.

E. Games of Skill and Games of Chance

The distinction between games of skill and games of chance constitutes one of the foundational principles of Indian gambling jurisprudence. The legal significance of this distinction lies in the fact that competitions in which skill predominates have generally been held not to constitute gambling.

[6] AIR 1957 SC 699

In State of Andhra Pradesh v. K. Satyanarayana, [7]the Supreme Court held that the card game Rummy is predominantly a game of skill because success depends substantially upon memory, judgment, and strategic decision-making rather than pure chance. Accordingly, the mere playing of Rummy does not amount to gambling.

Similarly, in K.R. Lakshmanan v. State of Tamil Nadu, [8]the Supreme Court held that horse racing is predominantly a game of skill, as success depends upon specialized knowledge relating to horses, jockeys, breeding, training, and racing conditions. Consequently, horse racing enjoys constitutional protection unavailable to games of pure chance.

The distinction has acquired renewed importance in the context of fantasy sports, online gaming, esports, and other digital platforms. Modern technological developments have blurred the traditional boundary between skill and chance, making judicial interpretation increasingly significant. Any attempt to indiscriminately prohibit legitimate skill-based competitions may invite constitutional scrutiny under Articles 14 and 19.

F. Article 21 and Procedural Fairness

The enhanced investigative powers conferred by the Uttarakhand Prevention of Public Gambling Act, 2026 must also satisfy the requirements of Article 21, which guarantees that no person shall be deprived of life or personal liberty except according to procedure established by law.

Following Maneka Gandhi v. Union of India[9], the expression "procedure established by law" has been interpreted to require procedures that are fair, just, and reasonable rather than arbitrary or oppressive. Consequently, search, seizure, arrest, and confiscation under the Act must comply with constitutional principles of procedural fairness and proportionality.

The recognition of the Right to Privacy as a fundamental right in Justice K.S. Puttaswamy (Retd.) v. Union of India, [10]further strengthens constitutional safeguards applicable to criminal investigations involving digital devices, financial records, electronic communications, and online transactions. Since contemporary gambling investigations frequently involve electronic

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[7] AIR 1968 SC 825
[8] (1996) 2 SCC 226
[9] (1978) 1 SCC 248
[10] (2017) 10 SCC 1

evidence, enforcement agencies must ensure that investigative measures satisfy the constitutional requirements of legality, necessity, and proportionality.

The constitutional framework governing the Uttarakhand Prevention of Public Gambling Act, 2026 demonstrates that the legislation rests upon a firm constitutional foundation. The State Legislature possesses clear legislative competence under Articles 245 and 246 read with Entry 34 of List II of the Seventh Schedule. At the same time, the Act remains subject to constitutional scrutiny under Articles 14, 19, and 21, requiring that its enforcement be fair, proportionate, and consistent with judicially recognized distinctions between games of skill and games of chance. These constitutional principles provide the framework within which the validity and implementation of the legislation must ultimately be assessed.

IV. CRITICAL ANALYSIS OF THE UTTARAKHAND PREVENTION OF PUBLIC GAMBLING ACT, 2026

The Uttarakhand Prevention of Public Gambling Act, 2026 represents a significant departure from the colonial philosophy underlying the Public Gambling Act, 1867. Rather than merely penalizing gambling conducted in public gaming houses, the 2026 Act adopts a preventive and enforcement-oriented approach by widening the statutory definitions of gambling-related activities, enhancing police powers, introducing stricter punishments, and specifically targeting organized gambling syndicates. The legislation reflects the State Legislature's attempt to align gambling regulation with contemporary realities in which illegal betting has evolved into an organized and financially lucrative criminal enterprise.

A. Modernization of Statutory Definitions

One of the most significant improvements introduced by the Act lies in its definitional framework. Unlike the Public Gambling Act, 1867, which contained relatively narrow terminology suited to nineteenth-century gambling practices, the Uttarakhand legislation adopts broader definitions capable of addressing modern gambling operations.

The Act separately defines "bet", "betting", "gambling", "gaming", "common gambling house", and, most importantly, "gambling syndicate." A "bet" is defined as a prediction regarding the outcome of an event under which one or more parties undertake to pay or forfeit monetary or non-monetary consideration depending upon the result. "Betting" refers to the act of placing such a bet, while "gambling" includes betting, gaming, or both. The Act also defines a "gambling syndicate" as a group of persons or organizations acting with a common financial objective to organize, manage, or conduct gambling activities.

These definitions are significant because they move beyond the conventional concept of physical gambling houses and recognize the organized nature of contemporary gambling operations. From a legislative drafting perspective, this expansion strengthens prosecutorial flexibility by enabling law enforcement agencies to target collective criminal enterprises rather than isolated gamblers.

The Act does not expressly define online gambling, internet betting, electronic gambling platforms, or cryptocurrency-based wagering. Considering that a substantial proportion of illegal betting now occurs through digital platforms, this omission may create interpretative uncertainty. Courts may therefore be required to determine whether internet-based betting falls within the existing definitions of "betting" and "gaming" or whether separate legislative intervention will eventually become necessary.

B. Expansion of Police Powers

Perhaps the most striking feature of the legislation is the considerable expansion of police powers.

Section 3 authorizes a police officer not below the rank of Assistant Sub-Inspector, acting on reasonable information or after inquiry, to enter a suspected gambling premises, conduct searches, arrest persons present without a warrant, and seize gambling instruments, money, and other materials used for gambling. Section 4 further authorizes warrantless arrest of persons found gambling in public places. From the perspective of criminal investigation, these provisions recognize that gambling operations are often mobile, temporary, and capable of disappearing rapidly if advance notice is provided. Requiring prior judicial warrants in every case could frustrate effective enforcement. These powers also raise significant constitutional concerns. Following Justice K.S. Puttaswamy (Retd.) v. Union of India[11], any State action affecting privacy must satisfy the tests of legality, legitimate State purpose, necessity, and proportionality. Although gambling regulation undoubtedly constitutes a legitimate

[11] (2017) 10 SCC 1

governmental objective, the broad discretion conferred upon police officers under Sections 3 and 4 may become susceptible to misuse if exercised without adequate procedural safeguards. The Act does not prescribe detailed safeguards regarding recording of reasons, digital search protocols, independent witnesses, or post-search judicial review. Incorporating such safeguards would better harmonise enforcement powers with constitutional guarantees under Articles 14 and 21.

C. Enhanced Punishment Structure

Another important reform introduced by the Act is the substantial enhancement of punishments.

The legislation adopts a graded punishment structure:

Gambling in a public place is punishable with imprisonment up to three months or a fine up to ₹5,000.

Gambling in a common gambling house attracts imprisonment up to two years and a fine up to ₹10,000.

Owners or persons managing a common gambling house may be punished with imprisonment up to five years and a fine up to ₹1 lakh.

Membership of an organized gambling syndicate carries the most severe punishment rigorous imprisonment between three and five years together with a fine ranging from ₹2 lakh to ₹10 lakh.

This graded framework reflects the principle of proportional criminal liability. Rather than treating every gambling-related offence identically, the Act distinguishes between casual participation and organized criminal activity. Such differentiation is consistent with the constitutional doctrine of reasonable classification under Article 14 because organized syndicates pose significantly greater threats to public order, financial integrity, and law enforcement than individual gamblers. The Act provides relatively limited guidance regarding sentencing factors. It does not expressly require courts to consider aggravating or mitigating circumstances, the scale of the operation, or the financial benefit derived from the offence. More structured sentencing guidelines could promote consistency in judicial decision-making.

D. Presumption Clauses and Burden of Proof

One of the most distinctive provisions of the Act is Section 11, which creates a statutory presumption relating to gambling instruments. Where gambling instruments are found at any premises, vehicle, ship, or enclosure, the law presumes that the place is being used by an organized gambling syndicate and that the person owning, operating, or managing the premises is a member of that syndicate unless the contrary is proved. Presumption clauses are not unknown in Indian criminal law. Similar reverse burden provisions exist under the Narcotic Drugs and Psychotropic Substances Act, 1985, the Prevention of Corruption Act, 1988, and certain provisions of the Bharatiya Sakshya Adhiniyam, 2023. They are generally justified where the relevant facts lie particularly within the knowledge of the accused.

Nevertheless, criminal jurisprudence traditionally rests upon the presumption of innocence. Reverse burden clauses require careful constitutional scrutiny to ensure compatibility with Article 21 and the principles of fair trial. Courts interpreting Section 11 should insist that the prosecution first establish foundational facts linking the accused to the premises or gambling activity before the statutory presumption operates. Such an interpretation would preserve the balance between effective enforcement and procedural fairness.

E. Cognizable Nature of Offences

Section 9 declares all offences under the Act to be cognizable, thereby empowering the police to register and investigate offences without obtaining prior permission from a Magistrate. This provision reflects the Legislature's intention to treat organized gambling as a serious public order offence rather than a minor regulatory violation. Considering the links between illegal gambling, organized crime, and financial offences, classifying such offences as cognizable appears justifiable. the provision also reinforces the importance of judicial oversight. Broad investigative powers must operate within the procedural safeguards contained in the Bharatiya Nagarik Suraksha Sanhita, 2023, particularly those relating to arrest, search, seizure, production before a Magistrate, and protection against arbitrary detention.

F. Administrative Flexibility and Rule-Making

Sections 16 to 18 confer substantial administrative powers upon the State Government. The Government may exempt specified activities, fairs, or markets from the application of the Act, frame rules for its implementation, and issue orders to remove difficulties arising during its operation. These provisions provide necessary administrative flexibility. Gambling regulation often requires rapid responses to emerging practices, and delegated legislation allows procedural details to be updated without repeated legislative amendments. Exemption powers should be exercised transparently and according to objective criteria. Arbitrary exemptions could attract constitutional challenge under Article 14. Publication of clear policy guidelines and periodic legislative oversight would strengthen accountability.

G. Repeal of the Public Gambling Act, 1867

Section 19 repeals the Public Gambling Act, 1867 in its application to Uttarakhand while preserving actions taken under the earlier law through a saving clause. The repeal is symbolically and legally significant. It marks the end of a colonial framework that remained largely unchanged for over 150 years despite profound technological and social transformation. The new Act reflects a shift from regulating public gaming houses to addressing organized criminal gambling networks. legislative modernization remains incomplete. The Act does not specifically regulate online gambling platforms, digital payment gateways, cryptocurrency wagering, or offshore betting websites. As gambling increasingly migrates into cyberspace, these issues are likely to require future legislative intervention.

The Uttarakhand Prevention of Public Gambling Act, 2026 is a welcome legislative reform that significantly strengthens the legal framework governing illegal gambling. Its expanded definitions, enhanced punishments, recognition of gambling syndicates, and stronger investigative powers represent substantial improvements over the Public Gambling Act, 1867. At the same time, the Act illustrates the continuing challenge of regulating twenty-first-century gambling through legislation that remains primarily focused on conventional forms of gambling. Its constitutional success will depend not merely upon strict enforcement but upon fair implementation, judicial oversight, and future reforms addressing digital gambling, cyber-enabled betting, and financial technologies.

V. JUDICIAL DEVELOPMENTS, COMPARATIVE PERSPECTIVE AND THE WAY FORWARD

The constitutional validity and practical implementation of gambling legislation in India cannot be examined in isolation from judicial precedents. Over the last seven decades, the Supreme

Court has progressively developed a coherent jurisprudence distinguishing legitimate recreational or skill-based activities from gambling that threatens public order and public morality. These decisions continue to guide State legislatures while framing gambling laws and simultaneously impose constitutional limitations upon excessive criminalization.

The foundational decision in this field is State of Bombay v. R.M.D. Chamarbaugwala[12], wherein the Supreme Court upheld legislation regulating prize competitions and observed that gambling is res extra commercium, meaning an activity lying outside the protection ordinarily afforded to trade and commerce under Article 19(1)(g) of the Constitution. The Court recognized that gambling has historically been regarded as a social evil capable of encouraging exploitation and economic loss, thereby justifying legislative intervention in the interest of public welfare. The decision continues to provide the constitutional basis for stringent gambling regulation throughout India.

The distinction between games of skill and games of chance was subsequently clarified in State of Andhra Pradesh v. K. Satyanarayana[13], where the Supreme Court held that Rummy is predominantly a game of skill because success depends substantially upon memory, judgment, and strategic ability rather than mere chance. The Court emphasized that every game involving an element of chance cannot automatically be classified as gambling. This reasoning was reaffirmed in K.R. Lakshmanan v. State of Tamil Nadu[14], in which horse racing was recognized as a game of skill requiring specialized knowledge, analytical ability, and informed judgment. These decisions remain highly relevant while interpreting modern gambling statutes, including the Uttarakhand Prevention of Public Gambling Act, 2026.

The expansion of online gaming has generated a new generation of judicial decisions. In Varun Gumber v. Union Territory of Chandigarh[15], the Punjab and Haryana High Court observed that fantasy sports requiring substantial skill could not automatically be categorized as gambling. Similarly, in Junglee Games India Pvt. Ltd. v. State of Tamil Nadu[16], the Madras High Court struck down portions of legislation that indiscriminately prohibited online games involving skill, holding that blanket prohibitions affecting constitutionally protected activities may violate Articles 14 and 19 of the Constitution. These judgments demonstrate that while States

[12] AIR 1957 SC 699
[13] AIR 1968 SC 825
[14] (1996) 2 SCC 226
[15] 2017 SCC OnLine P&H 5372
[16] 2021 SCC OnLine Mad 2767

possess legislative competence to prohibit gambling, restrictions must remain proportionate and must not extend indiscriminately to lawful skill-based competitions.

The Uttarakhand Prevention of Public Gambling Act, 2026 should be interpreted consistently with this judicial framework. The Act criminalizes gambling and organized betting; however, its application must not extend to activities judicially recognized as predominantly involving skill unless the Legislature expressly provides otherwise through constitutionally sustainable legislation. Judicial interpretation will consequently play an important role in determining the future scope of the Act, particularly in relation to emerging online gaming platforms.

From a comparative perspective, several foreign jurisdictions have adopted regulatory models that combine criminal enforcement with administrative oversight. The United Kingdom Gambling Act, 2005 established the Gambling Commission, an independent regulatory authority responsible for licensing operators, ensuring fair gaming practices, protecting vulnerable persons, and enforcing anti-money laundering standards. Singapore has adopted a similarly stringent regulatory framework by restricting remote gambling while permitting carefully supervised exceptions through statutory licensing mechanisms. These jurisdictions illustrate that effective gambling regulation increasingly depends upon specialized regulatory institutions rather than criminal sanctions alone.

The Uttarakhand legislation adopts a predominantly punitive approach. While enhanced penalties are appropriate for organized gambling syndicates, long-term success also requires institutional reforms beyond criminal prosecution. The State should consider establishing specialized cyber-investigation units trained in blockchain analysis, digital forensics, financial intelligence, and electronic evidence. Since illegal betting increasingly operates through encrypted communication platforms, cryptocurrency transactions, and offshore servers, conventional policing methods may prove inadequate without corresponding technological capacity.

The Act would also benefit from the formulation of comprehensive rules governing digital investigations, preservation of electronic evidence, and inter-agency cooperation. Integration with the Prevention of Money Laundering Act, 2002, the Information Technology Act, 2000, the Bharatiya Nagarik Suraksha Sanhita, 2023, and the Bharatiya Sakshya Adhiniyam, 2023 would enable investigating agencies to effectively trace illicit financial transactions, secure electronic records, and prosecute organized betting networks operating across multiple jurisdictions.

Another area requiring legislative attention is responsible gambling policy. International best practices increasingly recognize gambling addiction as both a criminal justice and public health concern. Public awareness programs, financial counselling, addiction treatment, and digital literacy initiatives should complement criminal enforcement. Such preventive measures would reduce demand for illegal gambling while addressing its underlying social and psychological causes.

VI. CONCLUSION

The enactment of the Uttarakhand Prevention of Public Gambling Act, 2026 marks an important milestone in the evolution of gambling regulation in India. By repealing the century-old Public Gambling Act, 1867 and introducing a modern statutory framework, the State Legislature has acknowledged that illegal gambling has transformed from a localized public nuisance into an organized criminal enterprise with significant economic and technological dimensions. The legislation strengthens the legal framework through broader definitions, enhanced punishments, expanded investigative powers, and specific recognition of gambling syndicates. These reforms represent a substantial improvement over the colonial legal regime and reflect the State's legitimate interest in protecting public order, preventing financial exploitation, and combating organized crime.

At the same time, constitutional governance requires that criminal legislation operate within the limits imposed by the Constitution. The Act derives clear legislative competence from Articles 245 and 246 read with Entry 34 of List II of the Seventh Schedule. Nevertheless, its enforcement remains subject to judicial review under Articles 14, 19, and 21, requiring that investigative powers be exercised fairly, proportionately, and consistently with the principles of natural justice and procedural due process. Judicial precedents distinguishing games of skill from games of chance will continue to influence the interpretation of the legislation, particularly as technological innovation blurs traditional legal categories.

The effectiveness of the Act will ultimately depend not upon the severity of punishments alone but upon the quality of investigation, judicial consistency, technological preparedness, and institutional coordination. The rise of online betting, cryptocurrency transactions, artificial intelligence-assisted gambling, and cross-border digital platforms presents challenges that extend beyond conventional criminal law. Consequently, future reforms should focus on integrating gambling regulation with cybercrime investigation, financial intelligence, electronic evidence, and responsible gambling policies while preserving constitutional guarantees of liberty, equality, and fairness.

The Uttarakhand Prevention of Public Gambling Act, 2026 represents an important beginning rather than the final stage of gambling reform in India. If implemented with constitutional sensitivity, supported by specialized enforcement mechanisms, and periodically updated to address technological developments, the legislation has the potential to serve as a model for other States seeking to modernize gambling regulation within the framework of the Constitution of India.