International Journal for Multidisciplinary Research (IJFMR)
E-ISSN: 2582-2160 ● Website: www.ijfmr.com ● Email: editor@ijfmr.com

Criminal Liability of Influencers for Promoting Illegal Financial and Betting Platforms in India: A Critical Legal Analysis

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ABSTRACT

The rapid expansion of social media has transformed the manner in which financial products, investment opportunities and online betting platforms are advertised. Social media influencers have emerged as important participants in digital marketing because their popularity, credibility and personal connections with followers can influence consumer decisions. However, serious legal concerns arise when influencers promote fraudulent investment schemes, unauthorised financial services or unlawful online betting platforms. This research paper examines the circumstances under which social media influencers may incur criminal liability for promoting illegal financial and betting platforms in India. It analyses the relationship between promotional activities, criminal intention, knowledge, financial benefit and participation in unlawful transactions. Particular attention is given to the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, consumer protection legislation, securities regulations and the legal framework governing online gaming. The study adopts a doctrinal research methodology and examines the difficulties associated with determining criminal responsibility in digital advertising. It distinguishes innocent commercial promotion from deliberate assistance in unlawful activities and considers the need to protect consumers without imposing disproportionate criminal liability on legitimate content creators. The paper argues that effective regulation requires clear standards of responsibility, stronger advertising disclosures, cooperation between regulatory authorities and appropriate criminal sanctions where the essential elements of an offence are established.[1]

Keywords: Social Media Influencers, Criminal Liability, Illegal Financial Schemes, Online Betting, Digital Advertising, Consumer Protection, Abetment, Financial Fraud.

1. INTRODUCTION

The growth of digital communication has significantly changed the relationship between advertisers and consumers. Traditional advertising largely depended upon newspapers, television and other established media. Today, social media platforms allow individuals to communicate with large audiences and influence their purchasing and investment decisions. Social media influencers frequently promote financial products, trading applications, investment opportunities and online gaming platforms. Their

[1] Bharatiya Nyaya Sanhita, 2023 , ss 45,61 and 318
2.Consumer Protection Act,2019

recommendations may appear more personal and trustworthy than conventional advertisements. Followers may believe that influencers have independently examined the products they endorse, even where the promotion is part of a paid commercial arrangement. Legal difficulties arise when the advertised platforms operate unlawfully or engage in deceptive practices. Fraudulent investment schemes may promise unrealistic financial returns, while illegal betting platforms may attract users through misleading claims about earnings, bonuses and financial security.

The involvement of influencers in such activities raises important questions about criminal responsibility. An influencer who unknowingly advertises a fraudulent platform may occupy a different legal position from an influencer who deliberately conceals its unlawful nature, makes false representations or actively assists its operators. Indian law provides several possible mechanisms for addressing these activities, including offences relating to cheating, abetment and criminal conspiracy, together with consumer protection and financial regulations. Nevertheless, applying these provisions to influencer marketing presents difficulties concerning knowledge, intention, evidence and the precise nature of an influencer's involvement. This research therefore examines the legal framework governing promotional activities and explores how criminal responsibility may be established while maintaining a distinction between legitimate advertising and intentional participation in unlawful conduct.[2]

2. STATEMENT OF THE PROBLEM

The increasing use of social media for advertising financial services and online betting platforms has raised serious concerns regarding the criminal liability of influencers in India. Social media influencers often promote investment schemes, trading applications and betting platforms through paid advertisements, referral links and personal endorsements. Due to their popularity and credibility, followers may rely on their recommendations without independently verifying the legality or authenticity of the advertised platforms. This creates a significant legal problem when influencers promote fraudulent investment schemes, unauthorised financial services or prohibited betting activities that expose consumers to financial losses. Although Indian laws contain provisions relating to cheating, abetment, criminal conspiracy, misleading advertisements and unlawful online gaming, determining the extent of an influencer's criminal responsibility remains a complex issue. One of the major difficulties is distinguishing between an influencer who unknowingly promotes an illegal platform and one who deliberately participates in fraudulent activities for financial benefit. Questions also arise regarding the degree of knowledge, intention and active involvement necessary to establish criminal liability. Furthermore, the cross-border operations of many online platforms, difficulties in collecting digital evidence and the involvement of multiple advertising intermediaries create additional challenges for investigating authorities. The central problem addressed in this research is whether the existing Indian legal framework adequately determines the criminal responsibility of influencers who promote illegal financial schemes and betting platforms. The study therefore seeks to examine the relevant legal provisions, identify difficulties in their application and explore appropriate measures for ensuring influencer accountability while protecting consumers from unlawful digital promotions.

[2]1. Bharatiya Nyaya Sanhita.2023,
2. Central Consumer Protection Authority, on Authority, Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

3. OBJECTIVES OF THE STUDY

1. To examine the criminal liability of social media influencers who promote illegal financial schemes and betting platforms in India.
2. To analyse the existing criminal, consumer protection and financial regulatory provisions applicable to influencer endorsements.
3. To investigate the importance of knowledge, intention and active participation in establishing criminal responsibility.
4. To identify legal and practical difficulties in regulating unlawful digital advertisements.
5. To suggest measures for strengthening accountability and protecting consumers from fraudulent online promotions.[3]

4. RESEARCH QUESTIONS

1. Under what circumstances can social media influencers be held criminally liable for promoting unlawful financial and betting platforms?
2. How do existing Indian criminal laws address an influencer's participation in digital financial fraud?
3. What is the legal significance of an influencer's knowledge, intention and financial benefit?
4. How effective are existing regulatory mechanisms in controlling misleading and unlawful endorsements?
5. What legal reforms could improve accountability without unnecessarily restricting legitimate digital advertising?

5. RESEARCH METHODOLOGY

The present research is based on a doctrinal and analytical method of research. The study mainly relies on primary and secondary sources to examine the criminal liability of social media influencers who promote illegal financial and betting platforms in India. The primary sources include relevant laws and legal provisions such as the Bharatiya Nyaya Sanhita, 2023, the Consumer Protection Act, 2019, the Information Technology Act, 2000, and laws relating to online gaming and financial regulation. Relevant rules, government advisories, regulatory guidelines and judicial decisions have also been considered.

The secondary sources include books, research articles, journals, reports and other academic materials related to criminal law, cyber law, social media and consumer protection. The research follows a qualitative approach and critically examines the role of influencers, their promotional activities and the circumstances in which their conduct may result in criminal liability. The study also analyses legal concepts such as abetment, cheating, conspiracy, intention and knowledge in the context of digital promotions. The purpose of this methodology is to understand the existing legal framework, identify gaps in the law and suggest measures for making influencers more accountable while protecting legitimate freedom of expression and lawful online activities.[4]

6. REVIEW OF LITERATURE

Rodney D. Ryder and Nikhil Naren, in their book *Internet Law: Regulating Cyberspace and Emerging Technologies,* discuss important aspects of internet regulation, cybercrime, social media and

[3] 1.Consumer Protection Act, 2019, ss. 2(28), 21; Bharatiya Nyaya Sanhita, 2023, ss. 45, 61 and 318.
2. Bharatiya Sakshya Adhiniyam, 2023,
[4] 1.Consumer Protection Act, 2019, s. 21; Information Technology Act, 2000, s. 79.
2.. Securities and Exchange Board of India Act, 1992,

digital commerce. The book is useful for understanding the legal challenges created by emerging technologies and online platforms. However, it does not specifically focus on the criminal responsibility of influencers promoting illegal betting or financial platforms.

Harish Chander and Gagandeep Kaur, in *Cyber Laws and IT Protection*, examine cybercrime, information technology law, social media crimes and the legal framework governing activities in cyberspace. Their work is particularly helpful in understanding the role of digital platforms and the challenges involved in investigating online offences. The book is designed for law students, including LL.M. students, and provides useful background for the present research.

Puneet Bhasin, in *Law Relating to Social Media Crimes, Intermediaries, Digital Media, and OTT Platforms*, explains the legal and regulatory framework relating to social media and digital platforms in India. The work discusses intermediary regulation, the Information Technology Rules and legal challenges arising from social media. This literature is useful for examining the role of digital platforms, although the specific criminal liability of influencers promoting illegal financial and betting services requires further detailed study.

J. P. Mishra, in *An Introduction to Cyber Laws*, provides a broad understanding of cyber law and the Information Technology Act, 2000. The book explains the legal regulation of cyberspace and various cyber offences. It helps in understanding the legal environment in which social media promotions and other digital activities take place.

Recent legal and regulatory developments also provide important material for this research. **SEBI's work concerning financial influencers** highlights concerns about unregistered persons using social media to influence investment decisions. Similarly, consumer protection guidelines and government advisories have increasingly focused on misleading advertisements and the promotion of illegal betting and gambling platforms.

Research Gap

The growing use of social media has changed the way people receive information about financial products, investment opportunities, online games and betting platforms. Social media influencers have become an important part of digital advertising because their followers often trust their opinions and recommendations. While there is considerable literature on cybercrime, social media regulation, consumer protection and online gambling, there is still limited research specifically focused on the criminal liability of influencers who promote illegal financial and betting platforms in India. Most existing studies discuss the general responsibility of social media platforms, misleading advertisements or the legal regulation of online gambling. Similarly, research relating to financial influencers mainly focuses on investor protection, unregistered financial advice and the role of regulatory bodies such as SEBI. However, fewer studies examine the circumstances in which an influencer may become personally liable under criminal law for promoting an illegal platform. Another important gap is the changing nature of the legal framework in India. With the growth of online betting applications, unregistered investment schemes and digital financial fraud, traditional legal principles are now being applied to new forms of online promotion. The concepts of abetment, conspiracy, cheating, knowledge and intention require detailed examination in the context of influencer marketing. There is a need to determine whether an influencer who promotes an illegal platform is merely advertising a product or is actively participating in or facilitating an unlawful activity. The existing literature also provides limited guidance on how to establish an influencer's knowledge and intention. In the digital environment, influencers may receive payment, commissions, referral benefits or other incentives for promoting a platform. This raises important questions about the

level of due diligence expected from them before promoting financial or betting services. The role of undisclosed sponsorships, misleading claims and referral links also requires further legal analysis. Therefore, the present research seeks to fill this gap by critically examining the criminal liability of social media influencers for promoting illegal financial and betting platforms in India. The study brings together criminal law, consumer protection law, cyber law and financial regulation to provide a clearer understanding of influencer responsibility. It also aims to identify weaknesses in the existing legal framework and suggest measures that can ensure accountability while protecting legitimate freedom of expression and lawful digital advertising.

Research Hypothesis

The present research is based on the hypothesis that social media influencers who knowingly promote illegal financial schemes and betting platforms may be held criminally liable under the applicable laws in India. However, the existing legal framework requires effective implementation to address the challenges of digital promotions and online financial fraud. The study assumes that stronger legal accountability and proper regulation of influencer advertisements can help protect consumers and prevent financial crimes.

7. LEGAL FRAMEWORK GOVERNING INFLUENCER LIABILITY IN INDIA

7.1 Bharatiya Nyaya Sanhita, 2023

The Bharatiya Nyaya Sanhita, 2023, provides the general criminal-law framework for examining conduct involving deception, intentional assistance and participation in unlawful agreements. Its relevant provisions include Section 45 concerning abetment, Section 61 concerning criminal conspiracy and Section 318 concerning cheating. An influencer's liability under these provisions depends upon the elements of the particular offence. Merely receiving payment for advertising does not automatically establish abetment or conspiracy. For example, where an influencer knowingly makes false promises of guaranteed investment returns and deliberately induces followers to deposit money in a fraudulent scheme, the circumstances may support an investigation into cheating or abetment. By contrast, an influencer who makes an endorsement without knowledge of the underlying fraud cannot be treated as criminally responsible merely because the advertised company subsequently commits an offence. Their conduct must be examined against the statutory requirements.

7.2 Consumer Protection Act, 2019

The Consumer Protection Act, 2019, provides mechanisms for addressing misleading advertisements and the responsibilities of endorsers. Influencers who make misleading commercial representations may face regulatory consequences, even where the evidence does not establish a separate criminal offence such as cheating. The CCPA's March 2024 advisory specifically warned influencers and celebrities against advertising unlawful betting and gambling activities. It also highlighted the potential consequences for advertisers, publishers, intermediaries and endorsers. This distinction between consumer protection enforcement and criminal prosecution is important. Regulatory liability and criminal liability may arise from the same advertisement, but their legal requirements are not necessarily identical.[5]

7.3 Information Technology Act, 2000

The Information Technology Act, 2000, is relevant where promotional activities involve electronic communication, online platforms and digital evidence. Section 79 provides conditional protection to qualifying intermediaries in relation to third-party content. This protection is distinct from the personal

[5] 1.Promotion and Regulation of Online Gaming Act, 2025,
2. SEBI Act, 1992,
3. Bharatiya Nyaya Sanhita, 2023,

legal responsibility of influencers who create or publish promotional material. The Ministry of Information and Broadcasting's March 2024 advisory addressed online advertisement intermediaries and social media platforms alongside individual influencers. Digital evidence, including promotional videos, messages, payment records and referral arrangements, may be significant when investigating unlawful endorsements.

7.4 Promotion and Regulation of Online Gaming Act, 2025

The Promotion and Regulation of Online Gaming Act, 2025, introduced a national legal framework addressing online money games. Section 5 concerns the offering of online money gaming services, Section 6 prohibits advertisements promoting online money games, and Section 7 addresses related financial transactions. The government subsequently notified the Promotion and Regulation of Online Gaming Rules, 2026, which came into force on 1 May 2026. Section 6 is particularly relevant to influencer marketing because it addresses direct and indirect advertising, including promotion through electronic communication. The Act provides a more specific statutory basis for examining advertisements of prohibited online money games. It also requires the distinction between prohibited online money games and other categories of gaming recognised by the legislation.

7.5 Securities and Financial Regulation

Financial influencers may promote securities, investment products, trading platforms or financial advisory services. The Securities and Exchange Board of India regulates activities falling within its statutory jurisdiction, including securities-market intermediaries and investment advice. Other financial activities may fall within the jurisdiction of the Reserve Bank of India or additional regulatory authorities. The legal position of an influencer depends upon the nature of the financial product, the promotional arrangement and whether the influencer is providing regulated financial advice or participating in unlawful conduct. The distinction between general financial education, paid advertising and regulated investment advice is therefore central to determining the applicable legal obligations.

8. CRIMINAL LIABILITY OF SOCIAL MEDIA INFLUENCERS

8.1 Knowledge and Criminal Intention

Knowledge and intention are central considerations in determining an influencer's criminal liability under offences that require a guilty state of mind. An influencer may become aware that a financial platform is fraudulent through complaints, regulatory warnings, communications with its operators or direct involvement in its business activities. Where an influencer continues to make knowingly false representations and deliberately encourages followers to invest, such conduct may provide evidence relevant to criminal responsibility. However, criminal intention must be established according to the requirements of the particular offence. Suspicion, popularity or a commercial relationship cannot independently establish guilt.[6]

8.2 Abetment and Active Participation

Section 45 of the Bharatiya Nyaya Sanhita, 2023, addresses abetment through instigation, conspiracy accompanied by the required act or omission, and intentional aid. An influencer's activities may require examination under this provision where they knowingly encourage unlawful transactions, assist fraudulent operators or intentionally facilitate the commission of an offence. For example, an influencer who knowingly collaborates with fraudulent investment operators to prepare deceptive advertisements, recruit investors and conceal the scheme's actual purpose may face allegations extending beyond misleading

[6] 1. Bharatiya Nyaya Sanhita, 2023, s. 45 (abetment); s. 61 (criminal conspiracy).
2. Bharatiya Nyaya Sanhita, 2023, s. 318 (cheating);
3. Bharatiya Sakshya Adhiniyam, 2023, ss. 61-63

advertising.Nevertheless, whether the conduct constitutes abetment depends upon proof of the relevant statutory elements.

8.3 Financial Benefit and Paid Endorsements

Financial benefit is an important evidentiary consideration in cases involving influencer marketing. Payments may include fixed endorsement fees, commissions, referral rewards or a share of revenue generated through followers' participation. Such arrangements can help investigators understand the influencer's relationship with an unlawful platform. However, receiving money for an advertisement does not, by itself, establish criminal intention. The nature of the payment, the influencer's knowledge and the extent of their involvement must be considered together.

9. CHALLENGES IN ESTABLISHING CRIMINAL LIABILITY

9.1 Difficulty in Proving Criminal Intention

One of the major challenges is establishing whether an influencer knowingly promoted an illegal financial scheme or betting platform. An influencer may claim to have been unaware of the platform's unlawful activities. Investigating authorities must examine the influencer's knowledge, intention, communications and involvement to establish the essential elements of the alleged offence.

9.2 Lack of Awareness of Legal Obligations

Some influencers may promote financial or betting platforms without properly understanding the applicable laws and regulations. They may accept paid advertisements without verifying the legality of the services being promoted. However, a lack of legal awareness does not automatically exempt an influencer from liability. Responsibility depends on the requirements of the relevant law and the circumstances of the endorsement.[7]

9.3 Difficulty in Collecting Digital Evidence

Collecting reliable digital evidence is another important challenge. Influencers may delete promotional videos, social media posts or messages after allegations of unlawful promotion arise. Investigating agencies may need to recover electronic communications, advertising agreements and financial transaction records to establish the influencer's actual involvement.

9.4 Cross-Border Nature of Illegal Platforms

Many illegal financial and betting platforms operate from foreign countries while targeting Indian consumers through social media. Their international operations make it difficult for Indian authorities to identify operators, trace financial transactions and obtain evidence. Differences between national laws and difficulties in international cooperation may further delay investigations and legal proceedings.

9.5 Distinguishing Advertising from Criminal Participation

A significant legal challenge is determining whether an influencer merely advertised a platform or actively participated in its unlawful activities. Receiving payment for an endorsement does not automatically establish criminal liability. Authorities must examine whether the influencer knowingly made false representations, intentionally assisted illegal activities or participated in a criminal conspiracy.

10. CRITICAL ANALYSIS

The criminal liability of social media influencers for promoting illegal financial schemes and betting platforms raises important questions under Indian law. Although various legal provisions regulate financial

[7] 1.Bharatiya Sakshya Adhiniyam, 2023, ss. 61-63).
2. Information Technology Act, 2000, s. 79

fraud, misleading advertisements and unlawful betting, determining the responsibility of influencers remains challenging.

10.1 Adequacy of Existing Laws

Indian criminal law contains provisions dealing with cheating, abetment and criminal conspiracy. However, applying these provisions to social media influencers requires careful examination of their knowledge, intention and involvement. Existing laws provide a basis for prosecution, but the changing nature of digital advertising creates new enforcement challenges.[8]

10.2 Responsibility of Influencers

Influencers have a responsibility to exercise reasonable care before promoting financial products and online platforms. When an influencer knowingly makes false claims or deliberately assists an unlawful business, their conduct may attract criminal liability. However, merely advertising a platform does not automatically make an influencer criminally responsible.

10.3 Protection of Consumers

Misleading financial and betting advertisements can expose consumers to financial losses. Influencers may encourage followers to trust platforms without providing accurate information about their risks. The CCPA has specifically warned against endorsements of unlawful betting and gambling activities. Stronger consumer awareness and transparent advertising practices are therefore necessary.

10.4 Challenges in Legal Enforcement

Investigating unlawful promotions can be difficult because advertisements, financial transactions and communications often involve several digital platforms. Foreign operators and the deletion of promotional content may create additional difficulties. Effective enforcement requires cooperation between investigating agencies, financial regulators and social media platforms.

10.5 Need for Clearer Accountability

A clearer framework for influencer accountability would help distinguish legitimate advertisements from intentional participation in illegal activities. Influencers should verify the legality of financial and betting platforms before accepting promotional agreements. Legal enforcement should consider the nature of the endorsement, the influencer's knowledge and the evidence of their involvement.[9]

11. FINDINGS OF THE STUDY

The present study finds that social media influencers play an important role in promoting financial schemes and online betting platforms. Their recommendations can influence the financial decisions of followers. However, promoting unlawful platforms may expose consumers to financial fraud and other risks, making influencer accountability an important legal concern. The study further reveals that existing Indian laws provide mechanisms for addressing unlawful promotional activities. Provisions relating to cheating, abetment, criminal conspiracy and misleading advertisements may apply depending on the nature of an influencer's conduct. Criminal liability, however, must be established according to the requirements of the relevant offence. Another important finding is that an influencer's knowledge, intention and active participation are significant in determining criminal responsibility. Merely receiving payment for an advertisement does not automatically establish criminal liability. Evidence of deliberate deception or intentional assistance in unlawful activities is particularly relevant. The research also

[8] 1. CCPA, Advisory on Prohibition of Advertising, Promotion and Endorsement of Illegal Activities, 6 March 2024.
2. . Consumer Protection Act, 2019, s. 21; Bharatiya Sakshya Adhiniyam, 2023, ss. 61-63
[9] 1.Consumer Protection Act, 2019, s. 21; Bharatiya Nyaya Sanhita, 2023, ss. 45, 61 and 318.
2. Bharatiya Sakshya Adhiniyam, 2023, ss. 61-63; Information Technology Act, 2000, s. 79.
3. CCPA, Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

identifies difficulties in investigating illegal digital promotions. The involvement of foreign platforms, the deletion of online advertisements and the complexity of financial transactions may create obstacles for investigating authorities. Effective cooperation between law enforcement agencies, financial regulators and digital platforms is therefore necessary. Finally, the study highlights the importance of clearer regulatory guidance, transparent advertising practices and stronger consumer awareness. Influencers should exercise reasonable care before endorsing financial products and online platforms. A legal framework that distinguishes legitimate advertising from intentional criminal participation can strengthen consumer protection while ensuring fair accountability.

12. SUGGESTIONS AND RECOMMENDATIONS

The following reforms may improve the accountability of social media influencers.

1. **Clearer regulatory guidance:** Authorities should provide accessible guidance explaining the legal obligations of influencers who advertise financial products and online platforms.
2. **Mandatory verification:** Influencers promoting regulated financial services should undertake reasonable verification of the advertiser's identity and relevant regulatory authorisations.
3. **Transparent commercial relationships:** Paid partnerships, referral commissions and other financial interests should be disclosed clearly to audiences.
4. **Preservation of digital evidence:** Appropriate record-retention practices would assist investigations involving unlawful endorsements and fraudulent promotional arrangements.
5. **Coordinated enforcement:** Consumer protection authorities, financial regulators and law enforcement agencies should develop effective procedures for sharing information concerning suspected unlawful promotions.
6. **Proportionate responsibility:** Enforcement should distinguish between inadvertent mistakes, misleading endorsements and intentional participation in criminal activities. Penalties and prosecution should reflect the applicable statutory provisions and the evidence in each case.

13. CONCLUSION

Social media influencers occupy an increasingly important position in digital commerce. Their ability to influence public decisions creates opportunities for legitimate commercial communication but also raises serious concerns when their promotional activities involve fraudulent financial schemes or unlawful betting platforms.

The criminal responsibility of influencers cannot be determined solely by their association with an illegal business. A legally sustainable assessment must consider the nature of their representations, their knowledge of unlawful activities, their intention and the extent of their participation.

Indian law provides several mechanisms for addressing misconduct, including general criminal offences, consumer protection measures, financial regulations and specific restrictions on online money-game advertisements. However, effective enforcement requires more than the existence of statutory prohibitions. Clear regulatory guidance, preservation of electronic evidence, appropriate verification of commercial arrangements and cooperation between authorities are necessary to address unlawful digital promotions.

The central conclusion of this study is that influencer accountability should be based upon clearly established legal duties and the degree of individual involvement. Such an approach can protect consumers from unlawful promotions while preserving legitimate digital communication and commercial activity.[10]

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