

LEGAL OPINION

To: Bagheera Carrom (OPC) Private Limited
From: DSK Legal
Date: June 30, 2025
Subject: Analysis in respect of “games of skill” in India and its applicability on the game of online carrom hosted by Bagheera Carrom (OPC) Private Limited.

STRICTLY CONFIDENTIAL

1. Background

Our understanding of the matter based on the documents and information provided to us, is as follows:

- 1.1 Bagheera Carrom (OPC) Private Limited is a private limited company incorporated under the provisions of the Companies Act, 2013, having its registered office at Sr. no.259/1/2/2, Shop no. 2, Satlok Heights, Panchvati, Nashik, Maharashtra, India - 422003. (“**Bagheera**” or “**Company**”).
- 1.2 Bagheera is engaged in the business of providing online games, including the online game of carrom through its website i.e. “<https://bagheeracarrom.com/>” and the corresponding mobile application under the name “**Bagheera Carrom**” (hereinafter collectively referred to as “**Platform**”). Bagheera allows its users to participate, through its Platform, in competitive online games, including in an online version of the game of carrom, for stakes (real money) in India.
- 1.3 We have been represented that the Platform operates on model of the traditional game of carrom. The game of carrom is conventionally played on a four-pocket table utilizing a striker and eighteen (18) object coins. These object coins comprise nine (9) white coins and nine (9) black coins, each typically valued at one point, along with a single maroon queen, conventionally valued at five points. At the commencement of the game, the coins are arranged in a circular formation with the queen centrally positioned. Players alternately employ the striker to pocket object coins. The queen must be pocketed before the final object coin, and its successful pocketing typically requires a subsequent object coin to be pocketed on the same or an immediate succeeding turn to “cover” it. Fouls, which include pocketing the striker, incorrect striker placement, or sinking the queen without subsequently pocketing an object coin to cover it (resulting in the queen's restoration to the board), lead to a forfeiture of turn or the restoration of previously pocketed coins. The player who, at the conclusion of the game, has the highest point total, or alternatively, the player to achieve a score of twenty-five (25) points, is declared the winner.
- 1.4 In the online version of such game of carrom, players compete in one-versus-one tournaments. Players manipulate the striker's direction, speed, power, and position via a keyboard or mouse to propel the striker and pocket the designated object coins. Furthermore, the online mobile iteration facilitates player interaction through intuitive mechanisms, including touch gestures or drag-and-release controls (hereinafter referred to as the game of “**Carrom**”).

2. Query

- 2.1 In light of the above background, our views have been sought in relation to the query as set out below:



- (a) Whether the game of Carrom as hosted on the Platform qualifies as a “game of skill” under the prevailing laws of India.

3. Legal Framework

- 3.1 Online gaming has become prevalent in India, with a wide variety of games being made available to the public, including online real money games. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 notified under the Information Technology Act, 2000, defines “online real money game” as an online game that is offered and is made accessible online, wherein a user deposits money cash or its equivalent in kind with the expectation of earning winnings.
- 3.2 In India, games involving stakes or real money are governed under the gambling/gaming laws, and under the Constitution of India, the state legislatures have the powers to frame state specific laws on the act of gambling, including online gambling or the act of wagering or betting. The Parliament of India had passed the Public Gambling Act, 1867 (“**Central Gambling Act**”), a central enactment on the subject, which has been adopted by several states of India, either as it is or with certain amendments. Other states have enacted separate legislation to regulate and govern gambling within the territory of such State (“**State Acts**”).
- 3.3 The act of gambling or the act of wagering or betting is either prohibited or subject to regulatory restrictions, depending on the specific state in consideration. While the Central Gambling Act does not specifically define the term “gambling”, most State Acts understand “gambling” (including online gambling) to mean “the act of wagering or betting” for money or money’s worth.
- 3.4 For instance, the Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022, defines “online gambling” to mean wagering or betting, including playing any online game of chance for money or other stakes, which shall comprise the collection or soliciting of bets, the receipt or distribution of winning of prizes, in money or otherwise, in respect of any wager or bet, or any act which is intended to aid or facilitate wagering or betting or such collection, soliciting receipt or distribution.
- 3.5 With respect to meaning of the term “wagering”, the Hon’ble Bombay High Court, in the case of Babasaheb Rahimsaheb vs. Rajaram Raghunath Alpe , had held that an event in which a person has a chance of winning something but not of losing anything does not constitute as “wagering”. The court held that:
- “It is of the essence of a wager that each side should stand to win or lose according to the result of an uncertain event. In this case, however, there was no such agreement since neither side stood to lose according to the result of the wrestling match. The agreement was that the winner was to take the whole of the proceeds of the gate and though the loser was to get nothing he was not to pay anything and was not to be out of pocket in any way.”*
- 3.6 However, notably, the Central Gambling Act provides for an exception in respect of games ‘involving mere skill’, thereby excluding games involving mere skill from the ambit of “gambling” or “wagering”. However, ‘games of chance’, under the Central Gambling Act is considered as gambling. This position is reflected in most of the State Acts, which exclude games of ‘mere skill’ from the purview of gambling.



3.7 The Supreme Court of India in the *Dr. K. R. Lakshmanan v State of Tamil Nadu*¹ (“**Lakshmanan Case**”), while analyzing the game of horse racing outlined the factors that determine whether a game is a ‘game of chance’ or a ‘game of skill’. These factors are as under:

- (a) It is the dominant element – ‘skill’ or ‘chance’, which determines the character of the game,
- (b) A ‘game of chance’ is a game determined entirely or in part by lot or mere luck, where the result is wholly uncertain and doubtful;
- (c) A ‘game of skill’ on the other hand, is one in which success depends principally upon the superior knowledge, training, attention, experience and adroitness of the player even though the element of chance from such game cannot be entirely eliminated; and
- (d) Where the game involves elements of both chance as well as skill, ‘game of chance’ would be one where the element of chance predominates over the element of skill, and a ‘game of skill’ would be one where the element of skill predominates over the element of chance.

Additionally, the Supreme Court in the Lakshmanan Case held that skilled players have the right to exploit their abilities and earn a livelihood from their skills, subject only to reasonable restrictions imposed on such a right.

3.8 In the case of *State of Bombay vs. R.M.D. Chamarbaugwala & Anr*², the Supreme Court has interpreted the words ‘mere skill’ provided under the Central Gambling Act to include games which are preponderantly of skill and have laid down that:

- (a) competitions where success depends on substantial degree of skill will not fall into category of ‘gambling’ and;
- (b) despite there being an element of chance, if a game is preponderantly a game of skill, it would nevertheless be a game of mere skill.

3.9 Moreover, the Supreme Court in the case of *M.J. Siwani vs. State of Karnataka*³ held that:

“To game’, therefore, is to play any game, whether of skill or chance, for money or money’s worth. It is playing of the game for money or money’s worth whether the game be lawful or not. No game can be a game of skill alone. In any game in which even great skill is required, chance must play a certain part. Even a skilled player in a game of mere skill may be lucky or unlucky, so that even in a game of mere skill chance must play its part. But it is not necessary to decide in terms of mathematical precision the relative proportion of chance or skill when deciding whether a game is a game of mere skill. When in a game the element of chance strongly preponderates, it cannot be a game of mere skill. Therefore, it is not practicable to decide whether a particular video game is a game of skill or of mixed skill and chance. It depends upon the facts, in each case.”

- 3.10 Therefore, the question whether a particular game is a ‘game of skill’ or a ‘game of chance’ is a question of fact and depends on how the game is played. If, on a consideration of all facts, the dominant element of a particular game is chance, then the game will be considered a ‘game of chance’ and will be subject to the prohibitions in set out in the Central Gambling Act and the State Acts. If, however, the dominant element of a particular game is skill, then the game will be considered a ‘game of skill’ and will be exempt from the prohibitions of the Central Gambling Act and the State Acts and will not be considered as ‘gambling’.

Carrom – A Game of Skill or Chance

- 3.11 The question of whether Carrom, constitutes a “game of skill” or a “game of chance” has been the subject of legal scrutiny by various Indian courts. In this regard, the Division Bench of the Hon’ble High Court of Madras, in the case of ‘*Manakadu Elainger Nala Sports vs. State of Tamil Nadu*’⁴, observed as follows:

“It is alleged by the respondent that the Public Gambling Act, 1867, is being violated. However Section 12 of the said Act says: ‘Nothing in the foregoing provisions of the Act contained shall be held to apply to any game of mere skill where played.’

Carrom and Chess certainly require skill and hence in view of Section 12, the Act itself has no application”

The assessment rendered by the Division Bench in the aforementioned case was subsequently relied upon by the Hon’ble High Court of Madras in the case of *R. Sathya v. The Superintendent of Police*.⁵

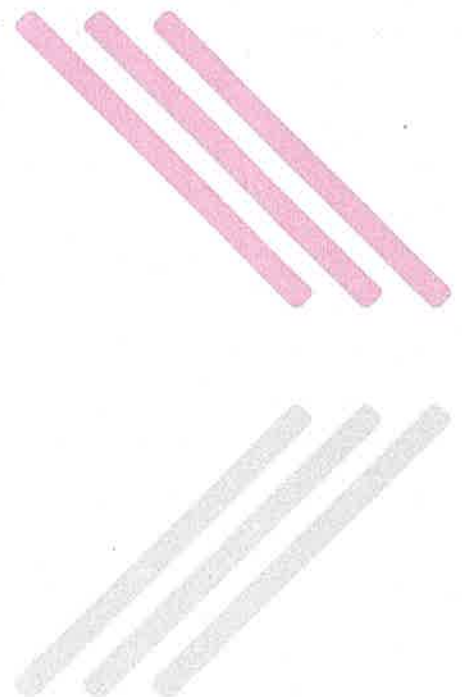
- 3.12 In light of the aforementioned judgements, it may be determined that playing Carrom, whether online or offline, is a game of skill protected under Article 19(1)(g).

4. Our Analysis

Whether the game of Carrom as hosted on the Platform qualifies as a “game of skill” under the prevailing laws of India.

- 4.1 In light of the various judicial precedents as cited above it is abundantly clear that the courts recognise the fact that there can be no game in which luck or chance does not play a role and therefore, for a game to qualify to be a ‘game of skill’ and be permissible, it must be demonstrated that the “element of skill predominates over the element of chance”.
- 4.2 Basis the applicable laws and the legal analysis provided regarding online games of skill, the analysis of the whether the game of Carrom hosted by Bagheera is a game of skill, is based on two facets, viz:
- (a) Operating model of the online game of Carrom;
 - (b) Judicial precedents laid down by the Hon’ble Supreme Court and High Courts.
- 4.3 We have been represented that the Platform operates on the standard Carrom model as set out in Paragraph 1.3 above.

- 4.4 Hence, based on a comprehensive reading of the judicial precedents set out in the Section 3 and the model of the game described in Paragraph 1.3 above, the game of Carrom hosted by Bagheera on the Platform may be construed to be a 'game of skill'. Consequently, it does not fall under the category of gambling and is not prohibited from being played for real money or otherwise.



QUALIFICATIONS

1. The opinions expressed herein will not be binding on any court, tribunal or authority and we disclaim all liabilities in this regard. This opinion is intended only for the use and reliance by the Company/client, its successors in title and any of its affiliates, and we do not accept any responsibility to any third person. Please note that our assessment remains contingent upon the specific structure of the Platform and judicial interpretation, as any excessive reliance on luck might shift it into the 'game of chance' category.
2. We express no opinion as to and nor have we taken into account the implications of any pending legislative or regulatory proposal or amendment or of any litigation pending hearing or judgment in any relevant jurisdiction, including but not limited to any matter not yet decided on appeal.
3. Please note that this opinion is based on the current legal understanding and interpretation of applicable and existing laws. However, in the absence of direct judicial precedents on the matter, the final determination ultimately rests with a competent court. It is important to acknowledge that such a judicial determination may arrive at a conclusion different from the one expressed in this opinion. Accordingly, while this opinion provides a reasoned analysis, it should be considered in light of the potential for varying judicial interpretations.
4. We express no opinion on any matters arising under the laws of any jurisdiction other than India. In particular, we have made no investigation of the laws of any jurisdiction other than India and we do not express or imply any opinion thereon. We only involved lawyers who are qualified to opine on the laws of India. We express no opinion on any matters relating to valuation, business, financial, accounting matters and/or tax laws of India or any other country. The opinion is governed by and shall be construed in accordance with Indian law. This opinion is not binding on any regulators/authorities and there can be no assurance that the regulators/authorities will not take a position contrary to the above.
5. Please note that in states with a licensing regime for the proposed online game, the Company is required to obtain the necessary licenses prior to operation. Furthermore, in states where such games are restricted, the Company is required to take adequate measures to ensure that the game is not operated in such states/jurisdictions. The Company is obligated under law to comply with licensing requirements in applicable states and to ensure that the game is not played in states where games of skill are expressly restricted.
6. The opinions expressed herein are solely for your benefit in connection with the transactions described herein and are not to be used, circulated, quoted or otherwise referred to for any other purpose or relied upon by any other person without our express prior written permission in each instance.
7. This opinion should not be transmitted to anyone else nor is it to be relied upon by anyone else or for any other purposes or quoted or referred to in any public document or filed with anyone without our express prior written consent except where the opinion is required to be transmitted to anyone else under Indian laws (by the order of any court/tribunal or law enforcement authorities). We do not accept any responsibility to any other person, regardless of whether we permit you to disclose the same to such third person.



Kindly note that this Legal Opinion has been prepared pursuant to the discussions between you, the Company, and DSK Legal. We have examined the abovementioned issues and have

provided our advice solely from a legal perspective and based on the factual position as set out herein.

9. While reasonable care has been taken in the preparation of the Legal Opinion, DSK Legal, its partners, associates and employees shall not be accountable or liable except for gross negligence. Our liability (including the liability, if any, of our partners, associates and employees) shall be limited to the extent of twenty five percent (25%) of the fee received by us for the Report and shall not exceed the fee in any manner whatsoever.

For DSK Legal



Nakul Batra
Partner

Bar Enrolment No: D/873/2013