



**Daffodil**  
*International*  
**University**

Research On

**Gambling under the Legal Regime of Bangladesh : An Analysis**

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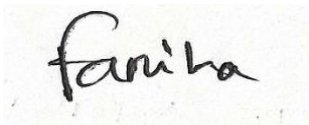
**Date of Submission :**

### **Abstract :**

People of all age groups around the world participate in various forms of games and activities, including gambling, for entertainment. However, the Constitution of Bangladesh, through its Fundamental Principles of State Policy, expresses a clear intent to eliminate gambling. In addition to the Constitution, several secondary laws are in place to regulate and penalize gambling activities. This study aims to assess the current state of gambling in Bangladesh, examine the existing legal framework, evaluate the effectiveness and limitations of these laws, and offer recommendations for addressing key issues. The research has identified several legal challenges in regulating gambling in the country. It concludes by recommending a coordinated response involving legislative reform, executive enforcement, and judicial oversight to better control and prevent this unlawful practice.

## Declaration

This thesis is the original research work of the author, except as otherwise stated. The materials presented has not submitted either whole or in part for a degree for this or any other University.

A handwritten signature in black ink on a light-colored background. The signature is written in a cursive style and appears to read 'fariha'.

.....

Fariha Islam Elma

## Letter of Transmittal

To

Mohammad Bodruzzaman

Assistant Professor of Department Of Law.

Daffodil International University

Subject :- Letter Of Transmittal.

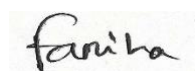
Dear sir ,

I would like to take this opportunity to express my sincere gratitude for the guidance and support you have provided throughout the process of writing this research paper. Without your invaluable assistance, completing this paper would not have been possible.

I would greatly appreciate your thoughts and feedback on the paper. If you have any questions or require further clarification on any aspect of my research, I would be more than happy to address them.

Thank you once again for your unwavering support.

Your sincerely



.....

Fariha Islam Elma

ID No: 232-38-001

### **Letter of Approval**

This is to certify that the research paper titled "**Gambling under the Legal Regime of Bangladesh: An Analysis**" submitted by Fariha Islam Elma, Student ID: 232-38-008, LL.M. Program, Daffodil International University, has been thoroughly reviewed and approved by the undersigned.

The study was carried out under my supervision and guidance, and I am satisfied with the quality of the work. The topic is timely and relevant, and the research reflects a sincere effort, critical analysis, and academic integrity.

Therefore, I approve the submission of this paper as part of the requirement for the LL.M. degree.

Sincerely



.....  
**Mohammad Bodruzzaman**

Assistant Professor, Department of Law

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## **List Of Abbreviation**

EGMs = Electronic gaming machines

USA = United states of America

IPC = Indian penal code

PMLA = Prevention of Money Laundering Act

UK = United Kingdom

IGA = The Interactive Gambling Act

USSR = Union of Soviet Socialist Republics

FSA = Federal Sports Agency

EU = European Union

CJEU = Court of Justice of the European Union

CIID = Customs Intelligence and Investigation Directorate

MLPA = Money Laundering Prevention Act

PASPA= Professional and Amateur Sports Protection Act

BPL= Bangladesh Premier League

IPL= Indian Premier League

DMP = Dhaka Metropolitan Police

CTTC = Counter-Terrorism and Transnational Crime

CID= Criminal Investigation Department

BFIU= Bangladesh Financial Intelligence Unit

## **List of Cases**

In Kudrat-E-Elahi vs. Bangladesh

In Wahab vs. Secretary, Ministry of Land

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In Professor Nurul Islam vs. Bangladesh

In the case of Jafar Ullah vs. Bangladesh

In Philip D. Murphy, Governor of New Jersey v. National Collegiate Athletic Association etc

The Supreme Court of the United States,

In the case of State v. Gupton

In the case of Guru Prasad Biswas & Anr. v. State of West Bengal & Ors

State of Bombay v. R.M.D. Chamarbaugwala in R.M.D. Chamarbaugwala v. Union Of India

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# Chapter 1

## Introduction

### 1.1 Introduction

Gambling is a burning issue in the third world countries like Bangladesh . It dangerous and harmful to our life. It is shameful and disgraceful matter for our nation. We can not lead normal life because of this problem. Almost everyday we read and hear news and views about it in the daily newspapers ,on the internet, radio and television<sup>1</sup>. The causes of gambling are the negligence and carelessness of some senseless and imprudent people. Gambling has existed in human society for centuries, evolving from a form of leisure into a potential source of income, where player skill plays a significant role. Although it has a long-standing history, the methods and platforms used for gambling have drastically transformed over time. With the advancement of Information and Communication Technology (ICT) and the rise of the internet, the nature of gambling has shifted, necessitating corresponding updates in legislation. Bangladesh, one of the world's most densely populated nations, has constitutional provisions directing the state to take effective action against both prostitution and gambling. However, the majority of gambling-related laws currently in force were enacted during the colonial era and are inadequate to regulate or prohibit the wide range of modern gambling practices found in the country today.<sup>2</sup>. The development of Bangladesh's telecommunications sector has resulted in internet access all over the country. Additionally, because of the growing usage of the internet, Digital Gambling has become more accessible to gamblers. Moreover, Bangladeshi gamers are free to use international online sports betting sites. Despite the existence of Anti-gambling laws, gambling is still repugnant in Bangladesh. Surprisingly, gambling-related laws have not gone through required amendments though they are over 150 years old. Law enforcement agencies have to enforce the provisions of the Narcotics Control Act of 1990 and The Money Laundering Prevention Act of 2012 to arrest and detain in gambling-related cases due to a lack of proper gambling legislation. It is evident that many people across different age groups in Bangladesh participate in gambling. Sports betting—especially on cricket—is widely popular, along with horse racing, casino games, and poker. Although these forms of gambling are enjoyed by many, most of them are technically illegal under current Bangladeshi law. The existing legal

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<sup>1</sup> The Business Standard. (2023, October 13). Gambling a growing concern in Bangladesh. The Business Standard. <https://www.tbsnews.net/bangladesh/gambling-growing-concern-bangladesh-715682>

<sup>2</sup> The Constitution of the People's Republic of Bangladesh, Article 18(2).

framework on gambling is largely outdated and lacks clarity, particularly in regard to online gambling. This legal uncertainty makes it challenging to clearly distinguish between what is permitted and what is prohibited. Over time, gambling has remained a controversial issue in the country due to its perceived harmful consequences. In recent years, it has become a hot topic of public concern in Bangladesh.

## **1.2 Importance of the study :**

Gambling is a burning issue in present situation .In the developed countries , this kind of problem is very rare and unusual. But in the progressing countries like Bangladesh, the impact of this issue is extremely harmful.. We are not aware of taking proper steps and measures to remove it from our country. We should realize that it spoils our peace and happiness and ruins the normal ways of our living. So we should tackle this crucial issue in no time .This should be resolved as soon as possible to have a prosperous nation. In my thesis, I have tried to a legal study on the overall scenario of current situation of Gambling and its contemporary effects in Bangladesh. The importance of the study lies in assessing the emerging situation of gambling in Bangladesh, identifying the state's obligation to prevent gambling, highlighting the existing gambling-related laws, examining the scope and challenges of anti-gambling legislation, and offering relevant suggestions on these critical issues. This report would be presents the findings of a survey of gambling participation and gambling-related problems among the citizen of rural areas. . The main goals of this study would have assess the prevalence of lifetime , economic effect, social effect problem among , the citizen of rural areas. In addition, this study would be discussed the negative effects of modern gambling and assess present situations about gambling in Bangladesh .Such report will assist in the understanding of consequences of gambling phenomenon .Currently, there are many forms of gambling in Bangladesh and loophole of existing laws allows more distinct licit opportunities to gamble<sup>3</sup> .

Specifically, gambling has expanded widely in rural areas within the past years, in both legal and illegal venues (sports betting, online wagering). I was inspired to choose this topic because of the environment around me and the current rise of gambling activities in rural areas. I decided to focus my research on gambling addiction in these communities. The main aim of this study is to explore how cultural and personal backgrounds may influence gambling

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<sup>3</sup> Ghosh, S. (2018). Gambling laws and their enforcement in Bangladesh: A critical review. *Journal of Legal Studies*, 34(2), 45-60.

addiction in both rural and urban settings. My research also looks into the social problems caused by gambling addiction.

My motivation comes from my own experience growing up in a village. One night, I saw people gathered at a tea stall watching a live cricket match on TV. Many young people and adults were involved in betting on the game. It seemed likely that some of them lost a large amount of money that night. That moment sparked my interest in gambling. At first, it was just curiosity, but over time, it grew stronger and led me to choose this issue for my final research in the LL.M. program at Daffodil International University.

### **1.3 Historical Background of Gambling :**

It is not clearly known where the word "gambling" came from or exactly when people first started gambling. Many writings from different periods talk about the history of gambling, but none can confirm exactly when it began. However, gambling is mentioned in ancient religious texts like the Quran and the Mahabharata. These references suggest that gambling was already present in society long before those texts were written. According to Zangench, Blaszczyński, and Turner, gambling has been part of human life since early recorded history. Even modern historians find it difficult to explain how gambling began. Its origin is as unclear as other old practices like music, prayer, farming, medicine, or money. These things appeared at some point in history, but we don't know exactly who created them or when. Also, ancient stories say that gambling was part of human life for certain reasons. For instance, in the Mahabharata, the Pandavas lost everything—including their kingdom and even Yudhistira's wife—in a dice game with the Kauravas. This led to their exile and eventually to the famous battle of Kurukshetra.<sup>4</sup>

In addition, Jefferies explains that betting is different from gambling because betting usually involves less chance. In betting, the result is often based on specific events or outcomes, and can be influenced by skill or knowledge. On the other hand, gambling relies more on luck and random chance. So, while betting might require more strategy, gambling is mostly about taking risks with uncertain outcomes<sup>5</sup>.

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<sup>4</sup> Zangench, I., Blaszczyński, A., & Turner, N. (n.d.). Gambling across cultures: Mapping worldwide occurrence. This work, along with ancient texts such as the Mahabharata and the Quran, suggests that gambling has existed since early human civilization.

<sup>5</sup> Jefferies, S. (2005). Gambling and Betting: A Comparative Overview. Oxford Press.

#### **1.4 Primary Research question :**

How effective are the regulations in controlling and curtailing gambling in Bangladesh ?

Gambling includes various activities such as wagering, betting, and gaming, which may differ in different places, but it generally involves staking money or valuables on an event whose outcome is not controlled by the person involved. In Bangladesh, the predominant moral values strongly oppose gambling, which is reflected in the country's legal system. The current laws impose strict restrictions on any gatherings or businesses that facilitate gambling. Therefore, permitting gambling operations would not only violate existing laws but also go against the principles enshrined in the Constitution. However, as new forms of gambling emerge, it is essential to update and properly enforce laws to ensure that the constitutional obligation to prevent gambling is fulfilled.

#### **1.5 Secondary research question :**

In this study, will try to find out the following secondary question for solving the primary question.

##### **Secondary Questions**

1. What is gambling and what are its main components and classifications?
2. What are the religious and moral views on gambling and is it considered a sin?
3. What is the legal status of gambling in Bangladesh, especially online gambling, and are current laws sufficient to regulate it?
4. How does gambling affect the society and economy of Bangladesh and what role do law enforcement agencies play in solving gambling-related problems?

From my secondary questions, I would find out the current situation of gambling and its consequences in Bangladesh. It is very much important to identify the causes the present situation.

#### **1.6 Methodology :**

In the study, This Thesis have used qualitative method. The study is qualitative in nature and relies on secondary sources such as books, journal articles, government orders, rules, acts, and newspaper reports. Relevant literature has also been gathered through internet browsing. This study largely depends on secondary sources. All the information has been gathered and analysed from various points of view of different writers and researchers including current writers.

### **1.7 Scope of the Study :**

This study aims to explore the multifaceted issue of gambling in Bangladesh, focusing on its legal, social, and economic dimensions. The primary objective is to assess the effectiveness of existing regulations in controlling and curtailing gambling activities, both offline and online. By examining the historical context, current legal frameworks, and societal impacts, the research seeks to present an in-depth overview of gambling landscape in Bangladesh<sup>6</sup>.

The study will delve into the various forms of gambling prevalent in the country, including traditional betting practices and the emerging trend of online gambling. It will analyse the adequacy of current laws, such as the Public Gambling Act of 1867, in addressing modern gambling practices. Furthermore, the research will investigate the role of law enforcement agencies and the challenges they face in implementing anti-gambling laws.

Special attention will be given to the cultural and religious perspectives on gambling, considering Bangladesh's predominantly Muslim population, where gambling is generally prohibited. The study will also examine the socio-economic effects of gambling, particularly in rural areas where gambling addiction is reportedly on the rise<sup>7</sup>. By conducting a legal analysis and reviewing existing literature, the research aims to identify gaps in the current legal system and propose recommendations for more effective regulation.

In summary, this study seeks to provide a detailed examination of gambling in Bangladesh, highlighting its legal challenges, societal impacts, and the need for updated legislation to address the evolving nature of gambling activities.

### **1.8 Limitation of the study :**

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<sup>6</sup> Kabir, H. (2021). Gambling in Bangladesh: Legal and social dimensions. Dhaka Law Review.

<sup>7</sup> Ahmed, R. (2019). The rise of rural gambling addiction in Bangladesh. South Asian Legal Studies Journal.

Even though the aim of the research proposal is achieved, there were certain limitations that were unavoidable. The main challenge of the study was the limitation of time. A qualitative study generally requires ample time for thorough research, but there was not enough time allocated to conduct such an in-depth analysis. Lacking of necessary instrument to complete the study was also the major limitation for me. It was not possible to collect much information about the topic which causes information gap. A major limitation of the study is the significant lack of available information on these issues. Government agencies, such as the lower courts, often do not update their statistics regularly and still rely on traditional or manual systems for storing and supplying data. Additionally, there is a noticeable reluctance to share information relevant to this research.

### **1.9 Overview of the study :**

In this paper , chapter -2 shows the introductory part and literature review include concept of gambling, theories of gambling , Some of methods of gambling Is given in the next part . In chapter -3 , I have discussed about the legal regime of gambling of internationally and Bangladesh . The study includes a review of several legal instruments and documents such as the Constitution of the People's Republic of Bangladesh, the Penal Code 1860, the Public Gambling Act 1867, the Dhaka Metropolitan Police Ordinance 1976, the Contract Act 1872, the Digital Security Act 2018, the Import Policy Order 2015–2018, the Money Laundering Prevention Act 2012, relevant Bangladesh Bank Guidelines, and various case laws. In chapter - 4 . Critical analysis based on Secondary questions of gambling in Bangladesh is given and after that some findings are given. In chapter -5, I have discussed about the findings and recommendations. At the last part of this paper chapter - 6 , here I have given some opinions and conclusion of this study . The major findings of this study have been highlighted below .

## **Chapter 2**

### **Literature Review**

#### **2.1 Introduction :**

A literature review means studying existing scholarly materials on a specific topic. It helps to understand what has already been said, shows different methods and ideas used by others, and helps identify what is still missing or needs further research.

Strictly speaking, calling the following summary a literature review might not be fully accurate since there is very little peer-reviewed research available on gambling so far. However, some academic articles do exist that can be critically examined. In addition, a few well-known studies by research organizations offer valuable insights into gambling behavior.

Gambling exists in almost every culture, society, and social group. Today, it's a popular form of entertainment, and many adults take part in it regularly. For most people, it's just a harmless way to relax. But for some, gambling can become a serious problem or addiction, where they feel a strong urge to keep betting money. This can take over their lives and cause serious harm. People with gambling problems often spend more and more money and face issues in their personal life, family, work, and social relationships.

Even though there are laws, social efforts, psychological help, and punishments to fight crime, the problem still continues to grow. As time changes, new types of crimes are appearing, while older, more traditional crimes are becoming less common. The advancement in knowledge of human behaviour and growth of commerce and industries has brought in their wake new complexities in life. These complexities account for the rising incidence of criminality. It is therefore apparent that crime. There is no reason to be upset with the present increase in crime rate. Nor should it create a misleading impression that the penal programmes have totally failed or proved ineffective. It must be stated that criminality in Bangladesh is for less than in many other countries of the world. The reason being that Society of Bangladesh still retains the virtues of tolerance, mutual respect and coexistence through its social institutions such as religion, family, parental control etc.

For some, gambling takes on a much more serious role in their life. It becomes a compulsion and an uncontrollable behaviour. It becomes something they have to do to the detriment to other aspects of their life.

In the previous chapter, I discussed the introduction to this study along with some of my personal experiences. I also explained the main goals of the research. To keep the next chapters in line with the research questions, I will explore various aspects of gambling—such as its definition, concepts, theories, methods, and features—later in the paper. However, this chapter will focus only on reviewing the existing literature related to gambling.

## **2.2 Definition :**

In many instances, gambling is straightforward to recognize—you can tell when you see it. However, there are times when it is not so obvious. In certain situations, it can be unclear whether specific actions or transactions, which may seem crucial at the moment, actually qualify as gambling. This uncertainty about what counts as gambling is important because the consequences can vary greatly depending on whether a transaction is considered gambling or not.

## Gambling

The term "gambling" originally described unfair play or cheating, where a gambler was seen as someone who engaged in deceptive practices, often involving high stakes<sup>8</sup>. In its current sense, gambling refers to the act of staking something valuable The act of risking something of value on an event with an unpredictable outcome, with the expectation of winning something else of value in return. To constitute gambling, three elements must be present: a wager, risk (chance), and a prize. Gambling can involve activities based on skill, such as poker or horse racing, or purely on chance, like slot machines and lotteries (Turner & Fritz, 2007)<sup>9</sup>. According to Smith et al. (2003), gambling is a legally complex term, as its classification can change based on the type of game and the circumstances under which it occurs.

Historically, gambling had varied functions. In pre-industrial and non-Western societies, it was often a tool for divination, social interaction, or seeking the favour of supernatural forces. In contrast, gambling in Western societies was primarily a recreational activity focused on monetary gain. Nowadays, gambling has largely transformed into a commercial industry, with businesses offering games that ensure a financial advantage for the operator (Schwartz, 2006)<sup>10</sup>.

For centuries, gambling has been viewed negatively and associated with moral failure, leading to its regulation or prohibition in many societies<sup>11</sup>. It is commonly linked with other behaviors like alcohol and drug use, as well as transactional sex<sup>12</sup>. Today, gambling refers to betting money on chance-based activities or events with the intent of winning a larger reward (Devereux, 1979). While skill may sometimes influence the outcome, gambling inherently involves risk, with participants generally expected to lose money, as the odds are against them.

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<sup>8</sup> Oxford English Dictionary. (1989). Second edition.

<sup>9</sup> Turner, N. E., & Fritz, J. E. (2007). Gambling behavior and problem gambling.

<sup>10</sup> Schwartz, D. (2006). The commercial evolution of gambling.

<sup>11</sup> Chagetz, R. (1960). Gambling in historical perspectives. *Journal of Gambling Studies*, 1(1), 44-59.

<sup>12</sup> Walker, M. B., Clark, L., & Folk, J. R. (2010). Gambling research: Understanding the cause and effects. *Journal of Gambling Studies*, 26(4), 469–485.

Gambling includes a wide range of activities, such as purchasing lottery tickets, betting on horse races, playing poker, and using slot machines.

The broad category of commercial gambling includes lotteries, number games, sports betting, casino games such as roulette, craps, and electronic slot machines. The legal definition of gambling generally involves the act of risking money or property for potential gain, dependent on chance or the outcome of a gambling device. If one of these elements is removed, the activity may no longer be considered gambling and could be legal. Enforcement of gambling laws can be difficult, as it often depends on public reports and complaints to uncover illegal gambling activities<sup>13</sup> Gambling is also frequently compared to loan sharking, as gamblers often become the primary customers of loan sharks.

#### Compulsive Gambling:

Originally used to describe pathological gambling, this term is still common in self-help communities such as Gamblers Anonymous. It refers to an uncontrollable urge to gamble, despite the negative consequences it may bring.

#### Disordered Gambling:

This term emerged from the classification of impulse control disorders in the Diagnostic and Statistical Manual (DSM). Scholars like Shaffer et al used it as an overarching term, it includes various forms of gambling-related issues, such as problem and pathological gambling<sup>14</sup>.

#### Excessive or Intemperate Gambling:

These terms are used interchangeably to describe gambling behavior where the time or money spent exceeds what is generally considered acceptable or safe.

#### Gambling Severity Levels:

Level 0: No gambling activity.

Level 1: Recreational or social gambling that causes no harm.

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<sup>13</sup> Campbell, C. & Marshall, D. (2007). Gambling and the social economy. *Journal of Gambling Issues*, (20), 1–23.

<sup>14</sup> Shaffer, H. J., et al. (1997). Disordered gambling: A clinical review. *Journal of Clinical Psychology*, 53(4), 337-347.

Level 2: Problem gambling—this level may involve some harm but not necessarily a mental disorder.

Level 3: Pathological gambling—recognized as a mental disorder when five or more diagnostic criteria from the DSM-IV are met.

#### Pathological Gambling:

A clinical condition marked by repeated failure to resist gambling impulses. It includes persistent preoccupation with gambling, irrational thoughts, and continued gambling despite serious personal and social consequences.

#### Probable Pathological Gambler:

Used in research contexts, this label refers to individuals who are likely to meet the criteria for pathological gambling, though they have not undergone formal clinical diagnosis.

#### Problematic or Problem Gambling:

These terms describe gambling behavior that leads to harmful consequences for the individual or those around them. While it may not meet the criteria for pathological gambling, it still poses significant concerns.

#### Recreational or Social Gambling:

These refer to gambling done purely for entertainment or social interaction, with no adverse consequences. This form of gambling is considered harmless when practiced in moderation.

#### Islamic Perspective on Gambling:

In Islamic teachings, gambling is referred to as maysir or qimar, meaning betting or wagering<sup>15</sup>. Classical scholars like Ibn al-‘Arabi and al-Jurjani define qimar as a game where the winner takes something of value from the loser. Islamic law typically forbids gambling, although interpretations may vary based on the nature of the gambling activity—whether it is based on skill or is purely chance-based.

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<sup>15</sup> Ibn Kathir. (1410H). Tafsir al-Qur'an al-Azim. Dar al-Kutub al-Ilmiyya.

## 2.3 Concept :

Gambling is one of the oldest human activities, with evidence like writings and tools found in ancient tombs and historical sites. Many early civilizations, including those of China and Rome, had strict laws controlling gambling. Religious texts such as the Jewish Talmud, and the teachings of Islam and Buddhism, also placed restrictions on gambling. In ancient Egypt, those who gambled excessively could even be punished with forced labor. Originally, gambling likely began as a way to predict the future—people would throw marked objects and try to interpret the results as messages from the gods. Eventually, this practice evolved into betting on the outcome of these throws. Even the Bible refers to the casting of lots to divide property. A well-known example appears in the story of Jesus' crucifixion, where Roman soldiers cast lots for his clothing a scene mentioned in all four Gospels and often used by anti-gambling advocates as a moral lesson. However, in ancient times casting lots was not considered to be gambling in the modern sense but instead was connected with inevitable destiny, or fate. Anthropologists have also pointed to the fact that gambling is more prevalent in societies where there is a widespread belief in gods and spirits whose benevolence may be sought. The casting of lots, not infrequently dice, has been used in many cultures to dispense justice and point out criminals at trials in Sweden as late as 1803. The Greek word for justice, *dike*, comes from a word that means "to throw," in the sense of throwing dice".<sup>16</sup>.

European history is riddled with edicts, decrees, and encyclicals banning and condemning gambling, which indirectly testify to its popularity in all strata of society. Organized gambling on a larger scale and sanctioned by governments and other authorities in order to raise money began in the 15th century with lotteries and centuries earlier in China with keno<sup>17</sup>.

Although ancient Rome and Greece had early examples of gambling, organized and officially accepted sports betting really began in the late 1700s. From then on, the general view of gambling slowly started to change. It was first seen as sinful, then simply as a moral weakness, and finally as a mostly harmless form of entertainment. The rise of the Internet has further expanded access to gambling, making it easier for people to participate than ever before.

By the early 2000s, around 80% of people in Western countries gambled at least occasionally. As more people began gambling, concerns about problem gambling also increased.

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<sup>16</sup> Schwartz, D. G. (2006). *Roll the Bones: The History of Gambling*. Gotham Books.

<sup>17</sup> *Ibid.*, pp. 5–6

Pathological gambling—when someone cannot stop gambling despite the consequences—became a major issue. In the 1980s and 1990s, medical experts in several countries officially recognized it as a psychological disorder<sup>18</sup>, affecting just over 1% of the population. Since then, different treatment methods and therapy programs have been introduced to help manage this condition. One perspective in history suggests that gambling has always been part of human life. However, Zangeneh, Blaszczyński, and Turner argue that gambling wasn't essential for human survival or continuation as a species. They point out that for most of human history—over 99%—people lived in tribal societies without formal economies. If gambling was only about sharing or moving wealth around, it wouldn't have been necessary in those times, since survival itself was the main concern, not wealth distribution.

Whatever the reasons may be, history shows that people have been involved in gambling for a very long time. In early human societies, living as hunters and gatherers involved a lot of risks—similar to how modern jobs like mining or fishing carry uncertainty today. In one day, one could find launch or one could be launch of wild beasts. The situations they faced were full of uncertainty. As time went on and new technologies were discovered, people started to combine hope, fear, and superstition in their actions. Early humans gained more control over their surroundings, but the habit of taking risks stayed with them. Around half a million years ago, our ancestors began using tools, shaping stones, wood, and bones into new forms to explore the unknown. These tools were perhaps the first objects connected to chance or gambling in human history.<sup>19</sup>

Our early human ancestors likely created the first gambling tools as a way to deal with the unknown. It is believed that these tools gradually developed and were improved over different time periods. Halliday and Fuller pointed out that some archaeological findings show a long history of gambling. For example, six-sided animal bones known as "astragali," which look like today's dice, were discovered in ancient Egyptian tombs dating back to around 3500 B.C.<sup>20</sup>. Likewise, David noted that murals from the same time in Egypt show people playing board games. Supporting this idea, Woolley and Moorey stated that both astragali and ancient board

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<sup>18</sup> Schwartz, D. G. (2006). *Roll the Bones: The History of Gambling*, p. 6.

<sup>19</sup> Schwartz, D. G. (2006). *Roll the Bones: The History of Gambling*, p. 6.

<sup>20</sup> Halliday, W. R., & Fuller, J. G. (1974). *Archaeological Studies in Gambling Tools*, p. 22.

games were also found in royal tombs in Ur, Mesopotamia<sup>21</sup>, dating to around 2600 B.C. These discoveries suggest that gambling has been part of human society since early times<sup>22</sup>

Almost all early dice used dots instead of numbers to show value, mainly because dice were invented long before modern numbers were developed. The shape and design of dice were already established by around 1300 B.C., while the Hindu-Arabic number system, which we use today, only began around 700 A.D. and didn't spread widely in Europe until the 15th century. So, dice actually existed before numbers. Also, even though ancient Mesopotamian texts like the Epic of Gilgamesh don't mention gambling, the discovery of dice and board games at archaeological sites shows that the people of Mesopotamia were skilled gamblers. Gambling was also popular in regions even farther east of Mesopotamia.<sup>23</sup>

Ancient Egyptians believed that the god Thoth—often shown with the head of an ibis or a baboon—was the one who invented gambling. Playing games was already a developed part of Egyptian culture as early as 3500 B.C. Historical records also suggest that gambling quickly spread throughout the Mediterranean region, across the Sahara Desert, and into other parts of Africa and the world. Likewise, countries like India, China, and other parts of Asia also have long histories and traditions of gambling in their cultures.<sup>24</sup>

This explains how gambling first started and gradually spread around the world. The development of gambling can be summed up as a journey—from an unknown invention by early humans to one of the oldest and most common forms of prediction, known as "odds and evens." Over time, gambling became linked with different cultures, spiritual beliefs, and religious practices. It also connected to human psychology and behavior. About ten thousand years ago, when people started farming, it changed the way they lived. This led to the rise of cities, trade, and money. These major changes in human life played a big role in the growth of gambling as a social activity.<sup>25</sup>

In the 21st century, gambling has become an established part of society. Gambling venues are now legalized and regulated by laws, with governments actively ensuring these laws are followed. Gambling has also become a significant source of economic development in many

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<sup>21</sup> Woolley, L., & Moorey, P. R. S. (1982). *Ur of the Chaldees: A Record of Seven Years of Excavation*, p. 45.

<sup>22</sup> Cited in Zangeneh, M., Blaszczyński, A., & Turner, N. E. (2008). *In the pursuit of winning: Problem gambling theory, research and treatment* (p. 13). Springer.

<sup>23</sup> Schwartz, D. G. (2006). *Roll the bones: The history of gambling* (p. 9). Gotham Books.

<sup>24</sup> Schwartz, D. G. (2006). *Roll the bones: The history of gambling* (pp. 10–15). Gotham Books.

<sup>25</sup> Schwartz, D. G. (2006). *Roll the bones: The history of gambling* (pp. 6–7). Gotham Books.

places. Cities like Las Vegas and Macau are examples of this. Based on the changing nature of gambling in various societies, it can be said that gambling is increasingly aligning with capitalist values. However, we must remember that gambling has always evolved through different stages, from its unknown origins to its current connection with capitalism. Even today, the social aspects of gambling are often seen as psychological and behavioral issues. Humans are shaped by their cultures, religions, and the many rituals they practice. Even now, people who gamble often seek good luck through prayers, rituals, or cultural practices before they play. Many still hold superstitions about gambling, like believing that a certain table will bring luck, wearing special clothes, or interpreting dreams from the night before.

#### Religious Concept :

The connection between religion and gambling has been discussed by theologians and social historians, but there hasn't been much focus on how religion and spirituality influence the development of gambling addiction.<sup>26</sup> The link between religion and gambling is strong, and religion and spirituality might play a role in the development of gambling problems. According to Ambrose Bierce, religion is born from hope and fear, explaining the unknowable nature of things. Similarly, gambling offers hope for a big win and a better future. Spirituality, on the other hand, is a deeply personal experience, often linked to the quest to rediscover one's true self, a concept described by Grof as a "holotropic state." This life-changing spiritual event is about reconnecting to a creative principle. Gambling experiences might also be seen as a holotropic state, where people gamble for fun, adventure, money, or other personal reasons and motivations. While the results of gambling are unpredictable, people still invest their time, effort, and money in it.

In some ways, gambling can be compared to religion. Both involve hope for a better life—gambling promises big wins, while religion often involves prayer for blessings. Philosopher Žižek argues that both religion and gambling include rituals and actions tied to specific doctrines. Rituals in religion strengthen its beliefs, while gambling has its own set of rituals. Some scholars, like David, argue that gambling has deep roots in religion and is linked to early forms of spirituality. Throughout human history, religion, spirituality, and rituals have been central to our existence. Similarly, Freud suggested that religion and gambling both influence

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<sup>26</sup> Clark, L., Walker, M., & Williams, R. (2006). Gambling and risk-taking behavior. *Journal of Gambling Studies*, 22(1), 77.

a person's destiny, with gambling serving as a substitute for religion. These arguments show a strong connection between gambling and religion in many ways. Although it's not always accurate to generalize gambling as a religion, it's true that both provide hope for a better life.

## 2.4 Theories:

Gambling is a very prevalent legalized activity that can be considered a nondrug-related behavior with addictive potential<sup>27</sup>. For this research, gambling means any risky activity where a person puts something valuable at stake like money with the chance of either winning or losing, depending on luck, skill, or both. Today, gambling comes in many forms such as card and dice games, lotteries, slot machines, sports betting, and race betting. According to Tabor, Murray, and Brown (1987), it is hard to explain gambling or gambling problems with just one theory. Shaffer and Gambino pointed out three main reasons why it's difficult to clearly understand compulsive gambling: (a) there's no single agreed explanation, (b) not enough solid facts are available, and (c) research, theory, and practice are not well connected. Brown also noted that relying on only one theory can make us ignore other important sides of gambling behavior. Rosenthal grouped the main ideas used to study gambling into three types: (a) psychodynamic theories, (b) biological theories, and (c) behavioral theories<sup>28</sup>.

### Psychodynamic Theories:

Psychodynamic theories, also known as psychoanalytic models<sup>29</sup>, explain gambling problems as something rooted in a person's mind. These theories suggest that people who gamble too much might be trying to deal with emotional pain or inner conflict. According to Jacob's General Theory of Addiction, two emotional issues inside a person can create distress, and gambling becomes a way to cope or "self-medicate" that pain. Researchers Gupta and Derevensky agreed that Jacob's theory is useful for understanding how gambling problems can start, especially in teenagers.<sup>30</sup>

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<sup>27</sup> Potenza, M. N., Fiellin, D. A., Heninger, G. R., Rounsaville, B. J., & Mazure, C. M. (2002). The neurobiology of gambling disorder. *Journal of Clinical Psychiatry*, 63(12), 1204-1211.

<sup>28</sup> Rosenthal, R. J. (1987). Theoretical approaches to the study of gambling. *Journal of Gambling Studies*, 3(3), 183-207.

<sup>29</sup> Lesieur, H. R., & Rosenthal, R. J. (1991). Pathological gambling: A review of the literature. *Journal of Gambling Studies*, 7(1), 5-39.

<sup>30</sup> Gupta, R., & Derevensky, J. L. (1998). Adolescent gambling behavior: A prevalence study and examination of the correlates of gambling problems in adolescents. *Journal of Gambling Studies*, 14(4), 319-345.

### Biological Theories:

Biological theories suggest that gambling problems may be caused by a person's physical or genetic makeup, which leads to certain physiological reactions to gambling. Research has shown that addictions can run in families, supporting this idea. Lesieur and Rosenthal identified three key areas in biological studies of gambling: brain wave patterns (EEG), levels of endorphins in the blood, and imbalances in brain chemicals. Ferris, Wynne, and Single examined these factors to distinguish between problem gamblers and non-problem gamblers.<sup>31</sup>

### Trait Theory:

Graham and Lowenfeld found that individuals with sensation-seeking personality traits were more likely to engage in gambling. Zuckerman describes sensation seeking as a "need for varied, novel, and complex sensations and experiences, along with a willingness to take physical and social risks to achieve them." According to Zuckerman's theory, people who score high on sensation seeking tend to view gambling as less risky and more enjoyable. Blaszczynski and colleagues categorized gamblers into three types: (a) depressed, (b) bored, and (c) a combination of both. Additionally, Selzer observed that skilled gamblers might have personality disorders, while gamblers who rely on luck may struggle with affective disorders.<sup>32</sup>

### Social Learning Theory:

Bandura suggested that gambling behavior is learned by observing and imitating admired figures or peers. Brown emphasized that gambling exists on a spectrum, ranging from behavior without problems to behavior dominated by issues. Lesieur and Rosenthal further argue that since gambling is learned, it can also be unlearned. However, Brown points out that this theory tends to overlook the emotional factors specific to individuals<sup>33</sup>.

### Cognitive-Behavioral Theory:

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<sup>31</sup> Ferris, J., Wynne, H., & Single, E. (1999). The Canadian Problem Gambling Index: Final Report. Canadian Centre on Substance Abuse.

<sup>32</sup> Blaszczynski, A., McConaghy, N., & Frankova, A. (1990). Personality and psychological factors in pathological gambling. *Journal of Gambling Studies*, 6(3), 137-153.

<sup>33</sup> Bandura, A. (1977). *Social learning theory*. Prentice-Hall

Cognitive-behavioral theory emphasizes the role of cognitive processes in developing and sustaining gambling behavior<sup>34</sup>. Reinforcement via winning and classical conditioning lead to repeated gambling behavior despite losses<sup>35</sup>

#### Structural Functionalism:

Structural functionalism posits that every part of society serves a function to maintain equilibrium. Devereux's study argued that gambling acts as a safety valve for tensions in capitalist systems where not all can succeed equally. Gambling offers hope and simulated control over resources, which can prevent societal disruption<sup>36</sup>

#### Frustration and Escape Theories:

These theories suggest that individuals escape frustration, alienation, and boredom through gambling. Flow theory by Mihaly Csikszentmihalyi explains gambling as producing a pleasurable state of "optimal experience" where the individual becomes immersed in the activity.<sup>37</sup>

#### Expected Utility and Prospect Theory:

Friedman and Savage proposed that individuals accept gambling risks to attain social mobility. The utility function varies with wealth level, encouraging risk-taking for potential class advancement. Prospect theory, by contrast, emphasizes perceived gains and losses over absolute wealth, explaining participation even in low-probability games.<sup>38</sup>

#### Gambling as a form of saving

One extension of standard utility theory is the introduction of the concept of the indivisibility of expenditure. Traditional economic theory assumes that marginal utility continuously decreases and, in certain cases, may even increase, meaning the utility curve is smooth rather

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<sup>34</sup> Ladouceur, R., Boisvert, J. M., & Dumont, R. (1994). Gambling and the internet: A review of the literature. *Journal of Gambling Studies*, 10(1), 73-92.

<sup>35</sup> Ladouceur, R., Boisvert, J. M., & Dumont, M. (1994). Cognitive-behavioral treatment for pathological gambling: A controlled study. *Journal of Gambling Studies*, 10(2), 91-106.

<sup>36</sup> Devereux, M. (1976). Gambling and social structure: A theoretical investigation. *Sociological Review*, 24(1), 83-104.

<sup>37</sup> Csikszentmihalyi, M. (1990). *Flow: The psychology of optimal experience*. Harper & Row.

<sup>38</sup> Friedman, M., & Savage, L. J. (1948). The utility analysis of choices involving risk. *Journal of Political Economy*, 56(4), 279-304.

than jagged. This assumption relies on the idea that purchases consumers make are infinitely divisible. However, this is not accurate; for example, it's impossible to buy a fraction of a TV set or a vacation. While economic arrangements like credit, hire-purchase, and installment plans allow individuals to pay for goods over time, not all consumers have access to such services, and not all products are available under these conditions. Thus, consumers may sometimes need an extra sum of money to afford a major purchase (relative to their budget), making that additional money highly valuable. In this context, gambling, particularly through lotteries, offers people a chance to obtain that extra money and can therefore be seen as rational, utility-maximizing behavior under certain circumstances.

From this perspective, gambling serves an economic function akin to saving, where small regular "deposits" can lead to a large "withdrawal." Research on gambling among poor urban Americans in the 1970s found that buying lottery tickets could act as a form of saving, although with a very high negative interest rate (equal to the operator's profit margin). Small sums were routinely spent on lottery tickets because saving those small amounts in a bank was not feasible, and saving them at home was difficult due to the need for money for basic, everyday expenses. Occasionally, a lottery prize would be won, such as an amount 100 times the ticket's cost, enabling the winner to purchase items that would otherwise be unaffordable. Similar patterns of lottery gambling serving as a form of saving have been observed in places like Great Britain and Italy. Gambling as a saving method is comparable to lottery-linked deposit accounts, where no conventional interest is paid, but money is distributed to savers via lottery draws. This also mirrors rotating savings and credit associations found in developing countries, where members contribute small amounts to a communal fund. The accumulated funds are distributed through various methods, often by lottery. Some older forms of savings associations, like the kyei in pre-revolutionary China, functioned similarly, where accumulated money was distributed each month via a lottery using small wooden balls marked with members' names and numbers.

### Consumer Theory :

Consumer theory is a key component of modern economics, focusing on understanding the preferences and decision-making processes of individuals as they allocate limited resources within the constraints of their budget. Several factors are examined in consumer studies, including the prices of goods and services, demand levels, marketing strategies, consumer income and wealth, and the trade-off between labor and leisure. These variables play a crucial role in shaping consumer choices and behavior. The basic axiom is derived from ordinal utility

theory: individual consumers rank goods and services by order of preference. Hence, given budget constraints, individuals cannot buy everything that they want, but must make choices.

A significant portion of consumer theory focuses on identifying the factors that influence consumer preferences, employing various concepts and approaches drawn from broader economic, psychological, sociological, and cultural theories. This theory intersects with leisure studies, which will be discussed further below. A substantial amount of research on the consumption of gambling products, particularly lotteries and horse betting, has examined issues such as the price elasticity of demand.

### The theory of rational addiction

The rational addiction theory, developed by economists like Gary Becker and his colleagues, expands standard economic theory to include the consumption of addictive goods. While the theory is widely accepted in economics and has been elaborated upon, it has met with some skepticism in the field. Though it has been applied to a range of addictive behaviors, including gambling, it has had limited influence on addiction research overall. This is likely due to its counter-intuitive nature and the complex formulas it employs, which are difficult for individuals outside of economics to understand.

According to the rational addiction theory, addiction is a specific way of consuming goods characterized by two key features: reinforcement and tolerance. The theory views these aspects as established facts without delving into the reasons behind them. Reinforcement occurs when higher past consumption of an addictive good increases the desire for future consumption, while tolerance is when greater past consumption reduces the satisfaction derived from consuming a given amount. These features together create an addictive cycle in which individuals desire ever-larger quantities of the addictive good, leading to the buildup of "addictive capital"—a state of being more or less addicted. The theory acknowledges that addiction can extend beyond substances, such as alcohol or nicotine, to behaviors like gambling.

## **2.5 Methodologies :**

A gambler may participate in the game itself while betting on its outcome card games, craps, or he may be prevented from any active participation in an event in which he has a stake professional athletics, lotteries. Some games are dull or nearly meaningless without the

accompanying betting activity and are rarely played unless wagering occurs coin tossing, poker, dice games, lotteries. In other games betting is not intrinsically part of the game, and the association between certain forms of gambling and commercial establishments is conventional rather than essential to the functioning of the game itself, as seen in activities like horse racing and football pools. Gambling can be organized by commercial entities such as casinos and racetracks, where a portion of the money wagered by patrons is collected through various means, such as being a favored party in the game, renting out space, or taking a share from the betting pool. Larger-scale activities like horse racing and lotteries typically require commercial and professional organizations to manage and operate them effectively. Gambling involves engaging in a game or taking a risky action in hopes of earning money or achieving a desired outcome. Regulatory bodies, such as the Gambling Commission in the United Kingdom, often focus on real-money gambling, limiting their oversight to those activities. In regions where gambling is prohibited, however, gambling may be defined in terms of receiving prizes instead of money, as is the case with some mobile gaming platforms where games are played for non-monetary rewards.<sup>39</sup>

#### Mobile Gambling :

Mobile gambling includes multiple ways in which gambling can be accessed. This can be via a bespoke app, a website optimized for mobile gambling, gambling over the phone, or via text message. Mobile gambling and mobile video gaming increasingly overlap with one another, as many free-to-play games include gambling games as a secondary form of play such as a mini game within a larger game. These typically involve users being awarded a free play on a gambling game after a certain amount of time has elapsed, offering a nonmonetary in-game reward. Users can often purchase further plays using a secondary currency obtained within the game or real money. Although not the focus of this paper, as the status of these activities as gambling remains uncertain in a regulatory and legislative context (The Gambling Commission, 2015), many of the considerations here will be of relevance. The online gambling literature has examined some of this under the term 'social gambling', which Parke et al. note cover a range of services that may differ considerably between websites or applications. In a briefing document produced by The Gambling Commission, the UK gambling regulator refers to social gambling as covering games that include free gambling elements, and takes a watching

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<sup>39</sup> Gainsbury, Hing, Delfabbro & King, 2014. Parke, Wardle, Rigbye & Parke, 2012.

brief on social gaming. This is because the overwhelming majority (c. 85%) of social gaming users do not spend money on their app.

However, The Gambling Commission note that further evidence is required as it is unclear whether there is a relationship with harmful behaviours, whether some users display signs of problem gambling like behaviours on these games or whether social gamblers migrate to real-money gambling. Mobile gambling behaviors are influenced by the ability of smartphones to provide a broader range of interactions compared to traditional computers. These devices enable a distinctive gambling experience that exceeds what is available through other online platforms. Before the latest generations of smartphones, limitations in graphics and processing power made it difficult to create the rich gaming environments required for certain types of gambling. Today, the inclusion of various sensors and advanced hardware in most smartphones allows for a more personalized, engaging gambling experience that stands apart from traditional online gambling. However, an analysis of the remote gambling market has revealed gaps in user-friendliness and overall experience, which have hindered the full realization of this potential (Pietkanien, 2014). Despite these challenges, the future of mobile gambling may be shaped by applications that exploit these new capabilities, potentially creating further distinctions between mobile and Internet gambling.

#### Online Gambling :

Internet gambling has been an option since the mid-1990s, and there is existing literature exploring whether it presents a unique risk of problem gambling for users. Explanations for this risk often point to factors like the increased availability and accessibility of gambling online.<sup>40</sup> Problem gambling models typically suggest that these factors are part of the initial stage in which recreational gambling transitions into more harmful or addictive behavior. This implies that making gambling more accessible, or shifting the gambling environment toward more readily available games, could lead to a rise in the prevalence of problem gambling. Much of the research on this topic has utilized self-report data to examine whether Internet gamblers are more likely to exhibit problem gambling behaviors<sup>41</sup>. However, behavioral evidence on this matter remains mixed. Some studies have concluded that Internet gambling carries a higher risk of problem gambling, with survey data indicating that problem gamblers are

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<sup>40</sup> Gainsbury et al., 2012, *Computers in Human Behavior*, 28(4), 1388–1398

<sup>41</sup> Blaszczynski & Nower, 2002; Sharpe, 2002.

disproportionately represented among online gamblers compared to those who engage in other forms of gambling. It has also been argued that problem gamblers on the Internet might experience different types of harm to in person gamblers<sup>42</sup>. These findings come with three key caveats, raising questions about whether Internet gambling directly causes problem gambling, or if it is simply one of several risk factors associated with high-frequency gamblers.

## **2.6 Salient Features :**

Gambling is the act of staking money or valuable items on an event with an unpredictable outcome, hoping to win more than the amount wagered. It involves taking a risk with something of value, such as money, in the hopes of gaining more in return.

### **Features of Gambling**

Gambling often begins as a source of entertainment and excitement, offering individuals an immediate sense of pleasure. For many, it functions as a mechanism to cope with stress, anxiety, or emotional distress. Over time, however, the behavior tends to become compulsive and problematic.

Gamblers frequently develop distorted perceptions regarding their chances of winning, often believing they possess control over inherently unpredictable outcomes. This irrational confidence can lead to repeated participation despite consistent losses. With the progression of gambling habits, financial losses tend to escalate both in frequency and severity.

A common characteristic observed among problem gamblers is a growing obsession with gambling activities. This preoccupation may include persistent thoughts about previous bets, planning future gambling, or constantly seeking money to place new wagers. Such behavior is often accompanied by psychological symptoms including insomnia, anxiety, irritability, and even depression. In more severe cases, individuals may experience suicidal ideation due to feelings of hopelessness or mounting debt.

Social withdrawal becomes increasingly evident, as gamblers may isolate themselves from family, friends, and normal life activities. As gambling becomes central to their routine, many

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<sup>42</sup> Gainsbury, S., Russell, A., Hing, N., Wood, R., & Blaszczynski, A. (2013). The impact of internet gambling on gambling problems. *Psychology of Addictive Behaviors*, 27(4), 1092–1101.

individuals begin to neglect responsibilities related to education, employment, and personal relationships.

The short-term gratification gained from occasional wins can obscure the long-term negative consequences. Individuals often gamble with money they cannot afford to lose, leading to borrowing from unauthorized sources such as loan sharks or engaging in fraudulent activities including forgery, theft, or embezzlement. They may also become unable to account for lost funds or produce evidence of alleged winnings.

Financial obligations are frequently unmet, resulting in debt accumulation, job loss, and the breakdown of family and social relationships. Repeated attempts to recover losses by gambling further—commonly referred to as "chasing losses"—often deepen the financial crisis. Despite recognizing the harm caused, many are unable to resist the urge to gamble and may make several unsuccessful attempts to stop or reduce the behavior.

Other concerning signs include restlessness or irritability when unable to gamble, the need to wager increasing amounts to achieve excitement, and relying on others to resolve gambling-related financial emergencies. Furthermore, gamblers may deliberately conceal the extent of their activities from close ones or professionals, contributing to prolonged suffering and delayed intervention.

Ultimately, persistent gambling can lead to profound damage to one's mental health, personal relationships, career opportunities, and legal standing. The behavior often transitions from voluntary to compulsive, driven not by entertainment, but by an uncontrollable urge to escape reality, emotional turmoil, or financial despair.

## **2.7 Conclusion :**

Gambling is a widely practiced activity across the globe, yet there remains a lack of comprehensive models explaining why individuals engage in it or how they behave while gambling. This paper aims to demonstrate that theoretical approaches can provide valuable insights into gambling behavior, helping to explain many aspects of how people actually gamble. This 2nd chapter discusses Literature Review where Introduction is given a brief Definitions of gambling. This gambling Concepts and religious concepts are given, then eleven Theories are discussed and lastly Salient features of gambling are discussed.

## **Chapter 3**

### **Legal Regime**

#### **3.1 Introduction :**

Gambling has been part of human society for as long as history can tell. Over time, it has shifted from a simple recreational activity to a source of income, with players' skills becoming increasingly significant. Although gambling has a long-standing history, the methods through which it occurs have evolved greatly. The rise of Information and Communication Technology and the Internet has transformed the medium of gambling, making it necessary for laws to keep pace with these changes. This article examines the legal and institutional framework of gambling in Bangladesh. It explores the nature of gambling, its historical regulation, the current legal forms of gambling in the country, and the existing laws, while also offering recommendations for reform.

Gambling includes terms such as wagering, betting, and gaming, depending on the legal language of different countries. However, it generally means placing money or something valuable on an uncertain outcome that is beyond the person's control. In Bangladesh, the dominant moral and social values do not support gambling, and this disapproval is clearly reflected in the country's legal system.

By analysing the research results, relationships and differences, the author has tried to make international and domestic law more understandable. So that flaws and contexts in the gambling nature can be easily understood. The author hopes that this research paper will provide a unique concept for reforming the existing gambling laws in Bangladesh .

#### **3.2 Policy review :**

Before reviewing the existing literature on gambling, it is important to briefly explain a few key concepts related to this topic—specifically public policy, policymaking, and policy analysis. Public policy can be simply described as the action or inaction taken by public authorities to address a particular issue or a group of related problems (Pal, 1997, p. 1)<sup>43</sup>. This definition suggests that decisions made by public institutions usually come from a structured

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<sup>43</sup> Pal, L. (1997). *Public Policy: An Introduction to the Theory and Practice of Policy Analysis*. University of Toronto Press.

plan or policy framework. Interestingly, the inclusion of "inaction" in the definition means that doing nothing can also be a policy choice—as long as the authorities are aware of the issue and have thought through other possible actions.

The definition of public policy refers to addressing both individual and related sets of issues, reflecting the idea that policies are tools designed to solve community problems. However, these issues are not neutral; they are considered problems based on social values and beliefs (Pal, 1997). Policies are not just practical solutions—they also carry moral meaning. Pal also warns that the tools used to carry out policy must be both suitable for the task and ethically acceptable (p. 3). The definition emphasizes that decisions are made by public authorities—those legally empowered to do so. In democratic countries, this refers to elected representatives working with senior government officials.<sup>44</sup>

Policymaking typically involves three main steps: first, recognizing and clearly defining the problem; second, setting out the policy's goals; and third, selecting the best tools or strategies to address the issue. A strong policy aligns its problem definition, goals, and instruments, and also maintains consistency across different government departments.

Policy analysis, as defined by Pal (1989), is the careful and thoughtful use of reasoning to understand public problems (p. 19)<sup>45</sup>. The term “disciplined” suggests that this process should be logical, systematic, and based on evidence—not just casual thinking. As an academic field, public policy analysis focuses on understanding how policies are made, what they consist of, and what effects they have on society. Analysts work to clarify disagreements or conflicts over what governments should or shouldn't do, explore possible alternatives, and evaluate the likely outcomes—keeping in mind what is practical and can realistically be put into action.

Ultimately, good public policy is rooted in honesty and ethical behavior from policymakers, the process, and the government's intentions. Effective policy should genuinely solve the problem and serve the public interest. In contrast, poor policy often prioritizes the demands of interest groups, material gain, or short-term benefits over long-term public good. The ultimate aim of public policy should always be to improve the quality of life for everyone in society.

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<sup>44</sup> Pal, L. (1997). *Public Policy: An Introduction to the Theory and Practice of Policy Analysis*. University of Toronto Press

<sup>45</sup> Pal, L. (1989). *Public Policy Analysis*. McGraw-Hill

The Constitution of Bangladesh outlines the State's duty to discourage gambling. Specifically, Article 18, under the Fundamental Principles of State Policy, assigns the responsibility to the government to "adopt effective measures to prevent prostitution and gambling."<sup>46</sup> Although this article is not legally enforceable in courts, it serves as a guiding principle for the State in shaping its laws and policies.

Gambling is strictly prohibited in Bangladesh. In recent times, it has become a pressing issue, with law enforcement agencies detaining hundreds of individuals, particularly from the capital. However, it is unfortunate that no formal charges have been filed against them under the current gambling laws, which are often criticized as outdated and ineffective. These existing legal provisions lack the strength needed to take decisive action against those involved in operating or participating in gambling activities. Although the Constitution of Bangladesh, as the highest law of the land, prohibits gambling, its directive under the Fundamental Principles of State Policy has not yet been fully realized through updated legislation.<sup>47</sup>

### **3.3 International Law :**

Other countries have used several approaches to control gambling. Countries that place a high value on religion and morals have outright restricted or prohibited these practices, making gambling illegal in those countries. On the other hand, some countries have permitted gambling as a source of revenue. At the same time, other countries decide to operate in the middle, regulating these activities in a controlled manner in order to produce significant tax revenue that may be used to support sporting activities, culture, charitable works, or any other economic expansion or developmental activities.

#### **The United States of America**

In the United States, gambling activities are primarily regulated by two key federal laws: the Unlawful Internet Gambling Enforcement Act of 2006, which targets online gambling transactions, and the Illegal Gambling Business Act of 1970, which addresses the operation of illegal gambling enterprises. In the USA, UIGEA governs internet gambling. The term "unlawful internet gambling" refers to placing, receiving, or sending bets through the internet

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<sup>46</sup> The Constitution of Bangladesh, Article 18, Fundamental Principles of State Policy, mandates the prevention of gambling.

<sup>47</sup> The Constitution of Bangladesh further directs the state to take effective measures to prevent prostitution and gambling.

in violation of federal or state laws, especially when those bets are made or received within a state or tribal territory where such gambling is prohibited.."Violations of the law are punishable by imprisonment and a monetary fine<sup>48</sup>.

## India

Although "betting and gambling" along with related taxation fall under State authority in India (as listed in Entries 34 and 62 of the State List in the Constitution's Seventh Schedule), some central laws also impact this area. Examples include the Indian Penal Code (1860), the Indian Contract Act (1872), the Foreign Exchange Management Act (1999), and the Prevention of Money Laundering Act (2002).

Several Indian states have passed their own laws to manage online and sports gambling. For instance, online gambling is banned in Maharashtra. However, the state of Sikkim is allowed to license companies to operate online gaming services under the Sikkim Online Gambling Regulation Act of 2009. This law aims to regulate online gaming (both electronic and non-electronic) and to tax these activities. A recent amendment to the Foreign Exchange Management Act requires that payments to online gaming platforms be made in Indian Rupees. Still, many users rely on international e-wallets like PayPal, Binance, Skrill, or Neteller for transactions.

## Indonesia

Indonesia is governed by Sharia Law, which makes all types of gambling illegal. The state lottery is the only form of gambling that is permitted.

## Singapore

All types of gambling are prohibited in Singapore. Hundreds of international gambling sites have been officially blocked in Singapore, and it is now forbidden to gamble online on an unregulated site. The new Remote Gambling Act banned gambling services, remote gambling service marketing, and remote gambling promotions.

## Qatar

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<sup>48</sup> Unlawful Internet Gambling Enforcement Act of 2006, which regulates internet gambling in the USA.

Gambling is illegal in Qatar, another Islamic country, and the government prevents access to gambling websites by internet filtering.

#### The United Arab Emirates

Online gambling is illegal in the United Arab Emirates, and the government takes stringent measures to detect and restrict unlawful online content, including gambling websites.

#### Bahrain

Gambling is prohibited in Bahrain, which is also an Islamic country. Internet filtering is also in place, with the government blocking gambling-related websites.

#### Kuwait

Islamic country is Kuwait, where all forms of gambling are strictly outlawed.

#### United Kingdom

The gambling and betting industry in the United Kingdom was originally regulated by the Public Gambling Act of 1845, but it is now governed by the Gambling Act of 2005. According to Section 3 of this Act, the term "gambling" includes gaming, betting, and lotteries. Section 6 defines "gaming" as participating in a game of chance to win a prize. A game of chance can involve both luck and skill or can be one where skill can reduce the role of chance—though it does not include sports. The Secretary of State also has the authority to declare specific activities as games of chance under this section through regulations.

#### South Africa

Previously, gambling in South Africa was regulated under the Gambling Act of 1965, which banned all forms of gambling and betting, except for horse racing, as it was classified as a sport. However, this strict ban led to the rise of illegal casinos across the country.

To address this issue, the National Gambling Act of 1996 was introduced. It was later replaced by the National Gambling Act of 2004. The aim of the updated law was to provide clearer rules, better coordination between national and provincial authorities, and to establish a framework for licensing and regulating interactive gambling through the National Gambling Board.

## Australia

In Australia, both the Federal and State governments are deeply involved in managing gambling. They not only regulate and enforce gambling laws but also act as service providers, collect taxes from gambling activities, and fund support services for people facing gambling problems.

To reduce the risks of online gambling, the Australian government introduced the Interactive Gambling Act in 2001. This law made it illegal to offer certain types of interactive gambling services—such as online casinos, poker, blackjack, roulette, and similar games—to anyone located in Australia. However, some gambling services are allowed under specific licenses, and offering them without proper authorization is considered a legal offence. Additionally, Section 7A of the Act bans advertising of interactive gambling on websites aimed at Australian audiences.

## France

In France, gambling and betting activities are regulated by the Code de la sécurité intérieure (CSI), particularly Section 320-11, as well as by Law No. 2010-476, enacted on 12 May 2010. The CSI is based on the principle that games of chance, betting, lotteries, gambling and casinos are prohibited unless the operator can benefit from an exception to the law, or has obtained an authorisation and approval from the French Administration. Betting is illegal in France with the exception of horse-racing, which is available through the PariMutuelUrbain (PMU)<sup>168</sup> and operators approved by Autorité de régulation des jeux en ligne (hereinafter, ARJEL a regulatory authority for online activities) for horse racing and sports betting online. Poker and other games are allowed in offline casinos and all online activities are regulated by ARJEL licensed operators. Lotteries, on the other hand, are regulated by the Française des Jeux (FDJ) in France.

## Austria

In Austria, all types of gaming and betting activities are primarily governed by the Austrian Civil Code. Online gaming and betting are regulated under the E-Commerce Act, which came into effect on January 1, 2002.

## Russia

Gambling was entirely banned in the former Soviet Union from 1928 until 1987. However, in 1987, a government decree allowed gambling as part of joint ventures aimed at promoting tourism. As a result, slot machines were installed in hotels frequented by foreigners. By 2002, the Federal Sports Agency had the power to issue gambling licenses. However, this changed in 2006 with the passage of Federal Law No. 244-FZ, which banned gambling—including online gambling—across Russia, except within four designated gambling zones.

## Malaysia

Since Islam is the official religion of Malaysia, the government enforces Islamic principles that prohibit gambling. Malay Muslims are subject to the Syariah Criminal Offences Act 1997, which criminalizes gambling and even being present in a casino. For non-Muslims, the Malaysian Contract Act 1950 renders betting agreements void, with exceptions for certain horse-racing prizes. Still, there are legal channels through which private companies or individuals can be licensed to run gambling activities.

## The regulation of gambling

To protect public morality, gambling has historically been regulated—or entirely banned—under national laws. These laws usually aim to:

- Maintain fairness and transparency in games<sup>49</sup>
- Prevent connections with organized crime, particularly money laundering,
- Reduce public exposure to gambling, such as through advertising or sponsorship,
- Limit the number, location, and size of casinos,
- Prohibit access for minors,
- Specify which types of gambling activities are allowed,
- Provide help and treatment for gambling addiction, and
- Safeguard personal data and privacy.

In many countries, governments have responded by creating state-run gambling monopolies, typically through national lotteries. These not only generate public revenue but also fund social

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<sup>49</sup> Williams, R. J., & Wood, R. T. (2007). Internet Gambling: Past, Present and Future. Report prepared for the Ontario Problem Gambling Research Centre.

programs<sup>50</sup>. In some regions, gambling is seen as economically valuable, leading to compromises that protect jobs or attract tourism. In such cases, authorities balance the moral and social concerns about gambling against the financial benefits and political support linked to the industry.

Legal systems in different countries have developed gradually, shaped by various social and economic influences, including pressure from interest groups. As a result, gambling laws and taxation policies vary significantly across jurisdictions. These inconsistencies have sometimes created loopholes, enabling individuals, businesses, and even governments to legally operate gambling enterprises for example, on U.S. and Canadian Indigenous reservations or within British Crown Dependencies. The gambling industry, known for quickly embracing the Internet and new technologies, has continually pushed lawmakers to respond. Some governments have tried to restrict such opportunities, while others have worked to expand them. Cross-border gambling adds further complexity by allowing users to bypass national laws and regulated monopolies, avoid taxes, and potentially undermine systems meant to help those suffering from gambling addiction (Williams & Wood, 2007)<sup>51</sup>. Additionally, it creates risks for illegal activities such as money laundering.

The International Association of Gaming Regulators (IAGR, 2013), which includes fifty-four regulatory bodies, serves as a platform for sharing experiences in areas such as licensing, violations of license conditions, unusual betting behaviors, and training initiatives. Similarly, the Gaming Regulators European Forum, comprising twenty-two regulatory authorities, has been facilitating such exchanges within the European Union since 1989. Despite these efforts, major treaty-based organizations like the United Nations and the OECD have shown limited engagement in gambling regulation.

In 2010, the global gambling industry generated revenues of approximately €275 billion, with the European Union accounting for €80 billion—or 29 percent—of that total. Notably, the EU made up around 45 percent of the global online gambling market, valued at €23.28 billion. Online gambling revenue in the EU was projected to rise from €9.3 billion in 2011 to €13 billion by 2015. Asia, however, has become the fastest-growing gambling market, already surpassing Europe and expected to overtake the United States soon.

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<sup>50</sup> Ibid

<sup>51</sup> Williams, R. J., & Wood, R. T. (2007). *Internet Gambling: Past, Present and Future*.

Within the EU, gambling policy coordination falls under the Internal Market Directorate General. Although the European Commission acknowledged broad support for EU-level action on online gambling, it stopped short of proposing legislation. Instead, its action plan focused on establishing a member state expert group, reviewing national measures that may conflict with EU law, promoting administrative collaboration, initiating regulatory dialogue with non-EU countries, and developing shared principles to ensure strong consumer protection. The Commission also aimed to issue recommendations for harmonized consumer safeguards.

Online gambling regulation in the Member States is characterised by a diversity of incompatible legal frameworks, with cross-border offers that are often unauthorised in the Member State where the services are consumed. Questions on the interpretation of EU law, primarily on obligations concerning the internal market, have been repeatedly referred to the Court of Justice of the European Union, often by the EC as infringement proceedings. The Court has provided guidance on the freedoms of the internal market in the area of cross border or online gambling, taking into account the nature of gambling, this has enabled national courts to assess whether any restrictions in national laws were justified on grounds of the general interest. In practice, restrictions are more likely on advertising than on gambling

The jurisprudence of the CJEU has been developed mainly from references for preliminary rulings from national courts under Article 267 TFEU, providing general principles and criteria for the interpretation of Articles 49 and 56 TFEU in the area of games of chance. Article 56 prohibits restrictions on the freedom to provide services to customers in other Member States. Nonetheless, the 2010 judgement in *Sjöberg & Gerdin* showed continued support for member states legislating to restrict gambling, for cultural, social, and welfare reasons developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.

Thus the EC has a basis for legislative proposals to address cross-border match fixing and the bribes related to gambling. Until the Belgian presidency in 2010 the EU had focused on the development of the online games industry. A series of measures has been put in place to address Internet gambling, but the EU is still reacting to market developments, in part because of the efforts by member states to defend vested interests in tax revenues and state sponsored lotteries.

### **3.4 Legislation :**

## The Constitution of the People's Republic of Bangladesh

The constitution is the supreme law of the land. Bangladesh's constitution was not negotiated with a previous colonial state, nor was it drafted with the involvement or permission of any external sovereign entity. It results from a historical independence battle, establishing its unique nature from other constitutions of comparable nature. In the form, the people are the main characters. They represent the "power of the people." The constitution intended to create a welfare state, with the preamble declaring the state's main goal to be the democratic fulfillment of a socialist society free of exploitation. The concept of a welfare state was again ameliorated by the fundamental principle of state policy, which set out the constitution's social, political, and economic goals, and those principles were declared to be essential to the governance of Bangladesh and a guide to the interpretation of the constitution and the legislations. The constitution declares the supremacy of the body. It aims to produce a limited government because the form prescribes and limits every authority and power in the republic. The Constitution of Bangladesh, Article 18(2), stated that the state has a responsibility to "adopt effective measures to prevent prostitution and gambling".<sup>52</sup> The Constituent Assembly stated that the motive behind this is to ensure that all injustices and malpractices are eliminated from the social system of Bangladesh in the future and that the government can take more drastic steps through all these. It is binding upon the state's obligation to take adequate measures to prevent gambling.

But there is no clear concept about digital gambling mentioned. The Laws Continuance Enforcement Order was issued on April 10, 1971, simultaneously with the Proclamation of Independence, stating that "all laws in force in Bangladesh," including the Public Gambling Act 1867<sup>53</sup>. According to this act, all gambling activities in the state were banned. Despite this legislation, the current and past governments did not think of updating the gambling laws, which are over 150 years old.

Article 8(2) declares that fundamental principles are crucial to the governance of Bangladesh and should be applied by the government while creating legislation. As a result of these principles, the government is obligated to achieve and maximize social welfare and essential

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<sup>52</sup> . The Constitution of the People's Republic of Bangladesh, art. 18(2).

<sup>53</sup> Laws Continuance Enforcement Order, 1971.

human values. On the other hand, article 8(2) expressly states that all these principles are not enforceable by the courts.

In *Kudrat-E-Elahi vs. Bangladesh*, These Fundamental Principles are not enforceable by the courts<sup>54</sup>. Also stated that People's programs for the country's socioeconomic development peacefully, not overnight, but gradually. These initiatives require resources, technical knowhow, and a variety of other factors, including mass education. The state must decide whether these prerequisites exist for a peaceful socioeconomic revolution.

In *Wahab vs. Secretary, Ministry of Land*, FPSP place an obligation on the government to act on them, even though they are not judicially enforceable.<sup>55</sup>

In *Secretary, Ministry of Finance, Vs. Masdar Hossain & others*, though the Court cannot enforce the FPSP directly, it has criticized the government for failing to execute Article 22 of the Constitution of Bangladesh. One of the Fundamental Principles of State Policy in Article 22 focuses on the state's failure to separate the executive from the judiciary.<sup>56</sup>

In *Professor Nurul Islam vs. Bangladesh*: The Court interpreted the State's obligation to improve public health and morality in light of the Constitution, Article 32's relevance to the right to life, concluding that the State is obligated to prohibit all forms of tobacco product advertising and ordering the Government to do so. This case can be seen as an example of a 'rights-based' understanding of a State obligation under a fundamental state policy principle. This case served as a precedent for judicial recognition and implementation of many other fundamental rights and socioeconomic concepts found in Part II of the Constitution.

#### Public Gambling Act, 1867

The gambling legislation of Bangladesh derived from the time of British rule. Pakistan later inherited the Indian gambling law to regulate matters related to gambling within the country. Bangladesh adopted The Public Gambling Act on 30 June 1973, two years after the liberation war. Specific changes have been made to the act a few times to allow certain lotteries, clarify prize bonds, not gambling, and add tax charges to horse riding and bookmaker operators. According to the Act, the punishment for being caught in gambling is one-month imprisonment

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<sup>54</sup> *Kudrat-E-Elahi vs. Bangladesh*, 44 DLR (AD) (1992) 319.

<sup>55</sup> *Wahab vs. Secretary, Ministry of Land*, 48 DLR (HCD) (1996) 106.

<sup>56</sup> *Secretary, Ministry of Finance vs. Masdar Hossain*, 52 DLR (AD) (2000) 82.

or a small fine of BDT 100: According to this Act, the maximum sentence for a gambling fine does not exceed Tk. 600, or imprisonment not more than one year<sup>57</sup>. Owning or keeping a common gambling house is also punishable by a fine of up to 200 Tk. or imprisonment not more than three months. Under this Act, the ban also applying to gamblers states anyone is caught playing cards, dice, counters, money, or other gaming equipment in any such area, dwelling, room, tent, or walled enclosure, or is found present for gambling, besides playing for any value, wager, money, stake or otherwise, shall be punished to a fine up to 100 Tk. or imprisonment not exceeding one month. This legislation does not regulate virtual spaces.

However, since then, the act has remained unchanged; although there are new sectors such as online gambling, sports betting has come up in betting sectors. This legislation provides provisions for only land-based gambling. No section of this law offers sanctions for online gambling or sports betting. At present, digital gambling in Bangladesh remains largely unregulated. The existing legal framework does not explicitly address online or internet-based gambling, leaving a significant gap in control over such activities. The relevant legislation, notably the Public Gambling Act of 1867, does not contain any provisions regarding computers or the internet and applies only within the territorial boundaries of Bangladesh. Furthermore, the country lacks an official regulatory authority specifically designated to oversee gambling activities, either online or offline. Accordingly, Digital gambling in Bangladesh is not explicitly controlled, and players likely need not fear prosecution for online gambling. There is nothing written about computers and the internet in the Act, and it is only applicable within the jurisdiction of Bangladesh. Apart from that, Bangladesh has no official gambling authorities.

#### Dhaka Metropolitan Police (Amendment) Ordinance, 1976)

According to the ordinance, “Whoever assembles with others in a street or public place for gambling or wagering or joins any such assembly shall be liable for gambling and the punishment under section fine which may extend to Tk. 100<sup>58</sup>.” There is no clear definition of gambling provided. This legislation regarding gambling is only valid for land-based gambling. This section Includes streets, however, there is no specific legal provision addressing online gambling in Bangladesh, and this legal gap is often exploited by individuals. Although the

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<sup>57</sup> The Public Gambling Act, 1867, §§ 3, 4, 5.

<sup>58</sup> Dhaka Metropolitan Police Ordinance, 1976, § 54.

country does not operate any official gambling platforms, numerous international online casino websites continue to accept players from Bangladesh. Despite gambling being illegal in Bangladesh, individuals are still able to access foreign gambling websites. This is primarily because these platforms are hosted outside the jurisdiction of Bangladeshi law, making it difficult for local authorities to regulate or restrict access effectively.

#### Penal Code, 1860

According to the Penal code, “Whoever keeps any office or place to draw any lottery not being a government lottery or a lottery authorized by the government shall be punished<sup>59</sup> with imprisonment up to six months, fine, or both. And any person who operates or maintains an office or place for the purpose of conducting a lottery that is not authorized by the government, or engages in any activity intended to benefit any person based on an event or contingency related to the drawing of a ticket, number, lot, or figure in such a lottery, is liable to punishment with a fine that may extend up to one thousand takas. This provision criminalizes the operation and promotion of unauthorized lotteries. A lottery is defined as a game of chance where the prize is awarded purely by luck or by lot. If the outcome is entirely dependent on chance, or even if there is a minimal element of skill, it may still be classified as a lottery. Notably, this section does not apply to state-sanctioned lotteries. Its primary objective is to protect the public from the potential harm of unauthorized and unregulated lottery schemes. It is a crime to make an offer for the lottery. The person who offers the lottery will be punished even if the lottery is not held; even if the public is not deceived, his crime will remain the same. No lottery ticket can be offered to the general public without the government’s recognition. Any lottery is just as risky as gambling. He cannot leave the open market unless the state legalizes him. Lottery games are not illegal, but government permission is required.

As a result, any lottery that the government has sanctioned is legitimate. So, the Bangladesh Bank's prize bond is legal. But whoever intends to run a business for lottery without the verification of the government is illegal.

#### Contract Act, 1872

According to the relevant legal provisions, agreements that are contingent upon wagering contracts are considered void. Specifically, any agreement that is intentionally made to

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<sup>59</sup> The Penal Code, 1860, §§ 294A, 294B.

promote, facilitate, implement, or secure the performance of a wagering agreement is legally unenforceable. The law treats such contracts as void ab initio, meaning they have no legal effect from the outset, as they are based on an activity deemed contrary to public policy.<sup>60</sup>

A wagering contract is where two people agree that one will win if a future uncertain event is determined. The other will pay a particular amount of money, with no further genuine consideration for the contract being made. Ascertaining if either of the parties intended actual transfer of the goods is a condition for separating wagering contracts from regular commercial transactions. To constitute a wager, the transaction between the parties must be neither look to anything other than the payment of money on the determination of uncertainty."

### Digital Security Act, 2018

Digital Security Act section 30 provides provisions for Offence and punishment for an electronic transaction without legal authority. If any person without lawful authority makes an electronic transaction over electronic and digital method from any bank, insurance or any other financial institution or any organization providing mobile money service; or makes any etransaction though it is, from time to time, declared illegal by Bangladesh Bank or the Government, then such an act shall be a punishable offense. Digital Security Act doesn't contain any provision regarding Digital gambling or Casino.

Two people in Lalmonirhat were arrested on gambling charges, and a lawsuit was filed under the Digital Security Act, 2018. Officer-in-charge of Lalmonirhat Sadar Police Station, Mr. Shah Alam, claimed that the lawsuit was filed under the Digital Security Act against people for gambling for the first time in Bangladesh. The charges brought against the accused were for committing an illegal electronic transaction while betting on Indian Premier League matches using Betting phone apps.

### Import Policy Order 2015-2018

The Commerce Ministry of Bangladesh regulates Import Policy Order 2015-2018. It does not impose any restriction on importing any object used for gambling. According to the trade ministry, casino equipment was not mentioned on the list of things banned and restricted in the import rules. The casino's machines and materials are not forbidden. The NBR is adhering to

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<sup>60</sup> The Contract Act, 1872, § 30.

the current guideline as well. Six organizations have been identified by NBR's Customs Intelligence and Investigation Directorate as having imported the casino equipment. Many gambling devices were imported under other things, including slot machines, poker sets,

Mahjong tables, and chips. The majority of these materials came from China. In the last few years, 15 shipments of casino equipment have been unloaded at this port, according to Chattogram Custom House. A total of 13 consignments were brought in from China. Each from Japan and Hong Kong, two consignments were imported. NBR chairman had 'verbally' prohibited any future consignments of Casino equipment from being shipped. NBR will also make necessary changes to the existing import rules to permanently halt the import of casino supplies. The Customs Intelligence and Investigation Directorate is looking for the importers of casino materials, even though such imports are not currently banned.

#### Money Laundering Prevention Act 2012

According to Section 2(v)(ii) of the Money Laundering Prevention Act, 2012 (MLPA), money laundering is defined to include the illegal transfer or concealment of money or property. The Act imposes strict penalties for such offenses. As per Section 4 of the MLPA, any individual who commits, aids, abets, or conspires to commit money laundering is subject to imprisonment for a term not less than four years and not exceeding twelve years. Additionally, the offender may be fined an amount equal to twice the value of the property involved in the offence or BDT 10 lakh, whichever is greater.

#### Bangladesh Bank Guidelines:

It is unlawful for any individual to assist a criminal in acquiring, transferring, possessing, remitting, concealing, or investing movable or immovable property when they are aware of or suspect that the property constitutes the proceeds of unlawful activity. Money laundering is punishable by imprisonment ranging from a minimum of six months to a maximum of seven years, along with a fine equal to twice the amount of money laundered.

According to the Guidelines for Banking Operations in Bangladesh, banking institutions must pay particular attention to operational risk, credit risk, reputational risk, legal risk, liquidity risk, and compliance with anti-money laundering (AML) and counter-terrorism financing (CTF) obligations. These institutions are required to identify irregular or suspicious transactions and promptly generate appropriate reports. Banks, financial institutions, and other

related organizations must maintain accurate customer identification records and transaction histories, and they are obligated to report any knowledge or suspicion of money laundering to the Bangladesh Bank without delay.

Furthermore, on December 24, 2017, Bangladesh Bank issued a public notice on its official website warning against virtual currency trading. The notice clarified that transactions involving virtual money are prohibited under the Anti-Terrorism Act, 2009, the Foreign Exchange Regulation Act, 1947, and the Money Laundering Prevention Act, 2012.

### **3.5 Law Enforcing Institutions :**

Law enforcement agencies are the sole watchdog of the gambling activity. In addition, there is no other prototype of them to combat this crime. Another very alarming situation is that our custom department is completely unaware of gambling, as there are no restrictions on imports of instruments of Casino or other relevant materials. That is why very easily those instruments are accessed. Another factor is weak regulating sections of The Narcotics Control Act 1990 where some provisions lenient on using or consumption of Alcohol, which is one of the core enjoyments of the gambling. Even the Money Laundering Prevention Act 2012 does not address the channel of this illegal transaction thus huge of money escape from tax paying. Nonetheless, govt. has now put emphasis on this issue and taken initiative to tackle this new evil. Moreover, prostitution also rising sector in this domain because girls are forced to play a key role of illicit amusement.

The law empowers the District Magistrate and the District Superintendent of Police—or an officer authorized by them with a warrant—to enter and search any place suspected of being used as a gaming house, based on reliable information. If such suspicion is confirmed, they may seize any gaming equipment found on the premises. Additionally, the presiding Magistrate has the authority to order the destruction of these materials. Under Section 6, any presence of items such as cards, dice, gaming tables, or boards at the site serves as sufficient evidence that the location is being used for gambling purposes. Furthermore, when prosecuting someone for operating or managing a gambling venue, it is not necessary to prove that participants were playing for money or wagers. Individuals found in a gaming house can be punished with a fine of up to 100 taka or face imprisonment for up to one month.

This makes it clear that Bangladesh's current legal framework strictly prohibits any form of gambling or related gatherings. Operating gambling businesses is therefore not only illegal under existing laws but also violates constitutional values. However, with the emergence of modern gambling methods—especially online platforms—it is crucial to revise and enforce laws to uphold the Constitution's directive to restrict gambling activities.

**Police :**

The Bangladesh Police is the main law enforcement agency in the country, operating under the Ministry of Home Affairs of the Government of Bangladesh. It plays a crucial role in ensuring law and order, as well as safeguarding public life and property. Over time, the structure and operations of the police force have evolved, leading to the well-organized system of policing that exists today, with a wide range of responsibilities and activities.

The role of police officers is a vital factor for preventing gambling. During the inquiry of a crime, the police officer decides that whom and when to arrest. The power of the police officer comes from law and it allows the police officers to proceed with arrest and most of the time, to carry out the investigation without any supervision of the judicial magistrate. Most individuals are arrested under specific laws, including the Special Powers Act of 1974, the Arms Act of 1887, the Drugs Act of 1992, Section 54 of the Code of Criminal Procedure (1898), and Section 86 of the Metropolitan Police Ordinance.

### **3.6 Case Laws :**

#### **In the case of Jafar Ullah vs. Bangladesh :**

Muktijodhya Welfare Club allowed Jafar Ullah to hold indoor games such as Nipun Khela, Charchari, Dice, Howji, and cultural programs in the Naogaon Muktijodhya Welfare Club's grounds.

**Judgment :**

The court does not doubt that Dice & Howji are gambling because they are games played to win more money. Nipun Khela and Charchari are also considered gambling because they are all involved in wagering and betting to win extra money. It was held that authorization by the

Muktijodhya Welfare Club to operate a common-gaming house was considered illegal and punishable under the Public Gambling Act of 1876.

In the case of Philip D. Murphy, Governor of New Jersey v. National Collegiate Athletic Association (case nos. 16-476 and 16-477), the U.S. Supreme Court reviewed the constitutionality of the Professional and Amateur Sports Protection Act (PASPA) of 1992. This Act restricted both state governments and private entities from being involved in sports gambling, including its sponsorship, advertisement, promotion, and licensing.

On May 14, 2018, the Court, by a 6–3 majority, ruled that PASPA was unconstitutional. The Court held that the Act violated the "anti-commandeering" principle, which means Congress cannot compel states to enforce federal law or policies. It emphasized that while Congress has the power to regulate individuals directly, it cannot dictate how states regulate or prohibit sports betting within their own jurisdictions.

In the case of State v. Gupton, the Supreme Court of North Carolina held that any athletic game or sport is not a game of chance. In the United States, the ‘dominant factor test’ is applied by many States to determine whether or not a particular game is a ‘game of skill’ or ‘game of chance’. For instance, poker is considered to be a game of skill because more skilful players will always win over the less skilled or novice players.

In *Guru Prasad Biswas & Anr. v. State of West Bengal & Ors.*, the Calcutta High Court stated that engaging in betting and gambling can negatively impact an individual's morality and, therefore, violates the right to life as protected under Article 21 of the Indian Constitution.

In the case of *State of Bombay v. R.M.D. Chamarbaugwala* and its related judgment *R.M.D. Chamarbaugwala v. Union of India*, the courts held that the freedom of trade and commerce guaranteed under Articles 19(1)(g) and 301 only applies to legal business activities. Gambling was considered *res extra commercium*, meaning it is outside the scope of lawful trade and thus not protected by these constitutional provisions.

Similarly, in *K.R. Lakshmanan (Dr.) v. State of Tamil Nadu*, the Supreme Court reaffirmed the earlier *Chamarbaugwala* rulings, holding that gambling is not a legitimate business activity and is therefore not entitled to protection under Article 19(1)(g).

### **3.7 Conclusion :**

This 3rd chapter discusses current legal regime of gambling in Bangladesh where Introduction is given a legal concept of gambling. Policy review, gambling laws are discussed in the light of domestic and international perspective, then law enforcing institutions are discussed and lastly case laws of gambling related are discussed.

## **Chapter 4**

### **Analysis**

#### **4.1 Introduction**

Gambling has over the years been part and parcel of the society, it can be traced from the ancient and primitive time to modern era. Gambling as an activity, is as old as the human society itself as people from time immemorial have often place wages on certain outcomes of future events of life.<sup>61</sup> Although gambling is sometimes promoted with good intentions in Bangladesh, its harmful effects on individuals' lives cannot be ignored. There have been a few reported cases of gambling addiction among Bangladeshi people, even if the number is currently low. According to the police, gambling has recently become more widespread, involving people from various backgrounds, especially the youth. Individuals such as rickshaw pullers, farmers, and daily wage earners are increasingly becoming involved in illegal gambling networks across the country. The use of technology has significantly contributed to the spread of gambling in Bangladesh. In recent years, some regions have introduced games like casino gambling, online betting, and sports betting to make gambling more appealing. The Public Gambling Act of 1867 regulates all sorts of gambling in Bangladesh<sup>62</sup>. According to this act, all gambling activities in the state were banned except wagering or betting upon a horse race.

The Constitution of Bangladesh, under its Fundamental Principles of State Policy, clearly states that the government has a duty to take effective steps to prevent gambling.<sup>63</sup> This creates a binding obligation on the state to implement appropriate measures to control and eliminate gambling activities.

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<sup>61</sup> Reith, G. (1999). *The Age of Chance: Gambling in Western Culture*. Routledge.

<sup>62</sup> The Public Gambling Act, 1867 (Act No. III of 1867), Bangladesh

<sup>63</sup> The Constitution of the People's Republic of Bangladesh, Article 18(2).

This chapter shows the weakness of the existing gambling laws in Bangladesh . This paper tries to find out why and how a gambler is involved in illegal activities. The incidence of gambling is increasing at an alarming rate. As youths are the future of this country, gambling has become one of the biggest and most worrying issues for the government. In this secondary questions, tried find out the current situation of the gambling in Bangladesh. It is very much important to identify the causes the present situation. This chapter tried to found out that, The emerging phenomenon of gambling, and how to prevent this problem.

Our law enforcement agencies need to address this from a broader perspective, not just through legal action. An integrated prevention system needs to be developed by incorporating the issue with the legal and social aspects.

## **4.2 Key issues of the topic**

How effective are the regulations in controlling and curtailing gambling in Bangladesh ?

Article 18(2) of the Constitution of Bangladesh states that "The state shall adopt effective measures to prevent prostitution and gambling." This clearly indicates that gambling is completely prohibited in the country. However, since this provision falls under the Fundamental Principles of State Policy, it is not legally enforceable in a court of law. Apart from this no online or cyber law is enacted in Bangladesh regarding this matter. A law related gambling is promulgated back in over 150 years ago in British period. Bangladesh adopted The Public Gambling Act, 1867 an Indian gambling law and later inherited by Pakistan, to regulate matters related to gambling within the country except in the metropolitan area. In various interview, experts have stressed that, with these current laws combating gambling is nothing but absurd. Even the police have acknowledged that the existing law is too weak to effectively punish offenders, even in cases where it technically applies, that is why whom they detained were not indicted under the current Gambling Act.<sup>64</sup>

In this study, I will try to find out the following secondary question for solving the primary question.

1. What is gambling and what are its main components and classifications?
2. What are the religious and moral views on gambling and is it considered a sin?

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<sup>64</sup> Prothom Alo. (2021, September 4). "Police arrest 42 but release due to outdated gambling law."

3. What is the legal status of gambling in Bangladesh, especially online gambling, and are current laws sufficient to regulate it?

4. How does gambling affect the society and economy of Bangladesh and what role do law enforcement agencies play in solving gambling-related problems?

From my secondary questions, I would find out the current situation of gambling and its consequences in Bangladesh. It is very much important to identify the causes the present situation.

#### **4.3 Explanation of Secondary Questions :**

##### **Gambling Defines**

Gambling is a activity played for source of income and enjoyment, the outcome of which is always subject to uncertainty<sup>65</sup>. The gambling outcomes can be decided by various factors, including the entirely random behavior of tossed dice or the ball on a roulette wheel, physical skill, training, athletic prowess, or a combination of strategy and chance. The rules covering gambling games can often confuse the connection between the game's components, predicated on skill and luck, encouraging some players to manipulate the game.

##### **Elements of Gambling:**

There are three main elements of Gambling. 1. Consideration: It is a legal term, which means here, each side puts up something of value 2. A Prize: It indicates that the player has a chance to win something valuable. 3. Risk: If a contest offers valuable rewards and requires participation with consideration, but the outcome is unknown, the chances of winning are determined by the result<sup>66</sup>.

Gambling typically involves three key elements: consideration, prize, and chance. If any of these elements is absent, the activity does not qualify as gambling.

The term "consideration" is a legal concept mostly used in contract law. It generally refers to something of value exchanged by both parties, such as paying money to buy a car. In non-gambling contracts, consideration can also refer to any effort made by one party or any benefit

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<sup>65</sup> Rose, I. N. (1986). "The Law of Gambling and Gaming." Gaming Law Review.

<sup>66</sup> Ibid

received by the other. Only a small number of states apply this broader understanding of consideration to gambling-related contracts.

The second element of gambling is the "prize," which refers to the opportunity for a player to win something valuable. If there is no chance to win money or goods, the activity is usually considered an amusement game. In some places, even free replays are seen as a form of prize. However, even if such games technically fall under gambling laws, authorities are unlikely to take legal action against online operators offering amusement games where the only reward is another chance to play, even if players pay to participate.<sup>67</sup>

The third element, "chance," is essential in defining gambling. If a game involves valuable rewards and requires payment but the result depends on skill rather than chance, it is considered a game of skill and not gambling. On the Internet, one common way to offer skill-based games is through tournaments, where players compete against each other and chance plays a minor role over time. These games usually guarantee a prize for the winner. In theory, skill games where players pay to enter and can win money are possible. However, a highly skilled player could consistently win and cause financial loss to the platform. Additionally, in some regions, authorities assess whether a game is one of skill by determining if the average player can win under normal circumstances.

#### Classification of Gambling:

Various kinds of gambling can be found in different places of the world.

Casino Games: Pull-tab games, Lotteries, Scratch cards, Mahjong, and Dead pool.

Sports Betting: Cricket (All international matches, World Cup, all international and domestic T20 Leagues such as BPL, IPL, Big Bash, etc.) Football (World cup, Champion's League, UFFA, La-Liga Etc.), Hockey, Badminton, Kabaddi.

Card games: Bridge, Teen Patti, Liar's poker, Lansquenet, Basset and Piquet.

Dice-based Games: Liar's Dice, Pig, Passe-Dix, Backgammon, Hazard, and Threes.

Carnival Games: Hanky Pank, The Razzle

Coin-tossing Games: This is the most straightforward form of gambling. It includes only the Head and Tail.

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<sup>67</sup> Ibid

## Two-up Confidence Games: The Shell game, Three-card Monte

### Nature of Gambling

Gambling is often seen as a sin because it involves gaining at the expense of someone else's loss, making it a refined form of stealing. Historically, gambling was not always legal; about a hundred years ago, most gambling activities were banned. It has long been viewed as a "vice"—a term used in law enforcement to describe morally corrupt behaviors, like prostitution, drug abuse, and pornography. These are considered harmful and degrading to individuals and society, and are the opposite of what is considered virtuous.

In Islamic teachings, gambling is condemned alongside alcohol, as both are seen as harmful and addictive practices that can ruin individual and family life. The Quran states: “They ask you [Muhammad] concerning wine and gambling. Say: ‘In them is great sin, and some benefit for people. But their sin is greater than their benefit “ indicating the serious moral and social dangers associated with both.

### Religious view of Gambling

Religion and Gambling: In many religions the acts regarding gambling are prohibited due to its negative impact.

#### Islam:

In Islam, gambling is referred to as Maisir in Arabic. While interpretations of Shari'ah law may vary across the Muslim world, there is a general agreement among Islamic scholars (Ulema) that gambling is haram (forbidden). Scholars argue that gambling is not only against the teachings of the Qur'an but also harmful to the Muslim society. The Qur'an states: “They ask you about wine and gambling. Say: ‘In both is great sin, and some benefit for people. But the sin is greater than the benefit.’” (Qur'an 2:219, Surah Al-Baqara). In regions where full Shari'ah law is enforced, such as Aceh, Indonesia, punishments for Muslims caught gambling can include up to 12 lashes, one year of imprisonment, and fines for those who operate gambling venues. While some Islamic countries completely ban gambling, others apply regulations to control it (International Association of Gaming Regulators).

#### Hinduism:

Gambling has deep roots in ancient Hindu culture. Texts like the Gambler's Lament and the Mahabharata mention its widespread practice in early Indian society. However, the Arthashastra—an ancient treatise from around the 4th century BCE—advocates for state control and taxation of gambling to manage its effects.

#### Christianity:

The Catholic Church does not consider gambling morally wrong if it is conducted fairly and responsibly. This means all participants must have a fair chance of winning, no fraud or prior knowledge of the outcome should be involved, and gambling should be done for entertainment, not out of greed or to earn a living. Gamblers must also be able to afford any losses and stop when their limits are reached. However, Catholic leaders have expressed concerns about the negative effects of casino gambling, including addiction, financial problems for the poor, links to prostitution and corruption, and the potential harm to public morality (Kucharek, 1974). Many Protestant groups have historically discouraged or even banned their members from participating in gambling. For example, Methodists view gambling as a sin based on their belief in outward holiness. Denominations like the United Methodist Church, Free Methodist Church, Evangelical Wesleyan Church, The Salvation Army, and the Church of the Nazarene all oppose gambling on moral grounds. In North America, other Protestant groups such as the Mennonites, Quakers, and the Christian Reformed Church have also expressed strong disapproval of gambling. Additionally, churches like The Church of Jesus Christ of Latter-day Saints, Iglesia Ni Cristo, and the Members Church of God International firmly reject gambling practices.

#### Status of emerging situation of online gambling in Bangladesh :

The gambling laws in Bangladesh have undergone several changes in recent years, but online gambling remains illegal. It is also unlawful to establish a gambling venue within the country. Anyone caught doing so can face fines and even imprisonment. The same penalties apply to individuals caught participating in illegal land-based gambling.

However, the legal framework surrounding online gambling is less strict. While there are no specific penalties outlined for online gamblers, this gap in regulation has led to an increase in online gambling activities in Bangladesh. Many online casinos now accept Bangladeshi players, even though gambling remains illegal in the country. Although there are no explicit

legal provisions addressing online gambling, investigations show that no Bangladeshi citizens have been prosecuted for online gambling activities so far.

Despite these developments, all forms of gambling, except for horse racing, remain prohibited in Bangladesh, and no gambling ventures are allowed to operate within the country.

Loopholes of existing laws in perspective of online gambling :

Gamblers of Bangladesh mostly gamble online except for betting among friends or groups in restaurants and sport clubs. Due to the spread of internet and easy internet access all over the country, online gambling has become very popular. Bangladesh uses The Public Gambling Act 1867 to regulate all sorts of gambling in Bangladesh. The law is too old that there is nothing written about computers and internet in the Act and it is only applicable within the territories of Bangladesh. Besides that, there are no official gambling authorities in Bangladesh and the government delegates the right to punish gamblers to local magistrates.<sup>6</sup> However, amongst all gambling websites Bangladeshi players use websites that is of foreign origin. These are licensed in other places of the world such as United Kingdom.<sup>7</sup> Various kinds of online gambling are prevalent in Bangladesh including online casinos, online sports betting, online lotteries, etc.

**Online Lottery:** Lottery is another form of gambling that is considered legal in Bangladesh. While the country does not have an official national lottery, several companies offer various lottery games. The proceeds from these lotteries are often presented as charitable. Prize bond draws, which are a form of investment and lottery, are offered by the Bank of Bangladesh. Online lotteries are also legal in the country, though there are no domestic online lottery operators. However, international online lottery portals can be accessed freely from Bangladesh, and locals are allowed to participate in them.

**Online Casinos:** The Public Gambling Act of 1867 makes casino gambling illegal in Bangladesh, meaning there are no land-based casinos or online casino gambling sites based in the country. However, many international casinos operate freely in Bangladesh, and the growth of the internet has made it easier for Bangladeshi residents to access these online casinos. There are no specific laws in Bangladesh, other than Sharia law (which is not legally binding in this case), that prohibit individuals from participating in online gambling. The legal ban on gambling applies to physical establishments, such as houses, tents, rooms, or enclosed spaces,

but does not extend to virtual platforms. As a result, online casino gambling in Bangladesh remains largely unregulated, and players are unlikely to face prosecution for participating in online gambling.

**Online Poker:** While the Public Gambling Act of 1867 prohibits all forms of gambling, it makes an exception for "games of pure skill." Poker is often considered a game of skill due to the strategic elements involved, in addition to luck. Therefore, it could potentially be exempt from the law. However, there have been no reported cases in Bangladeshi courts concerning poker, so its legal status remains uncertain. International poker sites are popular among Bangladeshi players, as there are no laws specifically prohibiting individuals from participating in online gambling. Consequently, players are unlikely to face prosecution, even if poker is classified as a form of gambling.

**Bitcoin Gambling:** All forms of Bit coin usage are strictly illegal in Bangladesh. According to the Bangladesh bank, as Bitcoin is not a legal tender in the country, trading done in the crypto currency may be punishable with a jail sentence of up to 12 years.<sup>15</sup> There has been not a single report on anyone being prosecuted on the grounds of either Bitcoin trading or Bitcoin Gambling.

Gambling is a social cruse :

Gambling habits can happen within any religious and ethnic group, gender, age, and social level. The concept of Gambling used for fun or as a leisure activity can be an addictive habit. That habit will eventually lead to mental, social, and physical problems. The resources were supposed to be used to pay regular bills, taxes, education fees, and other family expenses, but they were instead used to gamble. Gambling addiction has also resulted in financial losses, including funds for children's education, housing, retirement, and other critical and emergency needs. Leading to a shortage of funds, gamblers may frequently and fraudulently borrow money from friends and relatives, claiming that it will be used for daily needs but actually to satisfy their gambling desire. The worst-case scenario is when they seek money from a loan or loan shark, putting themselves and their family at risk. Furthermore, financial issues brought on by gambling addiction can lead to depression, demoralization, and a loss of ambition to live. People with such problems will take a short-cut solution by committing suicide. The Universal Declaration of Human Rights enshrines everyone has the right to life, security, and liberty. Also, The Constitution of Bangladesh determines that everyone has the right to life, freedom,

and security. It is the fundamental right of the citizen. The law protects every life. The right to life is not only to preserve the energy, but also it is protected from any offense. It incorporates the right to live in a respectful manner of human dignity and decency. The gambling companies gained billions in profit at the expense of the people's public health and morality. This is a threat to violate the Constitutional provisions for Public health and morality. On average, problems caused by a gambler may impact between 7 to 17 people around him. Such effects include property loss, family breakdowns, domestic violence, theft, depression, and suicide. Digital gambling typically results in two categories of troubles, severe issues such as criminality, depression, debt, suicidal thoughts, divorce, and more moderate problems such as chasing debts, concealment, poverty, depression, and excessive spending. Another issue is that online gambling can enhance criminal conduct and the number of organized crimes such as money laundering and fraud. For instance, many websites that pretend to provide digital gambling services are not genuine. There are no particular regulatory mechanisms to check the authenticity of these websites, making it much easier for them to deceive users. Because there are so many issues linked with the uncontrolled framework of digital gambling, the government must safeguard its citizens from any malpractices that would impact them as a welfare state.

#### Gambling Impacts on economy

A philosophical debate can be raised is, Is Gambling is way bad than our thinking since there are so many countries where it is legal. As noted, it is indeed an addictive measure tantamount to drugs, but one can say "harmless". It is a medical question to find out but in a general sense, it may be legalized. However, our country is 90% full of Muslims. Despite on this issue, under the license system Bar is opened in various luxury hotels and Motels. The constitutional provision, where it puts its embargo on gambling, puts the bar on prostitution too.<sup>17</sup> But in 2000, the bar was set aside with a hypocritical move. In the western country huge tax are collected and contributing a mammoth round in GDP. By itself, our country is losing economy day by day, if the authority makes some annexation on the matter that can be huge relief for our country.

Gambling, often referred to as betting, involves short-term financial investments with the expectation of earning significant profits based on chance, usually determined by odds. In today's societies, the impact of gambling has extended beyond the social and cultural spheres, influencing the economic landscape as well. In some communities, gambling activities become excessive, prompting governments to intervene and create legal frameworks to prevent

exploitation, particularly by online gambling operators (Walker & Sobel, 2016). As a result, gambling often carries a negative reputation. However, it is important to acknowledge that legitimate gambling operations, which hold government licenses and pay taxes, are recognized as lawful businesses with profit-making motives. Gambling, therefore, has both positive and negative consequences, and this paper aims to explore whether the benefits of gambling outweigh its drawbacks or vice versa.

### Gambling Emerging Crime :

Crime can be understood in various ways, and its definition may differ from one society to another. Generally, crime refers to the violation of laws established by a country's governing authority. There are many factors that contribute to criminal behavior, and researchers around the world continue to study these causes to help reduce crime. Governments and law enforcement agencies are consistently working to lower crime rates in order to ensure public safety. This effort to control crime has existed since the early days of human civilization. In the following section, we will explore some common causes of crime.

This study focuses on crimes that are directly or indirectly connected to gambling. These crimes can be divided into four main categories: (1) illegal gambling, which includes activities that violate the Criminal Code of Canada, such as unauthorized betting, operating illegal gaming houses, and cheating during games; (2) gambling-related crimes committed by individuals with gambling problems, including acts like fraud, forgery, or embezzlement, often to fund their addiction; (3) crimes that happen in or around gambling venues, such as money laundering, loan sharking, counterfeit currency use, theft, assault, vandalism, prostitution, and (4) harm within families, including domestic violence, child neglect, or suicide, resulting from a family member's gambling behavior.

Criminal activities in and around gambling locations are a major concern. As noted by British gambling expert David Spanier, criminals are naturally attracted to gambling environments due to the large amounts of money, crowds, and opportunities to disguise illegal earnings. While some crimes like cheating are linked directly to the games, most other offenses are drawn by the environment of the gambling venue itself, making these places similar to banks, shopping centers, or entertainment areas in terms of crime risk.

Cheating during gambling is a criminal act and can occur in several ways. Some common methods include tampering with gambling equipment, such as using marked cards, loaded dice, unbalanced roulette wheels, or reprogrammed gaming machines. In horse racing, this can include drugging horses. Another form is collusion between players and casino staff, like signalling cards in blackjack or prearranged pay-outs. Some players also use devices or software to track cards or manipulate the game by adding chips after a hand is played.

Casinos and racetracks are often linked to money laundering, which involves making illegally obtained money appear legal. Even though financial laws require reporting cash transactions over \$10,000, criminals avoid detection by breaking large amounts into smaller deposits. The risk of money laundering at casinos is so serious that it has been studied in reports by the U.S. Treasury Department.

Besides money laundering, other crimes associated with casinos include robbery, using counterfeit money, prostitution, drug trafficking, and human exploitation. Police reports also identify social crimes such as drunken behavior, assault, family violence, and child neglect as being linked to gambling venues.

Crofts has categorized gambling-related property crime into areas such as money theft, job loss, increased debt, reliance on loan sharks, selling belongings, and the emotional toll it takes—like relationship issues, depression, or even suicide. Problem gambling can lead to serious consequences not just for the gambler, but also for their family and the wider community. According to Rosenthal and Leisure, crime committed by problem gamblers usually arises in the advanced stages of addiction. After losing savings and facing stress at home and work, many become desperate, leading them to commit crimes to fund their gambling habit.

Gambling effects on certain popular Sports :

In Bangladesh, cricket betting is mainly done through online betting platforms. Formats of cricket bets include total runs, subsequent dismissal, most match sixes, sessions run and innings runs, next overruns, dismissal technique, etc. Customers can bet on sports like cricket in many set up across the country, including clubs, restaurants, and cafes. Due to the enrichment of the Bangladesh cricket team and, more importantly, the introduction of the BPL in 2012, cricket betting in Bangladesh has skyrocketed. People also wager on international matches and events,

such as the Indian Premier League and the Pakistan Cricket League. Public betting in stadiums during live cricket matches has recently been a growing problem for sports bookies. Gamblers have taken advantage of the short time gap between live-action and official televised footage to place predictions.

Numerous sports leagues, such as the Spanish La Liga, the English Premier League, and the Indian Pro Kabaddi League, draw many viewers and gamblers. Kabaddi, Bangladesh's national sport, is famous throughout the country and is even featured in the Asian Games. With the Kabaddi World Cup and Indian Pro Kabaddi League launch, this game has caught the interest of Bangladeshi gamblers, who have added it to their sports betting options. Most international online Bingo platforms are accessible to Bangladeshi residents.

Existing laws are unable to prevent gambling :

The Constitution of Bangladesh includes a directive for the State to take action against gambling. Specifically, Article 18 under the Fundamental Principles of State Policy instructs the government to "adopt effective measures to prevent prostitution and gambling"<sup>68</sup>. However, since these principles are not legally enforceable in courts, they serve as guiding standards for legislative and executive actions rather than binding obligations.<sup>69</sup>

The main legal instrument governing gambling in Bangladesh is the Public Gambling Act of 1867. This law, which originated during British colonial rule, is outdated and provides relatively weak penalties for gambling-related offenses. According to the Act, a person found guilty may be fined up to a maximum of Tk 600 or imprisoned for up to one year. This Act also says, "as penalty for owning or keeping or having charge of common gaming-house shall be liable, on conviction before any magistrate to a fine not exceeding Tk200, or imprisonment of either description, as defined in the Penal Code for any term not exceeding three months.

However, it also includes, "whoever is found in any such house, tent, room, space, or walled enclosure, playing or gaming with cards, dice, counters, money or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake or otherwise, shall be liable, on conviction before any magistrate, to a fine not exceeding Tk100 or to imprisonment of either description, as defined in the Penal Code, for any term not

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<sup>68</sup> Constitution of Bangladesh, Article 18, Fundamental Principles of State Policy.

<sup>69</sup> Bangladesh Constitution, Fundamental Principles of State Policy, Article 18.

exceeding one month. "Another ordinance which deals with gambling is Dhaka Metropolitan Police (Amendment) Ordinance, 1976. The ordinance says, "Whoever assembles with others in a street or public place for gambling or wagering or joins any such assembly shall be punishable with fine which may extend to Tk 100. According to Penal code 1860, "Whoever keeps any office or place for the purpose of drawing any lottery not being a State lottery or a lottery authorized by the Government shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery shall be punished with fine which may extend to one thousand Taka"

These are some laws that deal with gambling in Bangladesh which in mere sense is crystal clear that it is far more incompatible to cope with the recent phenomenon of gambling. If we closely examine the amount of fines and punishments under this Act, these amounts are so little that one may find it hilarious where millions of money is being deal by gambling

The role of law enforcement agencies in preventing Gambling in Bangladesh

To prevent digital gambling, DMP has written to the BTRC demanding that 12 websites be blocked.<sup>70</sup> During BPL matches, the DMP arrested at least 60 accused gamblers, including three Indians and four Pakistanis, both inside and outside the stadiums. A mid-ranking DMP official said they were detained but later released on bond because anyone convicted of unlawful gambling had to pay Tk 100 under the law.<sup>71</sup>

According to law enforcement agencies, an international gambling ring has been siphoning millions of taka out of the country every day and investing it in cryptocurrency. The information came to light after the police's Counter-Terrorism and Transnational Crime (CTTC) Unit detained Mohiuddin Parvez, an Engineering graduate student who ran digital gambling sites for the last seven months and earned approximately 1.5 lakh per day<sup>72</sup>. He used to commit transactions of Tk. 50 lakh a day in four agent accounts, leading law enforcement agencies to request Interpol's help in tracking them down.

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<sup>70</sup> Penal Code, 1860, Section 294A.

<sup>71</sup> Dhaka Metropolitan Police, Report on BPL Gambling Arrests, 2023

<sup>72</sup> Counter-Terrorism and Transnational Crime Unit, Report on Digital Gambling, 2023.

Five members of an online betting syndicate have been arrested by the Criminal Investigation Department, who were involved in money laundering abroad via virtual currency and e-transactions obtained from sites like Bet365 and 9 Wickets.

CID arrested 9 people from three districts around the country for their alleged involvement in 1xbetbd.com, a digital gambling platform. According to CID authorities, online gambling is prevalent in Dhaka, Meherpur, Barisal, Chuadanga, and Cox's Bazar; according to CID investigators, three digital gambling platforms, including 1xbetbd.com and mostbetbd.com, have over 1.5 lakh members. Tk3 to 5 crores are transacted regularly on average on these gaming platforms. Nagad's services are also used in gambling transactions: CID.

Usually, agent business SIMs are only given to sales representatives, but they were selling them to other persons in different districts and using them for unlawful operations. On the other hand, concerned MFS firms are hesitant to take action in response to the breach. "We are also receiving information concerning online payment systems for gambling," said Md. Razi Hasan, chief of the Bangladesh Financial Intelligence Unit. The information is being shared with law enforcement. When asked how people could open any bKash agent accounts without valid information,

Shamsuddin Haider Dalim, the Bkash Company's head of corporate communication, responded: "If we receive a complaint about the use of agent accounts for unlawful activities, we will investigate immediately and respond accordingly, such as suspending the account. We have two separate teams working that communicate closely with law enforcement and the BFIU.

#### **4.4 Conclusion :**

All of the country's current laws regarding casinos and gambling are vague and incomplete. The Public Gambling Act of 1867 did not apply to the whole of British India at any point in history. It was always effective for certain states and territories. However, it is worth noting that, although the name of the 1867 Act is Public Gambling, it does not explain what constitutes 'gambling' in this Act. Lottery is legal but also undefined.

## **Chapter 5:**

### **Research Findings and Recommendations**

#### **5.1 Introduction**

Gambling has been a controversial topic in Bangladesh for decades. Despite various laws and religious principles prohibiting it, gambling continues to spread both offline and digitally. This chapter presents the research findings based on the overall study and proposes some practical recommendations to address the growing concerns. The objective is to reflect the real scenario and guide future legal and social actions toward controlling gambling more effectively.

#### **5.2 Research Findings**

The study finds that gambling in Bangladesh is not just limited to traditional forms but is rapidly evolving in digital space. From public betting to online casinos, the methods have changed, but the consequences remain damaging. Despite existing laws, people still continue gambling due to legal loopholes, lack of proper enforcement, and weak punishments. For example, the Public Gambling Act of 1867 still governs gambling, though it was formulated during the British era, and its penalties are outdated and insignificant compared to the scale of present-day gambling activities.<sup>73</sup>

Furthermore, online gambling is being operated through foreign platforms such as 1xbetbd.com and Bet365, which are illegal under national laws. These platforms have created a cross-border gambling network that not only causes economic harm but also threatens national security by enabling money laundering and untraceable digital transactions.<sup>74</sup> It is also observed that law enforcement agencies such as the CID and CTTC are struggling to track and prevent digital gambling due to lack of technical capacity and coordinated cyber monitoring.<sup>75</sup>

One of the major findings is that gambling is increasing in urban and semi-urban areas due to smartphone access, mobile financial services MFS, and lack of awareness. The use of bKash, Nagad, and other MFS platforms makes transactions easier, allowing gamblers to bypass physical barriers.<sup>76</sup> Moreover, gambling-related crimes such as fraud, extortion, and even organized gang operations are on the rise, with young people being mostly affected.<sup>77</sup>

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<sup>73</sup> The Public Gambling Act of 1867 remains the primary law despite being over 150 years old.

<sup>74</sup> Online platforms like 1xbetbd.com and Bet365 are used for cross-border digital gambling.

<sup>75</sup> CID and CTTC have arrested individuals but face technical barriers in digital surveillance.

<sup>76</sup> Mobile financial services are being misused for illegal gambling transactions.

<sup>77</sup> Reports show that crimes like fraud and extortion are linked to gambling-related debts.

Another significant observation is the religious and social disapproval of gambling, which acts as a moral barrier but not a legal one. Although Islam strictly prohibits gambling, the absence of uniform interpretation in law enforcement creates confusion. As a result, despite religious prohibition, gambling continues underground or online.<sup>6</sup>

Lastly, it was discovered that many stakeholders, including mobile operators, financial institutions, and social media platforms, are not fully cooperating with authorities, which creates more obstacles in tackling gambling activities in the country.<sup>78</sup>

### **5.3 Recommendations**

1. **Modernize the Public Gambling Act:** The existing law must be updated to include definitions of online gambling, digital betting, and electronic gaming platforms, with harsher penalties proportionate to the offenses.
2. **Introduce a Specific Online Gambling Law:** Bangladesh should introduce a separate act focused entirely on digital gambling, defining what constitutes illegal gaming, outlining punishments, and including measures for international cooperation in cyber surveillance.
3. **Strengthen Cybercrime Units:** Authorities like the CID and CTTC should be given specialized cyber tools, trained human resources, and international access to investigate digital gambling platforms effectively.
4. **Create a National Gambling Monitoring Cell:** A joint task force with members from BFIU, BTRC, law enforcement, and digital platforms should be established to monitor and report online gambling activities in real-time.
5. **Raise Awareness Campaigns:** Public education on the risks of gambling, especially digital gambling, should be introduced through schools, social media, and national TV campaigns.
6. **Ensure Financial Institutions' Accountability:** MFS providers such as bKash, Nagad, and banks must verify customer identities and be held liable if their services are misused for gambling-related transactions.
7. **Promote Rehabilitation Programs:** Victims of gambling addiction should be offered counseling and rehabilitation services. These programs must be sponsored by both government and NGOs to ensure accessibility.
8. **Seek International Support:** Since many digital gambling platforms are operated from abroad, Bangladesh must engage with international organizations like Interpol to block and track those involved.

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<sup>78</sup> Mobile and financial service providers often hesitate to block suspicious transactions.

## **5.4 Conclusion**

The fight against gambling in Bangladesh is far from over. Though laws exist, they are not effective enough to address the digital shift and socio-economic impact gambling now poses. Without modernization of legislation and a combined effort of state institutions, financial bodies, and society at large, gambling will only continue to grow in both volume and danger. Therefore, the findings of this research urge immediate legal reform and social awareness, along with strong institutional support, to control gambling in all its forms and protect the future generations from its harmful consequences.

## **Chapter 6**

### **Conclusion**

#### **6.1 Introduction**

Gambling is no longer just a problem, it is now a crisis. This crisis is being expressed in many ways, in many dimensions. Social, economic, political and cultural factors are the main key factors, that are responsible for gambling in Bangladesh . The implication of the study findings is that it will help the policy maker to formulate appropriate policy and program in preventing and controlling gambling in Bangladesh.

The nature and characteristics of gambling are diverse. Gamblers often become quickly influenced by their surroundings and may act impulsively without a clear purpose. Gamblers become involved in crime without thinking about its result. In the context of Bangladesh, there are various social problems such as poverty, unemployment, drug addiction, , etc. which lead to becoming an gambler to involve in gambling.

Recent incidents of crime and violence in the country involving mostly teenagers and young adults are a new cause of concern for society. The nation is stunned to see the horrific scenes of various criminal activities of gamblers in the country. Now it is time to looking after the concern, to reduce the gambling culture. Because, gambling culture threaten the erosion of the social values. They also create various disorder into the society, which is very harmful for the society.

It is a matter of great regret that even in the remote villages there are gambling sessions. Farmers, youth, workers, businessmen, students are getting involved in death addiction gambling. Millions of rupees are flying in these events. Gambling is now seen as a drug. In this situation, the administration's action to stop these unethical activities should be applauded.

## **6.2 Explanation of primary question**

How effective are the regulations in controlling and curtailing gambling in Bangladesh ?

After gaining independence from Pakistan, Bangladesh chose to retain the Public Gambling Act of 1867, a law that dates back to the British colonial period. Since independence, no significant amendments have been made to this Act. Currently, there is little public or governmental pressure to reform or repeal it. As a Muslim-majority country, where over 90% of the population practices Islam—gambling is widely viewed as haram (prohibited), which contributes to the lack of urgency in updating the law. Nonetheless, some public figures have recently emphasized the need to revise the Act to specifically address modern gambling practices, such as casinos, online gambling platforms, and locally popular dice and card games.

“It is quite clear from the above discussions that gambling in Bangladesh is totally unregulated and the government is not so concerned about it. Since it being rooted in the British era, the Public Gambling Act 1867 lacks enough provisions to cope with the emerging gambling both online and offline in Bangladesh. Moreover, the punishment is not proportionate to the gains one can make from gambling. When one can win millions of money from gambling, it is not a very big deal for him to pay 100 or 200 taka fine as punishment. And the Act says nothing about computers and internet and Casino is not attached in both existing laws. “Consequently, the definition of online gambling sites as Gaming House remains undetermined. Since almost all the online gambling sites are foreign based, they do not fall within the Jurisdiction of Bangladeshi laws. As a result, online gamblers can easily escape punishment and they are hardly afraid of punishment since the punishments are too lenient. A serving judge recently put his criticism on a daily’s article,

The Act intentionally separates gambling from the domain of sports. In sports, winning or losing depends on the skill and performance of each team. However, in the case of gambling—especially in casinos—statistics show that it is usually the casino owner who ends up profiting, while players mostly incur losses. The central idea of gambling is based on uncertainty: either

winning or losing. Therefore, introducing stricter punishments could help fulfill the legislative intent. In this context, revising the existing law is essential.

Additionally, the Act does not mention any penalties for importing gambling equipment. As a result, importers are exploiting this gap in the law to bring gambling devices into the country. Strangely, gambling equipment is not listed as a restricted or banned item in the Import Policy Order (IPO) 2015–2018, which allows customs authorities to approve such shipments. Moreover, the minimal fines and short-term imprisonment prescribed by the Act provide a sense of near-immunity to offenders. This issue must be addressed through necessary amendments to the law.

A relevant example is the casino raids conducted in September 2019. Law enforcement agencies arrested nearly 200 people across Dhaka and other areas for operating or participating in illegal gambling activities. However, no cases were filed under the outdated Public Gambling Act. Legal experts and authorities stated that the existing law is too old and ineffective to take meaningful legal action. As a result, the detainees were charged under other laws, such as those relating to narcotics, weapons, and money laundering. Law Minister Anisul Huq stated that the government was considering updating the Public Gambling Act, admitting they were unaware of the extent of gambling in the country.

This shows that lawmakers often focus only on trending legal matters, which may explain their lack of attention toward gambling law reform. Nevertheless, this cannot justify ignoring the urgent need to update existing laws. This need for reform also extends to online gambling, which remains unaddressed in current legislation.

With the rapid digitalization of Bangladesh, more people are now familiar with using online platforms. As noted in the introduction, existing gambling laws in the country primarily apply to land-based gambling. There are no specific legal provisions that address online gambling, and many individuals are taking advantage of this loophole. Since online gambling is not directly regulated, many people are not afraid to participate, believing they are beyond the reach of Bangladeshi law. Although no legal online gambling sites exist within Bangladesh, several foreign-based casino platforms openly allow Bangladeshi users to join.

Despite the illegal status of gambling in the country, people are still gaining access to these activities through foreign websites. A growing number of Bangladeshi users are engaging in

online gambling games like Teen Patti Gold, through which significant sums of money are being laundered. Many individuals and groups are involved in buying and selling digital "chips" used in such games. These transactions are often carried out using mobile financial service (MFS) accounts and promoted via social media. Users of Android and iOS devices—ranging from school students to university-level learners—are becoming increasingly addicted to these online gambling activities.

Even though gambling is banned, some individuals continue gambling through virtual games embedded in messaging apps. These apps attract users by offering free bets or credit bonuses. Over time, as addiction develops, users are manipulated into spending large amounts of money. Many players wager and lose—or win—significant sums within seconds. Addiction to these games is harming not only the financial stability but also the ethical behavior of the youth. Many go to extreme lengths to satisfy their addiction, often without realizing they are engaging in unlawful activities.

As society continues to evolve, new types of gambling are emerging to attract more users. Therefore, it is essential that the laws are updated and enforced to reflect these changes and fulfill the constitutional responsibility of the State. Gambling is not merely a personal issue—it is a social problem that must be addressed collectively. Allowing gambling to spread within Bangladesh goes against the spirit and values of the nation's Constitution.

### **6.3 Conclusion :**

Some crimes are self-controlled; If you want, you can leave it. Drug addiction, gambling addiction and attraction to illicit women are crimes that are not under one's control; He takes control of these himself. As a result, he cannot come out of there even if he wants; Even if the criminal wants to leave the crime, the crime does not leave the criminal, the criminal cannot come out of the criminal world. Gambling is prohibited in all religions, punishable by all laws. In order to have a pure and pure, successful and meaningful life, we must protect ourselves and our families and the future generations from the power and temptation of gambling. For the development of the country and the protection of the nation, family awareness should be created about these anti-social crimes, crimes and misdeeds, social resistance should be developed and strict administrative measures should be taken from the state level.

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