

INDIA'S ONLINE GAMING RULES, 2026 WHAT THE PROGA FRAMEWORK MEANS FOR YOUR BUSINESS



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On 22 April 2026, the Ministry of Electronics and Information Technology ("**MeitY**") notified the Promotion and Regulation of Online Gaming Rules, 2026 ("**Rules**"), which came into force on **1 May 2026**. The Rules operationalise the Promotion and Regulation of Online Gaming Act, 2025 ("**PROGA**" or the "**Act**"), India's first central statute to comprehensively address the online gaming sector. The Rules follow a draft circulated by MeitY on 2 October 2025 for stakeholder consultation.

01 The Rules operationalise PROGA. Challenges to the Act's constitutional validity are currently pending before the Supreme Court of India.ⁱ

02 The framework prohibits online money games ("**OMG**"), irrespective of whether they are chance based or skill-based formats.ⁱⁱ PROGA introduces a regulatory framework for esports and Online Social Games ("**OSG**").ⁱⁱⁱ

03 The Online Gaming Authority Of India ("**OGAI**") has been established as an inter-ministerial adjudicatory and regulatory body comprising of members from the Ministry of Home Affairs, Ministry of Finance, Ministry of Information and Broadcasting, Ministry of Youth Affairs and Sports, and Ministry of Law and Justice, and attached office of MeitY, the nodal Ministry in charge of online gaming.^{iv} It has wide powers to issue binding orders, directions, codes of practice and guidelines.

04 Under the Act, banks, financial institutions, and payment intermediaries are prohibited from facilitating financial transactions or authorisation of funds in relation to OMGs.^v The Rules, additionally, require them to comply with directions from the Online Gaming Authority of India ("**OGAI**")^{vi} relating to financial transactions, settlement of user payments, amongst others.

05 Most OSGs can operate without any registration or determination. Only notified categories of OSGs need to register or undertake determination.^{vii} E-sports require mandatory registration with upto 10-year certificates. An online game service provider ("**OGSP**") cannot voluntarily apply for a determination as a clearance mechanism^{viii} for online games to be determined as non-OMG games.

06 The Rules don't provide guidance on which monetization elements of online games would result in their classification as prohibited 'online money games,' through the determination process, but simply lists factors which the OGAI may take into account.

THE REGULATOR: ONLINE GAMING AUTHORITY OF INDIA (OGAI)

The OGAI is established as an attached office of MeitY^{ix}, headquartered in the NCT of Delhi.^x It will operate as far as possible, as a *digital-first* body, wherein proceedings may be conducted without physical presence through appropriate techno legal measures and decisions can be passed through circulation.^{xi} The Chairperson may invite subject-matter experts to assist.^{xii} The OGAI will share an annual report with the Central Government within 180 days of the close of each financial year, giving a true and full account of its activities.^{xiii}

Composition

The OGAI comprises six members, of which one is a Chairperson, all serving ex officio, nominated by their respective ministries^{xiv}:

CHAIRPERSON

MEMBER

Additional Secretary (or not below Joint Secretary rank), MeitY	Joint Secretary, Ministry of Home Affairs
MEMBER Joint Secretary, Department of Financial Services, Ministry of Finance	MEMBER Joint Secretary, Ministry of Information and Broadcasting
MEMBER Joint Secretary, Ministry of Youth Affairs and Sports	MEMBER Joint Secretary, Department of Legal Affairs, Ministry of Law and Justice

Decisions are by majority vote; the Chairperson holds a casting vote in the event of a tie.^{xv} A Secretary to the OGAI may be appointed from officers of Director rank or above within MeitY.^{xvi}

The Chairperson has general superintendence over the OGAI and can give directions on all administrative matters. They can authorise any officer to scrutinise applications, complaints, or correspondence received by the Authority, and can delegate any of the Authority's functions or proceedings to an individual Member or a group of Members.^{xvii}

In case of emergency situations warranting immediate action by the Authority, and where it is not feasible to call a meeting, the Chairperson may take immediate action by reasons recorded in writing, communicate the same to the other Members, and ratify the decision by the OGAI at its next meeting.^{xviii}

Key Powers and Functions of OGAI^{xix}

- Conduct the determination process to determine whether online games are online money games or otherwise.
- Maintain and publish a public list of online games determined as OMGs (operational blacklist)
- Maintain a record of, and publish, online games registered by it;
- Issue binding directions, orders, to online game service providers (“**OGSP**”) offering online games, advertisements relating to online games, and financial transactions / authorisation of funds for online games;
- Issue guidelines or codes of practice in relation to offering online games in consultation with the Central Government;
- Respond to complaints relating to online games forwarded to it^{xx},
- Handle user grievance appeals from grievance redressal from the online game service provider;
- Direct banks, financial institutions and payment intermediaries to suspend transactions in relation to OMGs
- Coordinate with law enforcement agencies
- Inquire into and decide any complaint against an online game within 90 days, and:
 - impose penalties;
 - suspend or cancel registration certificates, or
 - prohibit online game service providers from offering, facilitating or promoting games for specified periods.

Orders of the OGAI are appealable to the Appellate Authority i.e., **Secretary, MeitY** within 30 days.^{xxi}

TLP Comment:

- The OGAI has both adjudicatory and regulatory functions. Clarity on which types of games would amount to OMGs are likely to emerge from determinations undertaken by the OGAI, as we discuss subsequently.

- The OGAI has wide powers to issue binding directions, orders, codes of practice and guidelines. Non-compliance with such instruments could attract penalties extending to INR 10 lakhs (approximately USD 12,000), suspension/cancellation of registration, and prohibitions from offering or promoting online games for periods of time. Hence, compliance with OGAI's directions and code will be a critical operational consideration for OGSPs and service providers to the online gaming industry.
- The OGAI's members include participants from several different Ministries, given that each Ministry may consider online games from a different regulatory perspective. For instance, the Ministry of Finance may be concerned with taxation of money flows, whilst the Ministry of Home Affairs may be concerned with national security concerns / law and order issues. This indicates that OGAI's functioning is likely to be broad-based. There is no express requirement for public consultation before the OGAI issues codes of practice or directions, a gap that industry should raise through engagement with the OGAI.
- The OGAI can issue codes of practice on aspects such as cyber security, which are already governed under horizontal laws such as directions issued by CERT-In under the Information Technology Act, 2000, and data retention, which may be covered under Digital Personal Data Protection Act, 2023. There may hence be overlapping or potentially conflicting regulatory requirements. However, this is likely so that OGAI may introduce industry-specific obligations, such as unique user safety requirements applicable to online gaming (which may already be covered under general legislations such as the Consumer Protection Act, 2019).

Important Watch-Out: User Safety Measures

The OGAI may issue directions, orders or codes of practice relating to 'user safety' which is defined broadly under the Rules to mean any type of safeguards provided by an OGSP to protect users from financial, psychological, social, security related or content related risks arising from the use of such online games, or measures to promote responsible online gaming, prevent injury, enhance transparency, and ensuring the integrity and safety of the online gaming environment.

These may include age verification or age gating mechanisms, time restrictions, parental controls, counselling support, fair play and integrity monitoring tools, amongst others.

User safety measures are likely to be at the forefront of OGAI's regulations, given that one of the key considerations while introducing PROGA were issues such as bots and undisclosed agents, manipulative design features promoting compulsive behaviour resulting in financial ruin, and protection of vulnerable sections.

The Bureau of Indian Standards (BIS) has recently introduced standards for age-rating labels and content descriptors based on content of video games and digital games. These standards may be adopted or referenced by the OGAI while introducing such user safety measures.

Hence, OGSPs must keep user safety at the forefront of game design in the PROG era.

The Determination Test

A formal determination process is the mechanism by which the OGAI decides whether a game qualifies as an OMG, and is hence prohibited under PROGA. A determination is applicable only for a relevant game offered by a particular OGSP, and not same or similar games offered by other OGSPs^{xxii}.

Who Can Trigger a Determination?

Determination can be initiated: (a) suo motu by the OGAI; or (b) by a service provider applying where a game is offered as an e-sport (determination is a prerequisite for registration); or (c) when the Central Government notifies a category of social games for determination, having regard to the nature of the game, volume or value of financial transactions or authorisation of funds in order to participate in or access the online social game.^{xxiii}

Where determination is undertaken suo moto by the OGAI, it will issue a notice to the OGSP specifying the grounds for the determination, seek information, and provide the OGSP with an opportunity of being heard.^{xxiv}

If the determination is undertaken based on an application by an OGSP, the OGAI will make a determination based on the information provided in the application.^{xxv}

The application must contain details such as the description of the game, proposed category of online game, user safety features, revenue model, intended user age group, grievance redressal mechanisms, and other details.^{xxvi}

FACTORS THE OGAI MAY CONSIDER IN DETERMINATIONS^{xxvii}

- 01 Whether users pay an entry fee or stake at any stage of participation
- 02 Whether players have an expectation of monetary winnings or other enrichment
- 03 Whether betting or staking mechanisms are present
- 04 Whether a fee or deposits are used as payment for accessing the online game as a subscription fee or one-time access fee
- 05 Whether a fee or deposits are used in a manner that an OSG appears to be part of a competitive event, conducted in multiplayer formats, or as payment of registration or participation fee or to cover administrative costs for the event or as reward for performance-based prize money
- 06 The revenue model of the game
- 07 Whether in-game assets or rewards are redeemable or monetisable outside the game environment

The OGAI will examine the technical architecture, gameplay mechanics, revenue model, user interface, and other details of the online game, and may also seek expert or technical evaluation whilst making a determination.^{xxviii}

The process must, as far as possible, be completed within **90 days** of receipt of complete application or, in the case of a suo moto determination, 90 days from issuance of notice.^{xxix}

BENEFIT OF DETERMINATION

While determination is not mandatory, OGSPs that have their online games determined may advertise, represent or offer them as online games determined not to be OMGs. This may act as an assurance to customers and service providers.^{xxx}

THE DETERMINATION OUTCOMES

OUTCOME	DETERMINATION ORDER	NEXT STEP
Online Money Game (OMG)	PROHIBITED The OGAI issues a determination order confirming the game is an OMG.	The OGAI may initiate enforcement action in relation to the OMG under PROGA. ^{xxxi} The OGAI will include the name and details of the OMG in the list of OMGs published on its website or app. ^{xxxii}

Online Social Game (OSG)

PERMITTED

The OGAI issues a determination order confirming the game is not an OMG.

The OGSP may offer the online social game. It must notify the OGAI before making any changes to in-game payment features.^{xxxiii}

E-sport

PERMITTED

The OGAI informs the OGSP that the game is not an OMG. **No determination order is issued.**

The OGAI processes the application for recognition and registration as an e-sport. *This does not confirm e-sport status, only that the game is not an OMG.*^{xxxiv}

Determination orders are valid and subsisting for an online game till such time as there are no changes affecting the payment flows.^{xxxv} The OGAI may undertake a periodic review of online games for which a determination order is issued.^{xxxvi} If the OGAI believes, either suo moto, or on receipt of a complaint that an online game which has previously been determined requires fresh determination, the OGAI may^{xxxvii}:

- Issue a notice to the OGSP suspending the determination order and undertake an inquiry;
- Upon conclusion of the inquiry, if the OGAI is of the opinion that the online game requires a fresh determination, issue an order withdrawing the determination, and direct the OGSP to cease offering the online game till fresh determination is undertaken;
- Upon conclusion of the inquiry, if the OGAI is of the opinion that the online game is an OMG, it may initiate enforcement action under PROGA.

The complaint may be sent by any Ministry or Department of agency of the Central or State Government, if it has reasons to believe that the online game has been modified in a manner so as to require fresh determination.^{xxxviii}

A determination order can be appealed before the Appellate Authority, i.e., Secretary, MeitY, within 30 days from the date of decision of the OGAI.^{xxxix}

TLP Comment:

- The Rules do not provide guidance one way or another, as to which monetization features are likely to bring an online game within the ambit of an OMG, but merely list criteria that the OGAI may consider while making such determination. Hence, OGSPs must not make decisions on game formats based on this criteria.
- OGSPs cannot voluntarily apply for determination as a clearance mechanism to confirm that its online game is not an OMG. Hence, service providers to OGSPs such as App Stores, banks, and social media platforms, cannot require OGSPs to undertake determination under contract or as a condition of service. OGSPs cannot proactively 'clear' their games. Clarity on which games constitute OMGs is likely to emerge organically from OGAI determinations over time.
- The OGAI's suo motu power to order determinations creates uncertainty for OGSPs who may be operating under the impression that a game is permissible, only to face a determination proceeding on OGAI's own initiative. Operators should maintain legal analysis documenting the basis for their classification, which may be submitted to demonstrate bonafides to the OGAI when called upon.
- Since determination orders are specific to an online game and a particular OGSPs, such orders cannot be relied upon by OGSPs offering identical online games which are already determined to not be OMGs.
- Service providers to OGSPs must periodically check the 'black list' of published OMGs to ensure they are not servicing such entities so as to attract liability.

REGISTRATION OF ONLINE GAMES

The Rules clarify the registration requirements for the three distinct categories of online games.

Category	Registration Required?
OMG	N/A (category is banned)
E-Sports	MANDATORY REGISTRATION—upto 10-year certificate; National Sports Governance Act, 2025 recognition required first. ^{xi}
OSG	Mandatory only for government-notified categories. ^{xii}

Online games (apart from e-sports) are not required to be registered, except where the Central Government notifies an online game, or a category of online games to be registered, having regard to factors such as^{xiii}:

i risk of harm to users, including children;

ii the nature of the outcome or potential risks of injury or detrimental impact on the public due to such online game;

iii scale of user participation in such online game;

iv nature, volume or value of financial transactions or authorisation of funds permitted in such online game;

v the country of origin or the head office of the online game service provider offering or making available such online game; or

vi such other factors as the Authority deems necessary in public interest or to protect the interests of users.

The OGAI may also direct an OGSP to register their online game while making a determination of such online game, having regard to the aforesaid factors.^{xliii} Such a direction of the OGAI can be challenged before the Appellate Authority within 30 days from the date of the decision.^{xliv} Registration is specific to each online game, and each OGSP requires a separate registration.^{xlv}

TLP Comment:

- There is no automatic registration obligation for online games apart from e-sports. No online game is required to register unless the Central Government first issues a specific notification. The OGAI may mandate registration where it feels the online game requires ongoing monitoring or compliance obligations.

- The factors enable the Government with wide discretion to mandate registration on potentially broad grounds such as ‘detrimental impact’ on the public, or ‘risk of harm’. It is unclear what potential effects may trigger registration.
- Factor (v), country of origin or head office of the OGSP is likely to be invoked to trigger registration obligations for foreign – headquartered OGSPs, particularly in relation to certain jurisdictions that raise national security concerns for India. For instance, MeitY has previously blocked gaming Apps based in China on grounds of such apps transmitting Indian users’ data to foreign servers.^{xlvi} Accordingly, foreign-headquartered OGSPs with Indian user bases may face heightened notification risk, irrespective of the nature of the game itself.
- Similar to determinations, registrations are online game-specific, and OGSPs cannot rely on registrations of online games having identical formats and monetization structures.

The application for registration must contain the same information as the application for determination.^{xlvii}

The process for registration is also the same as the process for determination.^{xlviii} An OGSP that is required to undertake registration must apply to the OGAI via a digital form published by the OGAI.^{xlix} The OGAI will subsequently examine the technical architecture, game mechanics, revenue model, user interface and other details. It may also seek a technical or expert opinion.^l

In case of e-sports, the OGAI may upon issuing a determination order register the e-sport within ninety days from receipt of a complete application, subject to being satisfied that the e-sport is recognised under the National Sports Governance Act, 2025.^{li} A order of the OGAI in relation to registration of e-sports can be challenged before the Appellate Authority within 30 days from the date of the OGAI decision.^{lii}

After registration of online social games or e-sports, the OGAI will issue a digital Certificate of Registration to the OGSP with a unique registration number.^{liii} The registration certificate is valid for upto 10 years from the date of application of the OGSP, unless surrendered, suspended or cancelled.^{liv}

Similar to the determination process, registration would allow the OGSP the benefit of representing or advertising their online games as registered, which would likely act as an assurance to customers and service providers.

GROUND FORSUSPENSION OR CANCELLATION OF REGISTRATION

A Certificate of Registration is not suspended or cancelled without the OGSP being granted an opportunity of being heard.^{lv} Cancellation of the Certificate of Registration can be challenged before the Appellate Authority within 30 days of the date of the OGAI decision.^{lvi}

Ground^{lvii}	
Game Becomes an Online Money Game	The online game has changed in a manner that it is likely to be determined as an online money game.
Repeated Non-Compliance	The OGSP has, on more than one instance, failed to comply with a direction, order, code of practice or guideline issued under the Act or the National Sports Governance Act, 2025.
Loss of E-Sport Recognition	In case of an e-sport, the validity of recognition under the National Sports Governance Act, 2025 has expired, or such recognition has been withdrawn.
False or Incorrect Statements	The OGSP made a false or incorrect statement in the application for determination or registration.

Ground ^{lvii}	
Failure to Pay Penalty	The OGSP has failed to pay the penalty imposed under the Act.
Violation of Law	There has been a violation of the provisions of the Act or rules made thereunder or any other law for the time being in force applicable to such online game.

OGSPs may also voluntarily surrender their registration certificates to the OGAI via a digital form. This would not affect any liability or obligation of the OGSP prior to the OGAI accepting their surrender.^{lviii}

TLP Comment:

- Ideally, online games which have undergone the determination process should be entitled to automatic registration under PROGA, without being required to file a fresh application. Since the Rules specify that the application and process for registration and determination are identical, subjecting a determined game to the identical regulatory process of registration serves no purpose.
- The penalties for online games which do not undertake determination or registration after being notified to do so by the Central Government. It is possible that such notifications may be issued by way of orders or directions of the Central Government under PROGA^{lix}, and failure to comply with such orders may attract a penalty of INR 10,00,000 (Rupees Ten Lakhs), or suspension or cancellation of registration, and prohibition on offering or promoting such online games for periods of time.^{lx}

POSSIBLE ADDITIONAL OBLIGATIONS OF OGSP

The OGAI is empowered under Section 8(3) of PROGA to issue binding directions, orders, guidelines, or codes of practice. The Rules contain enabling provisions to enable the OGSP to issue such binding instruments:

OBLIGATION	PRIORITY ACTION
Point of Contact^{lxi}	OGSPs may be directed to designate point of contacts meeting certain criteria and publish their contact details.
Data Retention^{lxii}	OGSPs may be directed to retain and store traffic data, metadata or other related information on computer resources located in India for specified periods.

TLP Comment:

- These obligations are not currently in effect, however may be introduced through orders, directions, etc., by the OGAI.
- These provisions potentially create localisation obligations for OGSPs. The OGAI may direct that the point of contact be located in India. This is not a unique feature under the PROGA. Both the DPDPA and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 ("**IT Rules**") already require certain entities to designate resident grievance officers or nodal contact persons in India.

- The OGAI may also exercise this power to direct localisation of OGSPs' data in India.

GRIEVANCE REDRESSAL

Every OGSP offering online social games or e-sports must establish a functional grievance redressal mechanism.^{lxiii} A 'grievance' may include any complaint or representation made by any user to an OGSP, regarding any act, omissions, service, decision or practice relating to offering or availability of OGSPs or e-sports.^{lxiv} Grievances may be in writing, through digital or electronic means. OGSPs must disclose their grievance mechanisms at the point of seeking determination or registration.^{lxv}

The Rules adopt a simplified three-tier structure for grievance redressal:

Stage	Body	Timeline
Tier 1	OGSP (internal grievance mechanism)	N/A
Tier 2	OGAI	30 days from when the OGSP has conveyed decision, or in case of non-redressal, within the timeline prescribed by the OGAI ^{lxvi} The OGAI will endeavour to dispose of the appeal within a period of 30 days of receipt.
Final Appeal	Appellate Authority (Secretary, MeitY)	30 days from when the decision of the OGAI has been made available to the appellant ^{lxvii} The Appellate Authority will endeavour to dispose of the appeal within 30 days of receipt. ^{lxviii}

The OGAI may issue orders including corrective or remedial measures after providing parties with an opportunity of being heard.^{lxix} On appeal, the Appellate Authority may, after providing the appellant a reasonable opportunity for making a representation, pass appropriate orders, including orders confirming, modifying or setting aside the decision or order appealed against.^{lxx}

TLP Comment:

- If OGSPs function as intermediaries under the IT Rules^{lxxi}, or e-commerce entities under the Consumer Protection Act, 2019^{lxxii}, they are in any case required to institute grievance redressal mechanisms.
- The binding 30-day timelines at each stage are operationally demanding and will require OGSPs to maintain staffed, functional grievance teams.

OBLIGATIONS ON BANKS AND FINANCIAL INSTITUTIONS

PROGA prohibits banks, financial institutions, or any other person facilitating financial transactions and authorisation of funds (which may include payment intermediaries, payment aggregators and payment gateways, or App Stores) ("**Financial Intermediaries**") from aiding, abetting, inducing or otherwise facilitating financial transactions or authorisation of funds towards payment for any OMG service.^{lxxiii} This offence is

punishable with criminal penalties including imprisonment for upto three years, or fines of upto INR 1,00,00,000 (Rupees One Crore), or both.^{lxxiv}

The Rules provide a framework for the OGAI to implement this prohibition, by requiring Financial Intermediaries to comply with the following directions, orders, etc., from the OGAI ^{lxxv}:

- Relating to facilitation, routing and settlement of user payments in relation to OSGs and e-sports;
- Relating to verification of Certificate of Registration in the manner specified, prior to facilitation or authorisation of funds in relation to e-sports or OSGs;
- Suspension, restriction or discontinuation of financial transactions or authorisation of funds in relation to OMGs;
- To provide all necessary **information and assistance** to the OGAI on request.

TLP Comment:

- The draft rules included a provision clarifying that repayment of any funds due to be returned to users in relation to OMGs which users were entitled to prior to commencement of PROGA, within 180 days of commencement of PROGA, would not attract the prohibition on authorisation of funds. However, this provision is absent from the final Rules, creating a void for any guidance in this regard. Clarity from MeitY may be sought in relation to processing the return of any funds.
- While the OGAI may not immediately issue any directions or orders, the prohibition under PROGA is already in effect. Hence, Financial Intermediaries must undertake due diligence measures from now to ensure they are not facilitating transactions in relation to OMGs. Such Financial Intermediaries should review their merchant onboarding and ongoing monitoring frameworks. Onboarding a gaming platform without verifying its regulatory status could expose Financial Intermediaries to criminal liability. Any blacklists of OMGs published by the OGAI must be monitored regularly.
- Financial Intermediaries may also expect informational orders from the OGAI, as they undertake determination based on monetization models and payment flows of OGSPs, and investigate offences for imposition of penalties.

IMPOSITION OF PENALTIES

The OGAI is empowered to conduct inquiries and issue penalties for non-compliance with orders, directions, codes of practice and guidelines issued by the OGAI or the Central Government.^{lxxvi} The PROGA Rules define the process. Complaints must be determined within 90 days from their date of receipt.^{lxxvii}

STEP

1

Complaint or suo motu — Notice issued

Upon receipt of a complaint or *suo motu*, the OGAI issues a notice to the OGSP containing particulars of the alleged non-compliance and all relevant documents, fixing a date and time for proceedings. Proceedings are conducted in digital mode unless physical presence is deemed necessary.^{lxxviii}



STEP

2

Hearing — The OGAI explains the suspected non-compliance to the OGSP, post which there are two possibilities^{lxxix}.

(a) **Admission by OGSP:** Where the OGSP admits non-compliance, the OGAI records the admission and may impose a penalty as it deems fit under the Act. (b) **Show cause:** If the OGSP does not admit non-compliance, the OGAI issues a show cause notice to the OGSP, to show cause why an inquiry should not be held. If the OGSP fails, neglects or refuses to appear, the OGAI proceeds with the inquiry in their absence after recording reasons for doing so^{lxxx}.



STEP

3

On the basis of the notice, relevant documents and submissions, the OGAI passes an order determining whether there is sufficient cause for holding an inquiry or whether the matter is to be dismissed.

At any time, or on receipt of a non-compliance report from an aggrieved person or Government agency, the OGAI may direct investigation through an authorised officer or class of officers notified under section 15 of the Act.



STEP

4

Final order

If satisfied that action is required, the OGAI may, by an order in writing, do one or more of the following: **(a)** impose a penalty in accordance with the provisions of the Act; **(b)** suspend or cancel the Certificate of Registration; or **(c)** prohibit the OGSP from offering, facilitating or promoting such games for the period specified in the order. A copy of the order is made available to the OGSP and complainant.



STEP

5

Appeal

A person aggrieved by the OGAI's order imposing penalties may appeal to the Appellate Authority. After giving the appellant a reasonable opportunity of being heard, the Appellate Authority may confirm, modify, or set aside the order appealed against.

FACTORS THE OGAI MUST CONSIDER IN IMPOSING PENALTIES^{lxxxii}

The OGAI must have due regard to the following factors when determining the nature and quantum of any penalty:

FACTORS
Amount of gain of unfair advantage, wherever quantifiable, made as a result of the non-compliance
Amount of loss caused to any person as a result of the non-compliance
Recurrence of the non-compliance
Gravity and duration of the non-compliance
Number of users affected and the level of damage suffered by them
Whether the OGSP took any action to mitigate the consequences of the non-compliance
Whether the penalty being imposed is proportionate and effective, having regard to the provisions of the Act
Any other matter relevant to the damage caused or likely to be caused to the user

Penalties are credited to the Consolidated Fund of India.^{lxxxii} The OGAI may, at any time on receipt of a report of non-compliance from an aggrieved person, Government agency, direct investigation of the matter through authorized officers.^{lxxxiii}

ⁱ Head Digital Works Private Limited v. Union of India and Ors. TC(C) 133/2025

ⁱⁱ Section 5, Promotion and Regulation of Online Gaming Act, 2025, (PROGA 2025).

iii Section 3 & 4, PROGA 2025.
iv Rule 3(1), Rules.
v Section 7, PROGA 2025.
vi Rule 19(2), Promotion and Regulation of Online Gaming Rules, 2026 (Rules).
vii Rule 12(1)(a), Rules.
viii Rule 8(1), Rules.
ix Rule 3(6), Rules.
x Rule 3(5), Rules.
xi Rule 3(6) & 4(1)(g), Rules.
xii Rule 3(7), Rules.
xiii Rule 25, Rules.
xiv Rule 3(1), Rules.
xv Rule 4(1)(d), Rules.
xvi Rule 3(3), Rules.
xvii Rule 5, Rules.
xviii Rule 4(1)(f), Rules.
xix Section 8(2), PROGA 2025; Rule 6(1), Rules.
xx Section 8(5), PROGA 2025.
xxi Rule 7(2), Rules.
xxii Explanation to Rule 10(2), Rules.
xxiii Rule 8(1), Rules.
xxiv Rule 10(1)(a), Rules.
xxv Rule 10(1)(b), Rules.
xxvi Rule 23, Rules.
xxvii Rule 9, Rules.
xxviii Rule 10(1)(c) and (d), Rules.
xxix Rule 10(3)(a), Rules.
xxx Rule 15, Rules.
xxxi Rule 10(2)(a), Rules.
xxxii Rule 26, Rules.
xxxiii Rule 10(2)(b)(ii) and (iii), Rules.
xxxiv Rule 10(2)(b)(i), Rules.
xxxv Rule 11(1), Rules.
xxxvi Rule 11(2), Rules.
xxxvii Rule 11(3), Rules.
xxxviii Rule 11(3), Rules
xxxix Rule 7(1)(a), Rules.
xl Rule 13(3), Rules.
xli Rule 12(1)(a), Rules.
xlii Rule 12(1)(a), Rules.
xliiii Rule 12(2), Rules.
xliv Rule 7(1)(b), Rules.
xlv Rule 12(4), Rules.
xlvi Please see: <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=1635206®=3&lang=2>
xlvii Rule 23, Rules.
xlviii Rule 13(2), Rules.
xlix Rule 13(1), Rules.
l Rule 10(1)(d), Rules.
li Rule 13(3), Rules.
lii Rule 7(1)(c), Rules.
liiii Rule 14(1), Rules.
liiv Rule 14(2), Rules.
liv Rule 14(3), Rules.
lvi Rule 7(1)(d), Rules.
lvii Rule 14(3), Rules.
lviii Rule 14(4), Rule 14(5), Rules.
lix Section 8(3), Section 12, PROGA 2025.
lx Section 12, PROGA 2025.
lxi Rule 16, Rules.
lxii Rule 17, Rules.
lxiii Rule 20(1), Rules.
lxiv Rule 2(1)(g), Rules.
lxv Rule 23(g) & (h), Rules.
lxvi Rule 20(2), Rules.
lxvii Rule 7(2), Rules.
lxviii Rule 7(6), Rules.
lxix Rule 20(4), Rules.
lxx Rule 7(3), Rules.
lxxi Rule 3(2), Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
lxxii Rule 4(4), Consumer Protection (E-Commerce) Rules, 2020.
lxxiii Section 7, PROGA 2025.
lxxiv Section 9(3) & (4), PROGA 2025.

lxxv Rule 19, Rules.
lxxvi Rule 21, Rules
lxxvii Rule 21(6), Rules
lxxviii Rule 21(1) Rules.
lxxix Rule 21(2) Rules.
lxxx Rule 21(4) Rules
lxxxi Rule 21(8) Rules
lxxxii Rule 21(9), Rules
lxxxiii Rule 21(5), Rules