Ban on online gambling won't apply to poker, rummy: HC

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The Madras High Court on Thursday refused to strike down the Tamil Nadu Prohibition of Online Gambling and Regulation of Online Games Act, 2022 in its entirety, but ruled that the prohibition would apply only to games of chance, and not to games of skill such as rummy and poker.

Nature of the game

The first Division Bench of Chief Justice Sanjay V. Gangapurwala and Justice P.D. Audikesavalu said that the State government had miserably failed to demonstrate how rummy and poker, which have been declared as games of skill by the Supreme Court, would become games of chance when played online.

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Ban on online gambling won't cover rummy, poker, says Madras HC

The judges recognised the right of the State government to frame regulations with respect to imposing age restrictions on the players of online games. FILE PHOTO

"The contention of the State that the petitioners (online gaming companies) may use bots is without any basis. The said propositions, on behalf of the State, are merely on surmise," the Bench said, and pointed out that the 2022 Act specifically deals only with online games and not offline games.

"The State could not gather authentic evidence about bots being used or that the software knows all the cards in the hands of each player, so also the unopened cards or that the software could change the unopened cards. In the absence thereof, it will be too far-fetched to arrive at a decision on the basis of assumptions by the State," it added.

Authoring the verdict, the Chief Justice wrote: "We are now transcending into the era of digitisation and entertainment. People, instead of playing in clubs, are now playing online. With the rise of internet connectivity and technological advancements, we see a spurt in online games. Many online games are in vogue."

"The games of rummy and poker, which are considered as games of skill, are now also sought to be played online. In online games of rummy and poker also, the same brain activity would be involved as required for offline games of rummy and poker," he said.

"Corruption or mischief in a game may not define the game. Of course, in an isolated case, if it is noticed by the State that the petitioners or any other online games servers/online games providers are using bots or have indulged in any illegal activity, it can take action against it," the Bench said.

The judges recognised the right of the State government to frame regulations with respect to imposing age restrictions on the players of online games, fixing monetary and time limits within which the games could be played, and other such restrictions required to implement the 2022 Act.

The court delivered the verdict while partly allowing a batch of writ petitions filed by the All India Gaming Federation and a host of individual online gaming companies challenging the constitutional validity of the law. The Bench held that the definition of the term 'online gambling' under Section 2(i) of the Act should be restricted to games of chance.

T.N. records highest number of accidents on national highways

State saw 17,884 fatalities, according to Ministry of Road Transport and Highways statistics

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Tamil Nadu recorded the highest number of road accidents on its network of National Highways in 2022 with 64,105 accidents. The State saw 17,884 fatalities due to road accidents, according to Ministry of Road Transport and Highways (MoRTH) statistics.

In the entire country, a total number of 4,61,312 road accidents have been reported during the calendar year 2022, claiming 1,68,491 lives and causing injuries to 4,43,366 people. Tamil Nadu's 64,105 accidents form 13.9% of all accidents that happened in the country last year. It was followed by Madhya Pradesh with 54,432 accidents.

The State retained its top position in 2022 for the fifth consecutive year. There were 22,961 accidents on National Highways in 2018, 21,489 accidents in 2019, 18,372 accidents in 2020, 16,869 accidents in 2021 and 18,972 accidents on NHs in 2022.

However, Tamil Nadu stood second when it came to number of fatalities due to road accidents with 17,884 deaths amounting to 10.6% of the total lives lost. Uttar Pradesh with 22,595 deaths topped this dreary chart when it came to casualties.

As for the reasons for accidents, the data for 2022 revealed that 67% of accidents occurred on straight roads and vehicle speed tends to be high on straight roads in open areas which ties in with the high percentage of road accidents, persons killed and injured. Road sections where construction work was in progress had accounted for 2% of the total accidents.

A retired highways engineer said that most accidents on National Highways happened near junctions and places without medians.

"For example, the Chennai - Bangalore Highway has important junctions, but these do not have any flyover or underpass, which leads to accidents. Though the NHAI collects high toll amounts, it is not ploughing back that amount in the form of necessary road safety infrastructure in the State," he explained.

Chip off the block

As incentives for semiconductors sputter, course corrections are due

As funds for production-linked incentives (PLI) for manufacturing semiconductors lie under-utilised by upwards of 80%, the Union government must be far clearer on what it has achieved – and aims to accomplish – by continuing to spend crores of rupees on bringing more semiconductor fabrication capabilities to India. While the PLI scheme for IT hardware has a ₹17,000 crore outlay, the one for semiconductors and displays has ₹38,601 crore earmarked. On the employment and substantive value addition fronts, existing schemes in and of themselves show little promise: while chips are important for most hardware and appliances, making them employs advanced and automated systems, and manufacturing facilities employ few people for the value generated in sales. Not all big-ticket spending in the national interest translates into domestic employment, as import-heavy defence spending shows. But the central wager with these schemes, at much cost to the exchequer, lies in attracting an "ecosystem" that will increase the value addition of India's electronics manufacturing sector. This is far from a guaranteed outcome, even if PLI benefits are availed optimally. The wager also relies on global manufacturing giants giving other benefits of a globally distributed supply chain a go-by, including cheap and accessible international transport facilities for chips.

The constellation of PLI schemes remains a wager nonetheless. And it must be bolstered by other efforts to strengthen India's hand – encouraging semiconductor design talent to develop domestically. Some efforts here, such as the design-linked incentive scheme, show promise. But the bulk of the capital remains focused on the assembly and subsidising of large manufacturing plants, with much of the raw and even intermediate material still being imported. And with the limited scope of what the PLI funds are incentivising, multinational chipmakers are staying away from making substantive commitments, despite incentives. Private capital is also in a state of flux, with advancements in chips and emerging technologies such as artificial intelligence leaving policymakers guessing on how best to allocate resources to boost their technological position for the coming decade. These outlays must, therefore, be pegged to a tangible outcome: is this a matter of safeguarding cyber sovereignty to protect India from another pandemic-style supply chain shock, encouraging the domestic electronics industry to make electronics cheaper for Indian consumers, or asserting India as a global electronics manufacturing centre? Clarity on desired outcomes would make failures easier to spot. It would also make it possible to course correct before massive PLI spending has already taken place with little to show for the outflow.

Why has the govt. issued a directive on deepfakes?

How do deepfakes work and what is the technology behind them? What are the implications of the increasing use of deepfakes by cybercriminals and scammers?

Nabeel Ahmed

The story so far:

On 8 November, the Indian government instructed "social media intermediaries" to remove morphed videos or deepfakes from their platforms within 24 hours of a complaint being filed, in accordance with a requirement outlined in the IT Rules 2021. The instructions came as deepfake videos of actors Rashmika Mandanna and Katrina Kaif surfaced online within the span of one week.

What are deepfakes?

Deepfakes have been around since 2017 and refer to videos, audios or images created using a form of artificial intelligence called deep learning. The term became popular when a Reddit contributor used publicly available AI-driven software to impose the faces of celebrities onto the bodies of people in pornographic videos. Fast forward to 2023, deepfake tech, with the help of AI tools, allows semi and unskilled individuals to create fake content with morphed audio-visual clips and images. Researchers have observed a 230% increase in deepfake usage by cybercriminals and scammers, and have predicted the technology would replace phishing in a couple of years, Cyfirma, a cybersecurity company said.

How does deepfake technology work?

The technology involves modifying or creating images and videos using a machine learning technique called generative adversarial network (GAN). The AI-driven software detects and learns the subjects' movements and facial expressions from the source material and then duplicates these in another video or image. To ensure that the deepfake created is as close to real as possible, creators use a large database of source images. This is why more deepfake videos are created of public figures, celebrities and politicians. The dataset is then used by one software to create a fake video, while a second software is used to detect signs of forgery in it. Through the collaborative work of the two software, the fake video is rendered until the second software package can no longer detect the forgery. This is known as "unsupervised learning", when machine-language models teach themselves. The method makes it difficult for other software to identify deepfakes.

What do laws in India say about deepfakes?

India's IT Rules, 2021 require that all content reported to be fake or produced using deep fake be taken down by intermediary platforms within 36 hours.

The Indian IT ministry has also issued notices to social media platforms stating that impersonating online was illegal under Section 66D of the Information Technology Act of 2000. The IT Rules, 2021, also prohibit hosting any content that impersonates another person and requires social media firms to take down artificially morphed images when alerted.

Why do people create deepfake content?

The technology could potentially be used to incite political violence, sabotage elections, unsettle diplomatic relations, and spread misinformation. This technology can also be used to humiliate and blackmail people or attack organisations by presenting false evidence. However, deepfakes have positive usages as well. The technology has been used by the ALS Association in collaboration with a company to use voice-cloning technology to help people with ALS digitally recreate their voices in the future.

How have other countries reacted?

The EU has issued guidelines for the creation of an independent network of fact-checkers to help analyse the sources and processes of content creation. The U.S. has also introduced the bipartisan Deepfake Task Force Act to counter deepfake technology.