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Key Developments March 2023

Welcome to the March edition of 'Inform: Sports Law' publication. We endeavour to provide a synopsis of key developments in sports, esports, and gaming laws in India, as well as to engage with stakeholders in these fields.

Highlight Story

BCCI Advisory For WPL Bans Collaboration with Crypto Entities

The Board of Control for Cricket in India (BCCI) has published a 'Commercial Workbook', a 68-page advisory which expressly restricts cricket franchises in the Women's Premiere League (WPL) to work alongside companies and entities that deal with cryptocurrencies, tobacco, betting, gambling, and real money.

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Updates

FIFA Introduces Football Legal Aid Fund for CAS to Provide Financial Assistance to Stakeholders

A specialized fund for legal aid in football known as the FIFA-CAS Football Legal Aid Fund (FLAF) has been established by FIFA and the Court of Arbitration for Sport (CAS). The fund has been created as per the terms of the new agreement signed between FIFA and the International Council for Arbitration for Sport (ICAS) for 2023-2026. The same was done with the aim to provide support to football stakeholders who seek to file appeals before the CAS.

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High-Level Committee Set Up by the Sports Ministry Ahead of Upcoming Olympics

The Ministry of Youth Affairs and Sports has set up a high-level committee consisting of seventeen members to aid in the preparation for the upcoming Olympics. The Olympics are due to be held in 2024 and 2028 and are scheduled to take place in Paris and Los Angeles respectively. This committee will help in providing the necessary logistical support to the athletes.

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AIFF Appeals Committee Imposes Fine Upon Real Kashmir FC for Violation of Hero I-League Regulations

The Appeals Committee of the All India Football Federation (AIFF) has directed the forfeiture of the Hero I-League match by Real Kashmir FC on account of violation of the league's regulations. In the match dated November 28, 2022, Real Kashmir FC played against Churchill Brothers FC.

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IOC Welcomes UN Resolution to Secure Lasting Peace in Ukraine

On February 24, 2023, which marks one year since the Russian invasion of Ukraine, the International Olympics Committee (IOC) issued a statement welcoming the UN Resolution to bring lasting peace in Ukraine. Further, on said date, the IOC hoisted the Ukrainian and the UN flags along with the Olympic flag in front of the Olympic House in Switzerland.

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Sports Ministry, NIPER Hyderabad and FSSAI Enter into Tripartite MoU to deal with Doping in Sports

The Ministry of Youth Affairs and Sports, National Institute of Pharmaceutical Education and Research (NIPER), Hyderabad and the Food Safety and Standards Authority of India (FSSAI) have entered into a Memorandum of Understanding (MoU) to deal with doping in sports.

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Budget 2023 Envisages Levy of Tax on Online Game Winnings

In accordance with Budget 2023, with effect from July 1, 2023, income tax must be deducted from the net winnings gained through online games at the time of withdrawal from the user account. Additionally, income tax will also be deducted from the balance left in the concerned user account at the end of the financial year.

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Rohan Jaitley, President of DDCA Faces Sexual Harassment Charges

The President of the Delhi & Districts Cricket Association (DCCA), Rohan Jaitley has been booked regarding the sexual harassment claims raised against him by an athlete named Jyotsna Sahani. The athlete submitted her complaint in the form of a letter addressed to the senior officials of BCCI, including the BCCI President, Roger Binny and Secretary, Jay Shah.

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AIFF Signs MoU with LNCPE Trivandrum to Set Up Centre for Referees Excellence

The All India Football Federation (AIFF) has signed an MoU with Lakshmibai National College of Physical Education (LNCPE), Trivandrum on February 14, 2023, to aid towards the development of Centre for Referees Excellence (CORE), Coach Education, Research and Sports Science.

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Case Laws

Delhi High Court Confirms that National Sports Code Applies to Bodies Affiliated to Kabaddi Federation

In KP Rao v. Union of India & Ors.[WP(C) 8915/2019], the Delhi High Court held that the National Sports Development Code, 2019 applies to the constituents of the Amateur Kabaddi Federation of India (AKFI). The court, vide order dated February 10, 2023, held that the age and tenure restrictions imposed by the Sports Code apply "not only to the Amateur Kabaddi Federation of India but also to all its constituents at the State and District Level".

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Life Ban Imposed on Yves Jean Bart, Former President of the Haitian Football Federation, Lifted

In an order dated February 14, 2023, the Court of Arbitration for Sport (CAS) allowed the appeal filed by the former President of the Haitian Football Federation (FHF), Yves Jean Bart and lifted the life ban imposed upon him by the Adjudicatory Chamber of the FIFA Ethics Committee concerning sexual harassment charges.

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BFI Election Nominations Rejected on Flimsy Grounds: Delhi High Court

In an order dated February 16, 2023, the Delhi High Court stayed the operation of the letter dated February 10, 2023, issued by the Returning Officer rejecting the nomination forms submitted by the petitioners prohibiting them from contesting the upcoming elections of office bearers of the Basketball Federation of India (BFI). The court held that the nominations of the petitioners were rejected on "flimsy grounds".

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Deaf Sports Persons and Para Sports Persons Have to be Treated Equally: Delhi High Court

In an order dated January 19, 2023, the Delhi High Court observed that deaf sports persons and para sports persons have to be treated equally. Considering that the present case involves matters of government policy, the court directed the Ministry of Youth Affairs and Sports to decide on the reliefs claimed by the petitioners within three months.

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Issuance of GST Show Cause Notice to MyTeam11 is an Abuse of Process of Law: Rajasthan High Court

The Rajasthan High Court has held that the issuance of the show cause notice dated December 9, 2022, is an "abuse of the process of law" considering that few of the games offered by the petitioner company, Myteam11 Fantasy Sports Private Ltd. through its online portal are "games of skill rather than that of chance or that of betting/gambling".

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Former Supreme Court Judge, L Nageswara Rao Appointed to Oversee HCA Elections

In an order dated February 14, 2023, the Supreme Court appointed former SC judge, L Nageswara Rao as head of the single-member committee to look after the holding of elections in the Hyderabad Cricket Association (HCA). The association has been directed to provide the necessary assistance and bear the expenses in this regard.

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