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Key Developments
August 2023

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

Highlight Story

Harmanpreet Kaur Suspended for Breach of the ICC Code of Conduct

The captain of the Indian women's cricket team, Harmanpreet Kaur, has been banned from international competitions for two matches due to two separate breaches of the ICC's Code of Conduct. The breaches occurred during the third match of the women's championship against Bangladesh in Dhaka. Kaur, who pleaded guilty, accepted the sanctions proposed by the Panel of Match Referees.

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Updates

ESFI President Asserts 28% GST is Not Applicable to Esports

On July 24, 2023, the Esports Federation of India (ESFI) issued a statement specifying that the Goods and Services Tax (GST) at the rate of 28% applicable to online gaming did not have a bearing on the esports segment. The President of ESFI, Vinod Kumar Tiwari, stated that the said rate "is going to be applicable to the iGaming sector, including real-money gaming (RMG), fantasy sports, teen patti, rummy, and poker, which are classified under gambling or betting in the rest of the world. Contrary to some media reports, this GST is neither applicable nor will it have any impact on the 'video games' or the eSports industry".

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OFC Takes Steps to Ensure Safer Football for All

To ensure the safety of everyone involved in the game of football, the Oceania Football Confederation (OFC) has come up with several safeguarding measures. The press release dated July 27, 2023, referred to a UNICEF report highlighting the prevalence of physical violence against children and gender-based violence against women in the Pacific region. The OFC's safeguarding programs have ensured that coaches, referees, players, etc., are informed and educated about the signs of abuse and the manner of reporting abuse.

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ITIA Imposes $10,000 Fine on Mark Philippoussis for Breaching Betting Sponsorship Rules

The International Tennis Integrity Agency (ITIA) has imposed a fine of $10,000 and a ban of four months on Australian tennis coach and former tennis player Mark Philippoussis for breaching tennis' betting sponsorship rules. Philippoussis was subjected to the sanction after receiving payment for providing a voiceover for promotional content for a gaming operator. He did not challenge the charge leveled against him and cooperated with the Agency's investigation.

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NADA India and SARADO enter into an MoU for Developing Anti-Doping Education Plan

To facilitate regional cooperation in anti-doping in sports, the National Anti-Doping Agency (NADA) has signed an MoU with the South Asia Regional Anti-Doping Organisation (SARADO). SARADO consists of Anti-Doping organisations from Bangladesh, Bhutan, Maldives, Nepal, and Sri Lanka and through this collaboration, they aim to address the challenges posed by doping activities in sports.

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BCCI Apex Council Meeting: Key Decisions

The Board of Control for Cricket in India (BCCI) convened its 19th Apex Council meeting in Mumbai on July 7, 2023. One of the major decisions taken by the BCCI during the meeting pertained to formulating a policy for players, including retired players, about their involvement in overseas T20 leagues. The move aimed to strike a balance between allowing players to explore opportunities in various leagues worldwide while ensuring their commitment to domestic and national cricket.

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IOC Asks Randhir Singh to Continue as OCA's Acting President

Recently, the International Olympic Committee (IOC) requested that the former Olympian, Mr. Randhir Singh, continue as acting president of the Olympic Council of Asia (OCA). Through a letter, Mr. Singh was asked to continue as the OCA's acting president, considering that the IOC investigation will most likely not conclude before October 2023.

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PETA Seeks Review of SC Decision on State Laws Allowing Jallikattu and Other Bovine Sports

The People for the Ethical Treatment of Animals (PETA), an animal rights nonprofit organisation, has filed review petitions before the Supreme Court pertaining to its decision dated May 18, 2023, upholding the state amendments legitimizing bovine sports, Jallikattu, bullock-cart racing and Kambala [People for Ethical Treatment of Animals (PETA) v. State of Tamil Nadu [RP(C) Nos.810-812/2023]].

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NADA Rolls Out Anti-Doping Helpline for Athletes

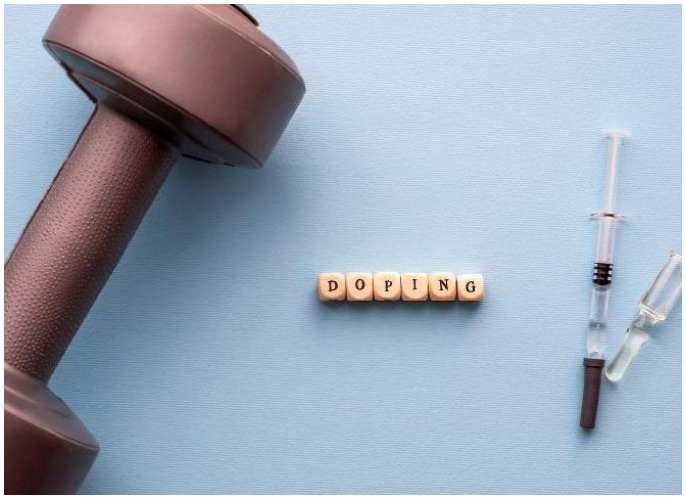
The National Anti-Doping Agency (NADA) has rolled out the Anti-Doping helpline, 1800-119-919, for athletes and athlete support personnel to address their queries and provide the necessary information about Anti-Doping rules and guidelines. Hence, athletes, coaches, parents, etc. can make use of the helpline number to ensure fair play and clean competition.

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Madhya Pradesh Esports Academy to be Launched Soon

The Madhya Pradesh Sports and Youth Welfare Department is taking a notable step by establishing India's first esports academy. The academy is expected to be set up this month, i.e., August. It is reported that the selection process for admission will involve a talent search spanning over ten days, from July 23, 2023, to August 7, 2023, when the MP State Junior Esports Championship is scheduled to be held.

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Case Laws

CAS Upholds Legality of FIFA Football Agent Regulations

Through a media release dated July 24, 2023, the Federation Internationale de Football Association (FIFA) welcomed the decision of the Court of Arbitration for Sport (CAS) upholding the legality of the FIFA Football Agents Regulations (FFAR), which the FIFA Council approved in December 2022.

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SC Grants Two-Week Extension for Filing Objections to the IOA Draft Constitution

In an order dated July 17, 2023, the Supreme Court in the case of Indian Olympic Association v. Union of India & Ors. [SLP(C) No.14533/2022] extended the time to file objections to the draft constitution of the Indian Olympic Association (IOA) by a period of two weeks.

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WFI Election Scheduled to be Held on August 12 After SC Lifted Interim Stay

In a notification, the Returning Officer, Justice MM Kumar, in charge of the election of the Wrestling Federation of India's Executive Committee, has confirmed that the election will be held on August 12, 2023 (Saturday). The Apex Court rendered a decision on July 18, 2023, lifting the temporary suspension imposed on the WFI election by the Gauhati High Court.

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Delhi HC Upholds Punia and Phogat's Exemption from Selection Trials

In an order dated July 22, 2023, the Delhi High Court in Sujeet and Anr. vs. Union of India and Ors [WP(C) 9593/2023 & CM APPLS. 36686-87/2023] upheld the decision of the Ad-hoc Committee of the Wrestling Federation of India (WFI) allowing Indian wrestlers Bajrang Punia and Vinesh Phogat to represent India in the upcoming Asian Games.

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