

## EDITORIAL NOTE

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The Sports and Gaming Industry is rising at a rapid pace in India. A report titled “Sporting Nation in the Making” (2021) stated that the total sports industry spends of India has surpassed Rs. 9500 Crore<sup>1</sup> while another report has highlighted that the sports sector in India is likely to increase by five times to reach a value of \$100 billion by 2027 against \$27 billion in 2020<sup>2</sup>.

Numerous events are indicative of the growing focus towards the sports and gaming industry. E-Sports shall, for the first time, be played for medals in 8 games at the Asian Games 2022.<sup>3</sup> In India, in the Budget of 2022, a new task force named Animation, Visual Effects, Gaming and Comic (AVCG) Task Force has also been established by the Ministry of Information and Broadcasting to give impetus to the gaming industry and to capture the growing market in India.<sup>4</sup> The National Anti-Doping Agency (NADA) Bill, 2022 has also been passed by the Parliament<sup>5</sup>. The Bill brings us to a very important factor in the growth of this industry i.e. laws and regulations governing it.

Presently, there is no overarching legislation governing sports in India, barring the recently passed NADA Bill and the National Sports Development Code, 2011 (although not technically a statute<sup>6</sup>). Further, the compliance of the latter

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<sup>1</sup> Gaurav Laghate, ‘Indian sports sponsorship crosses Rs 9,500 crore mark in 2021: GroupM ESP’ *Economic Times* (25 March 2022) <<https://economictimes.indiatimes.com/news/sports/indian-sports-sponsorship-crosses-rs-9500-crore-mark-in-2021-groupm-esp/articleshow/90447246.cms?from=mdr>> accessed 29 July 2022.

<sup>2</sup> Varuni Khosla, ‘India’s sports business to hit \$100 billion in 5 years: Report’ *Business Standard* (22 June 2022) <<https://www.livemint.com/companies/news/sports-business-set-to-touch-100-billion-in-5-years-report-11655820426321.html>> accessed 30 July 2022.

<sup>3</sup> Rahul Venkat, ‘Asian Games 2022: Esports to make debut; FIFA, PUBG, Dota 2 among eight medal events’ *Olympics* (9 September 2021) <<https://olympics.com/en/news/fifa-pubg-dota-2-esports-medal-events-asian-games-2022>> accessed 30 July 2022.

<sup>4</sup> ‘Ministry of I&B Constitutes Animation, Visual Effects, Gaming and Comics (AVGC) Promotion Task Force’ <<https://pib.gov.in/PressReleaseDetailm.aspx?PRID=1814698>> accessed 4 August 2022.

<sup>5</sup> ‘Parliament passes the National Anti-Doping Bill 2022 to provide for the constitution of National Anti-Doping agency as a statutory body for regulating anti-doping activities in sports’ <<https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1848085>> accessed 4 August 2022.

<sup>6</sup> AIFF v. Rahul Mehra & Ors., SLP (C) No. 30748-30749 of 2017, Supreme Court of India.

by several National Sports Federations is wanting<sup>7</sup> and the courts have recently passed orders against All India Football Federation (AIFF)<sup>8</sup> and Table Tennis Federation of India (TTFI)<sup>9</sup> for not complying with the same.

There have been several draft proposals and discussion papers<sup>10</sup> that have been released but up till now, hardly any have seen the light of the day. An Inter-Ministerial Panel has been recently set up to work on regulations for the online gaming industry.<sup>11</sup> However, much more needs to be done to ensure that the sports in totality, and not just online gaming or e-sports, are governed properly and the players and administrators of the sports have their rightful say in the governance of the sports and none are shortchanged of their basic rights.

In recent times, courts in India have also heard challenges to selections for international events such as the challenge by Manush Shah and Swastika Ghosh over their selection as reserve players for Table Tennis at the Commonwealth Games 2022.<sup>12</sup> An issue of “moment marketing” regarding use of images of sportspersons without their consent congratulating them for accolades, for enhancement of a company’s own brand value also came up at the time of the Tokyo Olympics.<sup>13</sup>

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<sup>7</sup> Rahul Mehra v. Union of India, 2022 LiveLaw (Del) 538.

<sup>8</sup> AIFF v. Rahul Mehra & Ors, SLP (C) No. 30748-30749 of 2017, Supreme Court of India.

<sup>9</sup> Manika Batra v. TTFI, 2022 LiveLaw (Del) 111.

<sup>10</sup> “Draft Guiding Principles for the Uniform National Level Regulation of Online Fantasy Sports Platforms in India”, NITI Aayog, <[https://www.niti.gov.in/sites/default/files/2020-12/FantasySports\\_DraftForComments.pdf](https://www.niti.gov.in/sites/default/files/2020-12/FantasySports_DraftForComments.pdf)> accessed 4 August 2022; National Sports Ethics Commission Bill, 2017, <<http://164.100.47.4/billtexts/lbills/lbills/asinroduced/4408LS.pdf>> accessed 3 August 2022; The Online Gaming Regulation Bill, 2022, <[D:\deepak\Bill\English\march 2022\478 8.3.2022\AILS bill 78 THE ONLINE GAMING \(REGULATION\) BILL, 2022.pmd](D:\deepak\Bill\English\march 2022\478 8.3.2022\AILS bill 78 THE ONLINE GAMING (REGULATION) BILL, 2022.pmd)> accessed 3 August 2022.

<sup>11</sup> PTI, ‘Government forms inter-ministerial panel to regulate online gaming’ *The Economic Times* (26 May <https://economictimes.indiatimes.com/news/sports/government-forms-inter-ministerial-panel-to-regulate-online-gaming/articleshow/91819895.cms>).

<sup>12</sup> Manush Shah v. TTFI & Ors., WP (C) 9490/2022, Delhi High Court; Swastika Ghosh v. TTFI & Ors., WP (C) 9488/2022, Delhi High Court.

<sup>13</sup> Ritwik Sharma, ‘With PV Sindhu mulling legal action, moment marketing faces moment of truth’ *Business Standard* (6 August 2021) <<[https://www.business-standard.com/article/sports/with-pv-sindhu-mulling-legal-action-moment-marketing-faces-moment-of-truth-121080501631\\_1.html](https://www.business-standard.com/article/sports/with-pv-sindhu-mulling-legal-action-moment-marketing-faces-moment-of-truth-121080501631_1.html)> accessed 5 August 2022.

It was in light of such interesting areas of discussion that the Editorial Board decided to publish the journal on the intersection of law and policy with Sports & Gaming- “Unboxing the Legal Potential of the Sports & Gaming Industry: Redesigning India’s Way of Playing”. We would like to express our gratitude to Dr. Justice Mukundakam Sharma for penning down a Foreword for this edition and sharing his thoughts on this *res integra* issue, for the benefit of the legal community at large. For this edition, we have had the pleasure of having an esteemed Peer Review Board as well as submissions from acclaimed lawyers and academics such as Ms. Urvashi Naidoo, Dr. Lovely Dasgupta, Mr. Tushar Katheria and Mr. Shashank Atreya writing on issues ranging from match fixing to fantasy sports.

This edition of the RSRR journal is the end result of tireless work by an Editorial Board of 25 members, dedicated to the cause of furthering research on niche and upcoming topics and their intersection with the law, such as Sports and Gaming Laws. For most of the academic year, the Board was working remotely and we hope that the articles do justice to the important issues that have been critically analysed. India’s recent successful performances at the Tokyo Olympics and the 2022 Commonwealth Games indicate the importance of these successes at the international and national level. With the endeavour to improve upon these performances and providing a conducive and infrastructurally sound environment for growth in this field, clear and all-inclusive regulatory frameworks are required. In this light, on behalf of the RSRR Editorial Board 2021-22, we present to you Volume 8 Issue 2 of the RGNUL Student Law Journal.

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Editors-in-Chief

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